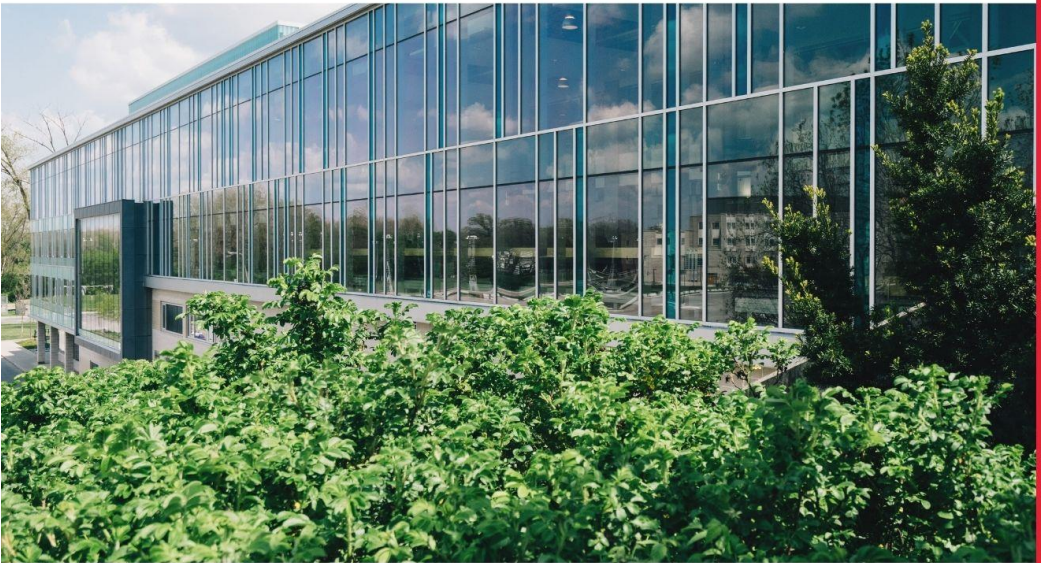


CYPRUS TAX INFORMATION

2023



Contact us

 +357 22424096

 INFO@SHIAKAS.COM

 WWW.SHIAKAS.COM

Contents

	Page
01 Personal Income Tax	03 – 14
02 (CT) Corporation Tax	15 – 27
02 (CT) Shipping companies	28 - 36
02 (CT) Insurance companies & Intellectual property rights	37
02 (CT) Funds and film royalties	38 - 42
03 Cyprus and DAC 6	43 - 46
04 Transfer Pricing	47 - 49
05 Special Contribution for Defence	50 – 56
06 Capital Gains Tax	57 – 61
07 Value Added Tax	62 – 78
08 Immovable Property Tax	79 – 81
09 Trusts	82 – 83
10 Transfer fees by the Department of Land and Surveys	84 – 86
11 Social Insurance	87 – 90
12 National Health System	91
13 Stamp Duty	92 – 95
14 Tax diary	96 – 99
15 Our services	100
16 Contact details	101

01

Personal Income Tax



Personal Income Tax

Basis of taxation

Cyprus tax residents are taxed on all chargeable 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. With effect as from 1 January 2017 the "60 day rule" in addition to the "183 day rule" for tax resident individuals of Cyprus was voted on 14/07/2017. Under this law, an individual will be considered as tax resident in Cyprus if the individual satisfies either the "183 day rule" or the "60 day rule".

The "60 day rule" applies to individuals who in the relevant tax year

- I.** reside in Cyprus for one or more periods which add up to at least 60 days **and**
- II.** do not reside in any other State for a period exceeding 183 days in aggregate **and**
- III.** are not tax resident of another state **and**
- IV.** have other defined Cyprus ties. To satisfy this condition the individual must carry out any business in Cyprus and/or be employed in Cyprus and/or hold an office (director) of a company tax resident in Cyprus at any time in the tax year, provided that such is not terminated before the end of the tax year **and**
- V.** the individual must maintain in the tax year a permanent residential property in Cyprus which is either owned or rented by the individual

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.

The Implementing Directive No. 07/2021 issued on 25 January 2021 clarifies that the provisions of the Implementing Directive No. 04/2020 issued on 27 October 2020 will continue to apply in 2021 as long as the restrictions related to COVID-19 are still in place globally. In accordance with the directive no. 04/2020, the CTA will generally

Personal Income Tax

follow the OECD non-binding guidance issued on 3 April 2020 and clarified that the application of the Directive remains optional to the taxpayer and each case will be examined on its own merits **(N6)**.

Personal tax rates for 2022

Chargeable income	Tax rate	Accumulated tax
€	%	€
0 – 19.500	Nil	Nil
19.501 - 28.000	20	1.700
28.001 - 36.300	25	3.775
36.301 – 60.000	30	10.885
over 60.000	35	

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.

Benefit in kind equal to 9% pa on financial facility

Benefit in kind equal to 9% per annum on the monthly balance of loans or other financial facility granted to an individual, director or shareholder (including the spouse and relatives up to the second degree of kindred).

The amount of tax on the monthly benefit in kind must be withheld from the individual's monthly salary and paid to the Inland Revenue Department (IRD) on a monthly basis under the PAYE system.

It should be noted that these provisions do not apply in the case of balances resulting from normal commercial transactions between the company and its director/shareholder, as for example in the case of loans granted by a bank to its shareholders (individuals).

Personal Income Tax

Special Tax Rates

Foreign pensions of individuals:

- Up to €3.420 0%
- Over €3.420 5%

The taxpayer can elect to be taxed at the normal tax rates as set out above and the choice can be made year by year.

Widow pension 20%

Cyprus source widow(er)'s pension is taxed at the flat rate of 20% on amounts over €19.500. The taxpayer can however on an annual basis elect to be taxed at the normal tax rates and bands as set out above.

Income from sources within Cyprus by persons not Cyprus Residents

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 10%

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 5%

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 10%

Personal Income Tax

Types of income which are exempt from income tax

Type of income	Exemption limit
Interest, except for interest arising from the ordinary business activities or closely related to the ordinary business activities of an individual (N1)	The whole amount
Dividend income (N1)	The whole amount
Remuneration from any employment exercised in Cyprus by an individual who <i>was not a resident of Cyprus before the commencement of the employment</i> , exemption applies for a period of 10 years for employments commencing as from 1 January 2012 and the annual remuneration exceeds €100.000. For employments commencing as from 1 January 2015 the exemption does not apply in case	50% of remuneration income

1. the said individual was a Cyprus tax resident for 3 (or more) tax years out of the 5 tax years immediately prior to the tax year of commencement of the employment nor
2. in the preceding tax year.

In certain cases, it is possible to claim the exemption where income falls below €100.000 per annum.

Personal Income Tax

Type of income	Exemption limit
As from 1 January 2022, remuneration of employees, whose first employment in Cyprus began from 1 January 2022 onwards, is exempt from income tax for a period of 17 years, provided that their remuneration per year exceeds €55.000,00 and the employees were not tax residents of the Republic for a period of at least 10 consecutive years immediately before the commencement of their employment in Cyprus. The first employment in the Republic starts from 1 January 2022 onwards and the period of 17 years starts from the month of employment in Cyprus. The exemption is also applicable to employments commenced prior to 1 January 2022 subject to certain conditions.	50% of remuneration income
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
Remuneration from any employment exercised in Cyprus by an individual who <i>was not a resident of Cyprus before the commencement of the employment</i> . For employments commencing during or after 2012 the exemption applies for a period of 5 years starting from the tax year following the year of commencement of the employment with the last eligible tax year being 2025. This exemption cannot be claimed in addition to the above immediately mentioned 50% exemption for employment income.	20% of income with a maximum amount of €8.550 annually

Personal Income Tax

Type of Income	Exemption limit
Remuneration of employees, whose first employment in Cyprus commenced from 26 July 2022 onwards and up to year 2027, is exempt from income tax for a period of seven years, provided the employees, immediately before the commencement of their employment in Cyprus, were employed for a period of at least three consecutive tax years outside Cyprus by a non-resident employer. The exemption will be first granted in the tax year following the tax year of commencement of employment. The law does not require the individual to become a Cyprus tax resident to benefit from the new 20% exemption, nor the employer to be a Cyprus tax resident employer. Individuals will not be granted this exemption, if they are granted the 50% exemption mentioned below.	20% of the remuneration of employees (up to a maximum amount of exemption of €8.550 per annum)
Profits of a permanent establishment abroad under certain conditions. (N4)	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
Profits from the sale of securities (N2)	The whole amount
Rent of preserved building (subject to certain conditions) (N3)	The whole amount
Profits from the production of films, series and other related audio-visual programs (N5)	The exempt amount will be the lower of the 50% of the taxable income and the 35% of the eligible expenditure. Any restriction may be c/f for 5 years

Personal Income Tax

NOTES

1. Such dividend and interest income may be subject to Special Contribution for Defence. More information is available to the section of Special Contribution for Defence

2. The term "Securities" is defined as shares, bonds, debentures, founders' shares and other securities of companies or other legal persons, incorporated in Cyprus or abroad and options thereon. The Tax Authorities issued a circular in 2008 further clarifying what is included in the term Securities. According to the circular the term includes, among others,

- options on Securities, short positions on Securities, futures/forwards on Securities, swaps on Securities, depositary receipts on Securities (ADRs, GDRs), rights of claim on bonds and debentures (rights on interest of these instruments are not included), index participations only if they result on Securities, repurchase agreements or Repos on Securities, units in open-end or close-end collective investment schemes.

- The circular also clarifies specific types of participation in foreign entities which are considered as Securities.

3. This income is subject to special contribution for defence.

4.1 With effect as from 1 July 2016, taxpayers may elect to tax the profits earned by a foreign permanent establishment, with a tax credit for foreign taxes incurred on those foreign permanent establishment profits. The exemption method remains the default method. Transitional rules apply on the granting of foreign tax credits where a foreign PE was previously exempt.

4.2 In case the PE is directly or indirectly engages in more than 50% in activities that lead to investment income and the foreign tax burden is substantially lower than the tax burden in Cyprus.

5. The tax exemption, not granted due to the percentage restrictions, shall be carried forward and claimed within the following five (5) years. The eligible expenditure are those expenses incurred by the applicant in Cyprus during the production of the film

6. Arrangements that may affect the determination of the tax residency status for individuals (both under the 183 days and the 60 days rule) and companies (place of effective management), as well as the determination of the existence of PEs and the 50% exemption (art 8(23) and the 90 days exemption (art 36(5)) during COVID-19 are temporary in nature and, thus, provide for a relaxation to the application of the Cyprus Income Tax Law rules with respect to the said tax items during the affected period.

Personal Income Tax

Type of expense	Exemption limit
<p>Social Insurance, provident fund, medical fund, National health system fund, pension fund contributions and life insurance premiums</p> <ul style="list-style-type: none">- the allowable annual life insurance premium is restricted to 7 % of the insured amount- the total deduction for medical funds and medical insurance must not exceed the 1.50% of salary income- the maximum deduction for pension and provident fund is 10% on remuneration <p>In the event of cancellation of a Life Insurance contract within 6 years from the date it was entered into, part of the life insurance premiums already given as an allowance will be taxable as follows:</p> <ul style="list-style-type: none">- cancellation within 3 years 30%- cancellation between 4 to 6 years 20%	<p>Up to 1/5 of the chargeable income before the deduction of the allowances specified</p>
<p>Expenditure directly or indirectly incurred by a <u>physical person</u> each tax year as from 1 January 2017 in approved small and medium sized innovative enterprises (applicable as at 30 June 2024)</p>	<p>Up to 50% of the taxable income as calculated prior to this deduction (subject to a maximum of €150.000 per year).</p> <p>The unused deduction can be carried forward and claimed in the following 5 years, subject to the limits of 50% of taxable income and the maximum of €150.000 per year.</p>
<p>Eligible Infrastructure and technological Equipment Expenditure in the audiovisual industry</p>	<p>(20%) of the eligible expenditure for small enterprises and ten percent (10%) for medium sized enterprises.</p>
<p>Expenditure of revenue nature for scientific research and for R&D, subject to conditions</p>	<p>The whole amount (and for expenditure incurred in years 2022, 2023 and 2024, an additional 20%)</p>
<p>Tax amortisation on any expenditure of capital nature for scientific research and for R&D, subject to conditions</p>	<p>The whole amount (and for expenditure incurred in years 2022, 2023 and 2024, an additional 20%) allocated over the lifetime of the asset (maximum period 20 years)</p>

Personal Income Tax

EXAMPLE OF TAX COMPUTATION:		
	€	€
Salary (€5.500x12)	66.000	
Rent receivable	6.000	
Interest receivable (exempt)	2.000	
Dividends receivable (exempt)	2.500	
Total income		76.500
Less: deductions		
Donations - (with receipts)	300	
20% of rent income	1.200	
Interest expense on borrowings for the finance of the property that is rented	1.000	
Wear and tear allowance	2.000	
Non-Taxable Income (interest and dividend)	4.500	9.000
Net total income		67.500
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 which is <10% of €66.000), National Health System (paid €2.027,25), social insurance contributions (SIC) (paid €4.243)		
The total amount of life insurance premiums, provident fund, National Health System and SIC are restricted to 1/5 of the net total income.		
(€7.700 + €2.500 + €2.027,25 + €4.243 = €16.470,25. This amount is restricted to 1/5 of €67.500 which is €13.500)		
Chargeable income		54.000

Personal Income Tax

		€	€
Tax payable: -first	(€19.500 @ NIL)	19.500	0,00
- next	(€8.500 @ 20%)	8.500	1.700,00
- next	(€8.300 @ 25%)	8.300	2.075,00
- next	(€17.700 @ 30%)	17.700	5.310,00
Income tax payable			9.085,00
Special contribution for defence			
Dividends receivable			
€2.500 X 17%		425,00	
Interest receivable			
€2.000 x 30%		600,00	
Rent receivable			
€6.000 – 25% = €4.500 x 3%		135,00	
		1.160,00	
Social Insurance		4.554,00	
National Health system		2.027,25	
			7.741,25
Total tax payable			16.826,25

The individual is both Cyprus Tax Resident and Cyprus Domiciled

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 in Cyprus if it is managed and controlled in Cyprus. Foreign taxes paid can be credited against the Cyprus corporation tax liability.

As from 2023, a Cyprus incorporated company will by default be considered a tax resident of Cyprus provided it is not tax resident in any other jurisdiction.

With effect as from 1/1/2019 CFC Rules apply. The non-distributable income of a CFC (a low taxed non Cyprus tax resident company or a low taxed foreign PE which are directly or indirectly controlled by the controlling company resident in the Republic), is added to the taxable income of the controlling company resident in the Republic (exemptions may apply). Any foreign tax paid on the income of the CFC is credited against the income tax payable in the Republic.

Corporation tax rates

	Tax rate %
The corporation tax rate for all companies is (from 1 January 2013)	12,50

Exemptions

Type of income	Exemption limit
Profit from the sale of securities (N1)	The whole amount
Dividend (N2)	
As from 1 January 2016, dividends which are tax deductible for the paying company are not exempt from tax in the hands of the recipient (Anti – hybrid rule)	The whole amount

Corporation Tax

Type of income	Exemption limit
Interest Income (not arising from the ordinary activities or closely related to the ordinary activities of the company) (N3,N4)	The whole amount
Profits of a permanent establishment abroad, under certain conditions (N5)	The whole amount
Gains relating to foreign exchange differences with the exception of foreign exchange differences arising from trading in foreign currencies and related derivatives	The whole amount
Profits from the production of films, series and other related audio-visual programs	The 50% of the taxable income but not exceeding the 35% of the eligible expenditure. Any restriction may be carried for 5 years.

Notes:

1. For a definition of securities see page 9.
2. Such dividend income may be subject to Special Contribution for Defence.
3. All the interest income of Collective Investment Schemes is considered to be arising from the ordinary activities or closely related to the ordinary activities of the Scheme.
4. Such interest income is subject to Special Contribution for Defence.
5. With effect as from 1 July 2016, taxpayers may elect to tax the profits earned by a foreign permanent establishment, with a tax credit for foreign taxes incurred on those permanent establishment profits. Transitional rules apply in certain cases on the granting of foreign tax credits where a foreign PE was previously exempt and subsequently a taxpayer elects to be subject to tax on the profits of the foreign PE.
6. In relation to Covid-19, in accordance with a Directive issued in 2020 and later in 2021, the Cyprus tax authorities will generally follow the OECD non-binding guidance in relation to tax residency of corporations and the existence of PEs.

Corporation Tax

Tax deductions

Generally, all expenses incurred wholly and exclusively in earning the income of the company including:

Type of expense	Deduction limit
Interest expense incurred for the direct or indirect acquisition of 100% of the share capital of a subsidiary company will be treated as deductible for income tax purposes provided that the 100% subsidiary company does not own directly or indirectly any assets that are not used in the business. If the subsidiary owns (directly or indirectly) any assets not used in the business the interest expense deduction is restricted to the amount which relates to assets used in the business. This applies for acquisitions of subsidiaries from 1 January 2012.	The whole amount provided the subsidiary does not own any assets not used in the business. There is a restriction of the interest expense to the extent the subsidiary owns assets not used in the business. As from 1 January 2019 an interest limitation rule applies in accordance with the EU Anti-Tax Avoidance Directive.
Under the new IP (Intellectual Property) regime, 80% of qualifying profits generated from qualifying assets will be deemed to be tax deductible expenses (provisions apply with effect from 1 July 2016).	80% of the net income as calculated using the nexus approach
Under the old IP regime, royalty income, including the net income emanating from the disposal of the intangible assets owned by a Cyprus tax resident company.	Nil
Amortization on any expenditure of a capital nature for the acquisition or development of IP (provisions apply with effect from 1 July 2016).	Allocated over the lifetime of the IP (maximum period of 20 years). A taxpayer may elect not to claim all or part of the available tax amortization for a particular tax year
Expenditure of revenue nature for scientific research and for R&D, subject to conditions	The whole amount (and for expenditure incurred in years 2022, 2023 and 2024, an additional 20%)

Corporation Tax

Type of expense	Deduction limit
Tax amortisation on any expenditure of capital nature for scientific research and for R&D, subject to conditions	The whole amount (and for expenditure incurred in years 2022, 2023 and 2024, an additional 20%) allocated over the lifetime of the asset (maximum period 20 years)
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, approved funds and national health system on employees' salaries	The whole amount
Employer's contributions to <ul style="list-style-type: none">• Medical fund for employees• Provident / Pension fund for employees	On employee's remuneration <ul style="list-style-type: none">• 1%• 10%
Any expenditure incurred for the maintenance of a building in respect of which there is in force 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 maximum amount of €17.086
Special contribution for employees in the private sector	The whole amount
Expenses in relation to rents receivable	The whole amount
Interest relating to a rented property	The whole amount
Expenditure incurred for the acquisition of shares in an innovative business (abolished as from 1 January 2017 and replaced by the article 9A which refers to the approved small and medium sized innovative enterprises as invested by a physical person (page 12))	The whole amount

Corporation Tax

Type of expense	Deduction limit
Amount invested each tax year sa from 14/02/2022 in approved innovative small and medium sized enterprises either directly or indirectly, subject to conditions (applicable up to 31/12/2023)	Up to 50% of the taxable income as calculated prior to this deduction (subject to a maximum of €150.000,00 per year or 30% if the investment is financed from own funds)
New capital and Notional Interest Deduction (NID) (page 21)	The NID deduction cannot exceed 80% of the taxable profit derived from the assets financed by new equity
Eligible Infrastructure and technological Equipment Expenditure in the audiovisual industry	(20%) of the eligible expenditure for small enterprises and ten percent (10%) for medium sized enterprises.

But not including:

Salaries for which there was no payment for the contributions in respect of provident funds, pension funds, social security, national health system and other related funds.	If paid within two years from their due date, then the salaries and the related contributions will be allowed as a tax-deductible expense in the year that these are paid.
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
Expenditure not supported by invoices and receipts	The whole amount

Corporation Tax

The New equity and notional interest deduction for Cyprus Companies (NID)

According to the amending law, companies tax resident in Cyprus or companies not resident in Cyprus with a permanent establishment in Cyprus can claim a notional interest deduction (NID) in respect of new equity and capital introduced on or after 1 January 2015.

New equity introduced to the company can take the form of cash or assets in kind and used to finance business assets.

NID is calculated by multiplying the "new equity" with the "reference interest rate".

For the purposes of the Law:

- "Reference interest Rate" means the yield rate of the 10 year government bonds of the Country where the funds are employed increased by 5 percentage points. If the country where the funds are employed did not issue 10 year government bonds, then the 10 year government bonds of the Republic can be used.
- «new equity" means the equity which has been introduced in the company on or after January 1, 2015, but which do not include amounts that have been capitalized and are derived from the revaluation of movable or immovable securities
- «Old equity" means the equity that existed on December 31, 2014
- «equity» means the issued share capital and share premium from the issue of shares to the extent that they have been paid.

Capital is not considered as new equity, if the funds that have been introduced in the company on or after January 1, 2015 which directly or indirectly relate to the reserves outstanding as at December 31, 2014 and are not related to new assets used in the business.

The minimum relevant NID interest rate for

Tax year 2023	9,399%
Tax year 2022	5,629%
Tax year 2020	5,536%
Tax year 2018	4.881%
Tax year 2021	5,136%
Tax year 2019	5.302%
Tax year 2017	6.489%

The deduction cannot exceed the 80% of the net taxable profit derived from the assets financed by the new equity.

Corporation Tax

The Cyprus Intellectual Property (IP) regime

The provisions of the existing IP regime will continue to apply until 30 June 2021 in relation to the following IP assets:

- (i) Existing IP assets (i.e. IP assets qualifying under the current provisions of the Cyprus IP regime as at 2nd January 2016);
- (ii) IP assets acquired (directly or indirectly) from related parties, during the period from 2nd January to 30th June 2016, provided that such IP assets would have been eligible to qualify under the provisions of the current Cyprus IP regime or a similar IP regime; and
- (iii) IP assets acquired from a non-related party or developed during the period from 2nd January to 30th June 2016.

The current provisions of the Cyprus IP regime will expire on 31st December 2016 for IP assets acquired either directly or indirectly from related parties during the period from 2nd January to 30th June 2016 if such assets have not been eligible to claim the current provisions of the Cyprus IP regime or a similar IP regime as per (ii) above.

The modified nexus approach

According to the “modified nexus approach”, there should be sufficient substance and an essential nexus between the expenses, the IP assets and the related IP income in order to benefit from a patent box regime. Under the nexus approach, the application of an IP regime should be dependent on the level of Research and Development (R&D) activities carried out by the qualified taxpayer.

Qualifying profits

The following formula has been introduced to determine the qualifying profits that can benefit from an IP regime under BEPS:

$$\text{Overall IP Income} \times \frac{(\text{Qualifying expenditure} + \text{Up-lift expenditure})}{\text{Total expenditure}}$$

Corporation Tax

Qualifying Assets

Assets acquired, developed or exploited by a person in the course of carrying on a business and which constitutes intellectual property, other than marketing related intellectual property associated with promotion (marketing) and which is the result of research and development activities

The changes restrict qualifying IP Assets to

- Patents
- Copyrighted software and
- Other intangible assets which are legally protected and cover
 - utility models, intangible assets that grant protection to plants and genetic material, orphan drug designations, extensions of patent protections
 - as well as IP assets that are non-obvious, useful and novel and from which the income of a taxpayer does not exceed, in a 5 year period, €7.500.000,00 per annum (€50.000.000,00 for taxpayers forming part of a Group).

Qualifying expenditure, excludes the R&D costs of outsourcing to related parties, contrary to the cost of outsourcing to unrelated parties which are considered as part of "qualifying expenditure". In addition, the amendments provide for a maximum 30% up-lift of "qualifying expenditure", thus allowing qualified taxpayers to include all or part of non-qualifying R&D costs to be included as part of the "qualifying expenditure".

Qualifying expenditure includes but is not limited to salary and wages, direct costs, general expenses and commission associated with R&D activities and R&D expenditure outsourced to unrelated parties. It does not include the acquisition cost of a specific intangible asset, interest paid or payable, costs that are not associated with a specific qualified asset and expenditure relating to the acquisition or construction of immovable property.

Tax benefit

For the purpose of calculating the taxable profit, 80% of the qualifying profit derived from qualifying Intangible assets is treated as a deductible expense. For each tax year, the taxpayer may elect to waive this allowance, either in part or in whole.

In case of loss, only 20% of this loss can be surrendered to other group companies or be carried forward to subsequent years.

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:

Fixed assets	%
<i>Plant and machinery (N1)</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
<i>Motor Vehicles</i>	
• Commercial motor vehicles	20
• Motor cycles	20
• Excavators, tractors, bulldozers, self-propelled loaders and drums for petrol companies	25
• Specialised machinery for the laying of railroads (locomotive engines, ballast wagons, container wagons and container sleeper wagons)	20
• Armoured motor vehicles (eg security vehicles)	20
<i>Buildings (N2)</i>	
• Commercial buildings	3
• Industrial, agricultural and hotel buildings (N3)	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
• Motor yachts	6
• Ship motor launches	12,5
• New cargo commercial vessels	8
• New passenger vessels	6
• Used cargo / passenger vessels	Over their useful lives
<hr/>	
<i>New airplanes and Helicopters</i>	8
<hr/>	
<i>Others</i>	
• Tools in general	33 1/3
• Wind power generators	10
• Photovoltaic Systems	10
• Videotapes property of video clubs	50
• Computer hardware and operating systems	20
• Televisions and videos	10
• Application software	
• Up to €1.709	100
• Above €1.709	33 1/3

Notes

1. Plant and machinery acquired during the tax years 2012 till 2018 are eligible to accelerated tax depreciation at the rate of 20% (except assets which are already eligible for a higher annual tax rate of tax depreciation).
2. The rates as stated are for new buildings. In the case of industrial and hotel buildings which were acquired during the tax years 2012 till 2018, the accelerated tax depreciation rate of 7% per annum applies.
3. Buildings for agricultural and livestock production acquired during the tax years 2017-2018 are eligible for accelerated tax depreciation at the rate of 7% per annum.

Corporation Tax

Losses carried forward

Taxable losses incurred during a tax year and which cannot be set off against other income, is carried forward subject to conditions and set off against the profits of the next five years.

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 incurred.

Group relief

The current year loss of one company can be set off against the current year profit of another provided the companies are Cyprus tax resident companies of a group. A company incorporated by its holding company during the year is considered as member of the group for the whole year of assessment. Group is defined as:

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

As from 1 January 2015 **interposition of a non - Cyprus tax resident company(ies) will not affect the eligibility for group relief** as long as such company(ies) is tax resident of either an EU country or in a country with which Cyprus has a double tax treaty or an exchange of information agreement (bilateral or multilateral).

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

Corporation Tax

As from 1 January 2015 a Cyprus tax resident company may claim the tax losses of a group company which is tax resident in another EU country. When there is such a case the EU Company will firstly exhausts all possibilities available to utilise its losses in its country of residence or in the country of any intermediary EU holding and then all the available remaining losses can be utilized by the Cyprus tax resident company.

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.

Reorganisations

Transfers of assets and liabilities between companies can be affected 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.

It includes transfer of registered office of a permanent establishment (SE) or a European cooperative company (SCE).

Tax Credit for foreign tax paid

Any Tax suffered abroad on Income, which was 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

1. Shipping companies

The Merchant Shipping (Fees & Taxing Provisions) Law was enacted in May 2010 and introduced a new tonnage tax system in Cyprus, applicable as from the fiscal year 2010. Following the EU Commission's reapproval in December 2019 of the renewal of the Cypriot tonnage tax scheme for another 10 years, the House of Representatives voted on 15 April 2020 amendments, that were published on 16 April 2020 and were effective as of 1 January 2020.

The most significant amendments relate to:

The definitions of qualifying and non-qualifying vessels and of maritime transport including that of ancillary activities

Restrictions on bareboat chartering with grandfathering provisions for existing contracts until they expire or up until 31/12/2022 whichever is the earliest and

Extending the tax exemption for crew members employed on EU flag eligible vessels.

The tonnage tax system is available to any

Owner, charterer or ship manager who
Owns, charters or manages a
Qualifying ship in a
Qualifying shipping activity

The tonnage tax is calculated on the net tonnage of the ship according to a broad range of bands and rates prescribed in the legislation. The rates applicable to ship managers are 25% of those applied for ship owners and charterers.

Corporation Tax

The application of the Tonnage Tax System is compulsory for owners of Cyprus flag ships and optional for owners of non-Cyprus flag ships, charterers and ship managers. Those who choose to enter the TTS regime must remain in the system for at least 10 years unless they had a valid reason to exit such as disposal of the vessel and cessation of their activities.

Qualifying ship

A qualifying ship is any seagoing vessel certified under the applicable international or national rules and regulations and registered in the ship register of any member of the International Maritime Organization or the International Labour Organization, which is recognized by Cyprus. The **qualifying community ship** is a qualifying ship which is registered and flying an EU or EEA flag and **qualifying non-community ships** are eligible for the TTS if they are qualifying and comply to: **a.** are classed with a classification society recognised by the EU; **b.** are duly certificated as appropriate in accordance with the International Conventions regulating to maritime safety, security and protection of the environment and **c.** are manned by seafarers who are duly certificated in accordance with the STCW Convention.

The new tonnage tax system specifically

Includes certain types of ships, such as	excludes certain types of ships, such as
<ul style="list-style-type: none">• Cable/ pipe laying ships• Ocean going dredges, tug boats• Research vessels• mobile offshore drilling units (MODUS)• offshore support/servicing vessels engaged in petroleum and gas activities• multi purpose, break bulk and other types of support/ servicing vessels• cruise ships - commercial yachts - rescue and marine assistance vessels• guard vessels for maritime security and environmental clean up purposes• vessels for raising, repairing and dismantling windmills - ice management vessels	<ul style="list-style-type: none">• Fishing vessels,• Private yachts and vessels used primarily for sports or recreation,• River vessels,• Fixed offshore installations,• Non-self propelled floating cranes,• Non-ocean going tug boats,• Stationary vessels employed for hotel and/or catering operations,• Vessels employed mainly as gambling facilities and/or casinos

Corporation Tax

- accommodation vessels for housing offshore workers at sea
- any vessel which is engaged in the transportation of any UN and EU humanitarian aid and
- other types of vessels which may be determined, from time to time, by the Permanent Secretary of the Shipping Deputy Ministry (SDM)

Qualifying shipping activity

Any commercial activity that constitutes **maritime transport** or **ship management** (crew management and/or technical management services to a qualifying ship) is considered a qualifying shipping activity.

The definition of **maritime transport** in addition to the traditional carriage of goods and passengers by the sea, includes

ancillary activities connected to the maritime transport provided that the revenues from such activities do not exceed 50% of the total gross revenues from the operation of each qualifying ship under TTS of a qualifying owner / charterer.

Towage activities and dredging activities

By analogy cable – laying activities

Bareboat chartering is considered maritime transport if **a.** the charterer is a member of the owner's group **or b.** the owner demonstrates that the ship was bareboat chartered out due to short – term over capacity, the chartering period does not exceed three years and at least 50% of the tonnage under the owner's ownership is exploited by itself.

Corporation Tax

Crew management services means

1. Selecting and engaging the vessel's crew including payroll arrangements and insurances for the crew
2. Ensuring compliance with the requirements of the law of the flag of the vessel in respect of manning levels, rank, qualification and certification of the crew
3. Ensuring that the crew has undergone a medical examination and possesses a valid medical certificate issued in accordance with the appropriate flag State requirements
4. Arranging transportation of the crew, including repatriation
5. Training of the crew and supervising their efficiency
6. Other relevant functions usually performed by ship managers under BIMCO Standard ship management agreements

Technical management services means

1. The provision of competent personnel to supervise the maintenance and general efficiency of the vessel
2. The arrangement and supervision of dry dockings, repairs, alterations and the upkeep of the vessel to the standards required by the law of the flag of the vessel and of the places where she trades, and all requirements and recommendations of its classification society
3. The arrangement of the supply of necessary stores, spares and lubricating oil
4. Other relevant functions usually performed by ship managers under the BIMCO standard ship management agreement

Commercial management does not fall within the scope of the TTS. Commercial management services means

1. The provision of chartering services in accordance with the instructions of the owner, which includes seeking and negotiating employment of the ship and the conclusion of charter parties or other contracts relating to the employment of the ship

Corporation Tax

2. The payment to owners of all hire and freight revenues and any other moneys, to which the owners are entitled and arise out of the employment of the ship
3. The provision of voyage estimates, accounts, the calculation of hire, freights, and demurrage, and/or dispatch moneys due from or due to the charterers of the ship
4. Other relevant functions usually performed by ship managers under the BIMCO standard ship management agreement

Ship owners

Ship owners of Cyprus flag ships, which are Qualified Ships and engaged in Qualified Shipping Activities, automatically fall within the scope of the tonnage tax system.

Ship owners of community flag ships and foreign flag ships may opt to be taxed under the tonnage system.

A Qualified Ship owner can be:

- A ship owner of a **Cyprus flag ship** provided the ship is a Qualified Ship engaged in Qualified Shipping Activities or
- A ship owner of **EU/EEA flag ship** that elects to be taxed under the TTS provided is a Cyprus tax resident and the ship is a Qualified Ship and engaged in Qualified Shipping Activities or
- A ship owner of a **non-Community ship** that elects to be taxed under the TTS provided is a Cyprus Tax resident, owns a ship that is a qualifying non-Community ship which is engaged in Qualified Shipping Activities
- A ship owner of **re-flagged ships**. The owner of the foreign ships must comply with the "Community flagged share" requirement which entails that at the time of opting to be taxed under the TTS, at least 60% of the fleet in terms of tonnage should be Community ships. If Community ships are less

than 60% of the total fleet then a share of the fleet should comprise of Community ships and the Community share should remain unchanged or increase within a period of three years from the election date.

The commercial – strategic management must be carried out from the EU/European Economic Area.

Charterers

Any legal person who charters a qualifying ship engaged in a qualifying shipping activity can opt to be taxed under the TTS. The charterer needs to fulfil the “Minimal Share of Fleet in Ownership” requirement, that is the total net tonnage of the ships chartered-in and included in the TTS does not exceed 75% of the total net tonnage of all ships chartered-in or operated by the qualifying charterer and are included in the TTS. The percentage can reach 90% provided that every chartered-in ship flies an EU/EEA flag or is entirely managed from the territory of the EU/EEA.

Ship managers

A ship manager who provides:

- crew management services and/or
- technical management services

can opt to be taxed under the TTS provided it satisfies the following criteria:

- is a legal person tax resident in Cyprus
- provides qualifying services ie crewing and / or technical
- maintains a fully-fledged office in Cyprus
- employs sufficient number of qualified personnel (51% of whom should be EU citizens)

Corporation Tax

- at least 2/3 of total tonnage under management must be managed from the territory of the EU (any excess of 1/3 is taxed under corporation tax)
- at least 60% of the fleet in terms of tonnage must comprise of EU flag vessels (complies with the Community-flagged share)
- all vessels and crew under management must comply with international standards and EU law requirements relating to maritime security, safety, training and certification of seafarers, the environment, on-board working conditions and so on

additionally

- for crew managers there is an obligation for full implementation of the 2006 Maritime Labour Convention and
- for technical managers, they must have the ISM Code certification

10-year rule

Any ship owner, charterer or manager opting for the TTS must remain in the system for 10 years. Early withdrawal will result in penalties, calculated as the difference between the amount paid during the period under the TTS and the amount that would have paid had it been subject to corporation tax in the same period. In addition, the right to opt for tonnage taxation until expiration of the 10-year period from the date the option was first exercised is lost.

Economic benefits

- No tax on income derived from the operation/chartering of a qualifying registered vessel engaged in qualifying activities or rendering crewing and/or technical management services to any qualifying ship engaged in qualifying activities

Corporation Tax

- No tax on dividends paid to shareholders of a qualifying registered ship out of profits made from the operation/ship management of a qualifying ship
- No tax on the income or profit made from the disposal of a qualifying ship or interest or share in the qualifying ship or on the disposal of shares in a ship owning company
- No tax on interest earned on working capital or shipping revenue, provided that the said working capital or shipping revenue is used to pay expenses arising from the qualifying person engaging in the qualifying activity and relates to the qualifying ship
- No tax on the wages or other benefits of officers and crew members of a Cyprus registered vessel
- No estate duty on the inheritance of shares in a ship owning company
- No stamp duty on ship mortgage deeds or other security documents

Tonnage tax rates

The following table summarises the applicable rates for the tonnage tax calculation:

Units of Net Tonnage	Rates per 100 units of the net tonnage	
	Ship owners / charterers	Ship managers
<i>0 – 1.000</i>	<i>€36,50</i>	<i>€9,125</i>
<i>1.001 – 10.000</i>	<i>€31,03</i>	<i>€7,7575</i>
<i>10.001 – 25.000</i>	<i>€20,08</i>	<i>€5,02</i>
<i>25.001 – 40.000</i>	<i>€12,78</i>	<i>€3,195</i>
<i>> 40.000</i>	<i>€7,30</i>	<i>€1,825</i>

The TT rates are reduced (up to 30%) for Cyprus / Community flagged vessels which use environmentally friendly equipment.

Corporation Tax

Example:

Calculation of the annual tonnage tax for a 19.538 net tonnage vessel:

				For shipowners / charterer	For ship managers
1.000 NT:	1.000/100 =	10 x €36,50	=	€ 365,00	€91,25
9.000 NT:	9.000/100 =	90 x €31,03	=	€2.792,70	€698,17
9.500 NT:	9.500/100 =	95 x €20,08	=	€1.907,60	€476,90
38 NT:	38/100 =	0,38 x €20,08	=	€ 7,63	€1,90
Annual tonnage tax due			=	€5.072,93	€1.268,22



Corporation Tax

2. 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% of the gross premium. In this case the difference is paid as additional corporation tax.

3. 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

4. The Cyprus Alternative Funds (AIFs) and Undertakings for Collective Investment in Transferable Securities (UCITS)

The Alternative Investment Funds Law 124(I)2018 defines AIFs as collective investment undertakings, including investment compartments which collectively raise capital from a number of investors with a view to investing it in accordance with a defined investment policy for the benefit of those investors. The AIF Law allows three types of AIFs to be established in Cyprus which are:

Alternative Investment Funds with Limited Number of Persons (up to 50) (AIFLNP)

Alternative Investment Funds with Unlimited Number of Persons (AIFs)

Registered AIFs (RAIFs)

	AIFs	AIFLNP	Registered AIFs
Legal Form	<ul style="list-style-type: none"> • CF • VCIC • FCIC • LP 	<ul style="list-style-type: none"> • VCIC • FCIC • LP 	<ul style="list-style-type: none"> • CF • VCIC • FCIC • LP
Eligible Investors	<ul style="list-style-type: none"> • Professional and / or well-informed investors • Or Retail Investors 	<ul style="list-style-type: none"> • Professional and / or well-informed investors 	<ul style="list-style-type: none"> • Professional and / or well-informed investors
Number of investors	<ul style="list-style-type: none"> • Unlimited 	<ul style="list-style-type: none"> • Up to 50 	<ul style="list-style-type: none"> • Unlimited
Minimum capital requirement	<ul style="list-style-type: none"> • If externally managed no minimum capital requirement • If internally managed €125.000 or €300.000 for self-managed AIF which is an AIFM 	<ul style="list-style-type: none"> • If self-managed €50.000 • No requirement if externally managed 	<ul style="list-style-type: none"> • Not subject to minimum capital requirement

Corporation Tax

Minimum AUM 12ms	<ul style="list-style-type: none"> • €500.000 	<ul style="list-style-type: none"> • €250.000 	<ul style="list-style-type: none"> • €500.000
	AIFs	AIFLNP	Registered AIFs
Fund management	<ul style="list-style-type: none"> • Can be self-managed or appoint a fund manager 	<ul style="list-style-type: none"> • Can be self-managed or appoint a fund manager 	<ul style="list-style-type: none"> • Always appoint a fund manager
Assets under management	<ul style="list-style-type: none"> • No restrictions if AIFM is appointed • Up to €100m including leverage or €500m with no use of leverage and unit holders have no redemption rights during 5 years 	<ul style="list-style-type: none"> • Up to €100m including leverage or €500m with no use of leverage and unit holders have no redemption rights during 5 years 	<ul style="list-style-type: none"> • No restrictions if AIFM appointed • Up to €100m including leverage or €500m with no use of leverage and unit holders have no redemption rights during 5 years

UCITS

UCITS are undertakings the sole object of which is the collective investment in transferrable securities and / or other liquid financial instruments, of capital raised from the public, which operate on the principle of risk spreading. UCITS can take one out of the following two legal forms:

Common Fund
Variable Capital investment company

Corporation Tax

Taxation of Funds

Funds which are opaque for tax purposes and which are managed and controlled in Cyprus are tax resident in Cyprus and are subject to the general provisions of the Cyprus tax framework.

In the case of funds which have compartments, each compartment is assessed separately for tax purposes subject to the provisions of the law.

Under circumstances and depending on the legal form of the fund, some funds may be transparent for tax purposes (non-corporate form).

There is no capital gains tax on the gains arising from the disposal or redemption of units in funds unless the fund owns immovable property in Cyprus. There is no capital gains tax for disposal of immovable properties in Cyprus in cases the fund is listed on a recognised stock exchange.

The subscription, redemption, conversion or transfer of a fund's units should be exempt from Cyprus stamp duty.



Corporation Tax

No creation of permanent establishment

Based on the Cyprus tax legislation no Cyprus permanent establishment will be deemed to arise:

1. For non – Cyprus resident investors as a result of investment into Cyprus tax – transparent investment funds, or
2. As a consequence of the management from Cyprus of non-Cyprus investment funds.

Management services

The management fee charged for the provision of collective management services to investment funds is exempt from VAT provided certain conditions are met.

Carried interest, performance fee for AIF and UCITS fund managers

Certain employees and executives of the following investment fund management companies or internally managed investment funds may opt for a different mode of personal taxation.

- AIFM
- Internally managed AIFs authorised under the AIFM Law
- UCITS Management Companies and
- Internally managed UCITS
- A company to which the AIFM/UCITS Management company has delegated the portfolio management or risk management activities of the AIF/UCITS which it manages

Subject to conditions, their variable employment remuneration which is effectively connected to the carried interest of the fund managing entity may, through an annual election, be separately subject to Cyprus tax at the flat rate of 8%, with a minimum tax liability of €10.000 per annum. The special mode of taxation is available for a period of 10 years.

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 of late payment of the tax withheld there will be an additional penalty of 5% on the amount of tax withheld and the total amount as calculated will be subject to interest of late payment.

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

03

Cyprus and DAC 6

The Directive (EU) 2018/822 modifies for 6th time the provisions of the Directive 2011/16/EU, the Directive on Administrative Cooperation (DAC), regarding mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements. The Cypriot DAC6 Mandatory Disclosure Rules Law (Law 41(I)2021) amending the Law on Administrative Cooperation in the field of Taxation of 2012 (Law 205(I)/2012) was published in the official Gazette and entered into force with effect as of 01/01/2021 with retrospective effect for reportable cross – border arrangements concluded on or after 25/06/2018.

Who bears the burden of reporting?

The primary obligation rests with the “Intermediary”. The definition of Intermediary includes

- I.** Any person that designs, markets, organises or makes available for implementation or manages the implementation of a reportable cross-border arrangement, or
- II.** A person that based on the information in his possession and his relevant expertise and understanding required to provide such services, knows or could be expected to know that such persons have undertaken aid or advice with regards to the above.

The concept of Taxpayer is defined as any person to whom a reportable cross border arrangement is made available for implementation, or who is ready to implement a cross border arrangement or has implemented the first step of such an arrangement.

Reporting needs to be done by Taxpayers if there is no Intermediary. There is exemption to the rule where the Intermediary is a lawyer and should comply to legal confidentiality and has notified the reporting obligation to other Intermediary or the Taxpayer.

Cyprus and DAC 6

What is reportable

An arrangement that

1. It is **Cross – border** and
2. It falls in the **Hallmarks**

Cross - Border

Arrangements that concern either more than one EU member state or a Member State and a third party or country.



The hallmarks can be divided between those that can satisfy the **Main Benefit Test** and those that will give rise to a reporting obligation by themselves.

The Main Benefit Test of entering into such an arrangement is the obtaining of Tax Advantage which includes the following:

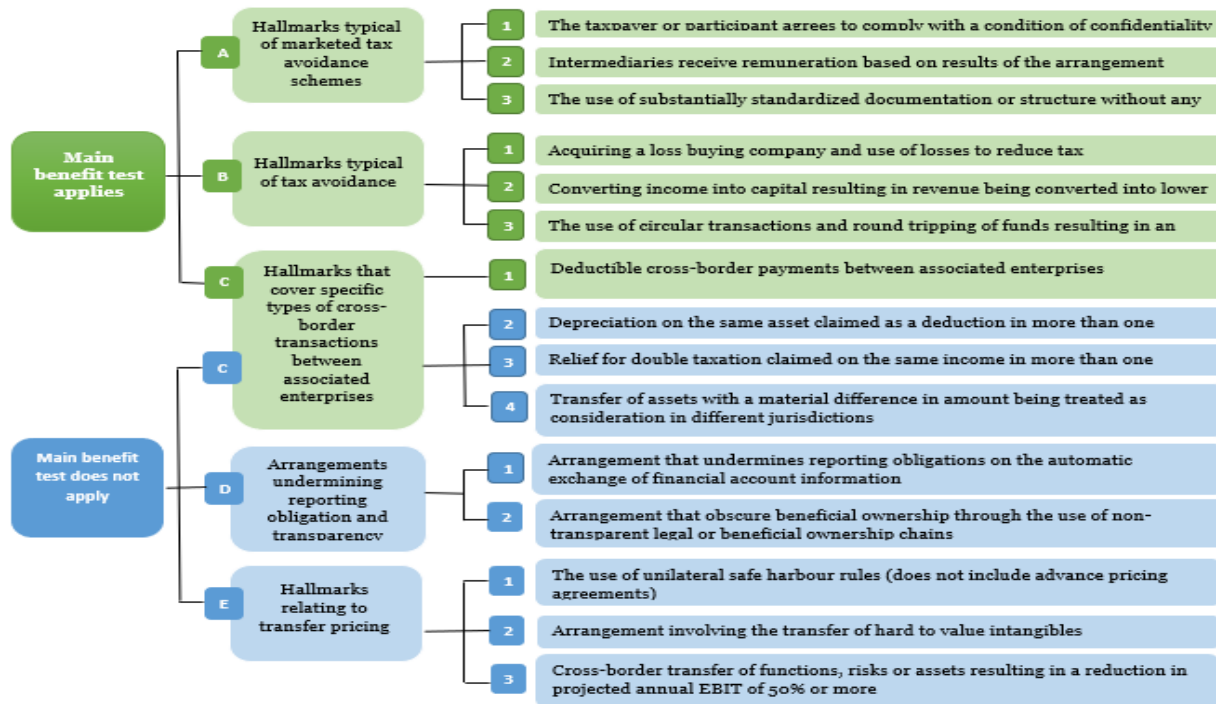
1. Tax Relief or increased tax relief
2. Tax Refund or increased tax refund
3. Tax avoidance or reduction of tax liability
4. Postponement of tax or acceleration of tax refund
5. Avoidance of withholding tax

Cyprus and DAC 6

Penalties

Breach	Penalty (one-off administrative fine per entity and arrangement)
Failure to report a RCBA	€10.000-20.000
Delay in reporting a RCBA	More than 30 and up to 90 calendar days: €1.000-5.000 More than 90 calendar days: €5.000-20.000
Filing inaccurate or incomplete or misleading information	€1.000-10.000
Failure to notifying the other liable persons by the intermediary regarding the exemption due to LPP	€10.000-20.000
Delay in the notification of other intermediaries or the relevant taxpayer on obligation to report	More than 10 and up to 90 calendar days: €1.000-5.000 More than 90 calendar days: €5.000-20.000
Failure to provide the Cypriot tax authorities with information or documents for an arrangement within 14 days from the date of reception of written notice	€1.000-10.000
Failure to pay the administrative fines imposed/Continuance of the relevant breach	€20.000 increase on imposed fine

Summary of Hallmarks



04

Transfer Pricing

Transfer Pricing

On 30 June 2022 the Cyprus parliament has voted into law the documentation requirements on **transfer pricing (law and regulations)**. The law and regulations are aligned with the recommendations set forth in the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations and is effective as from 1 January 2022.

The **transfer pricing documentation** requirements apply to Cypriot tax resident persons and Permanent Establishments (PE's) of non-tax resident entities for certain transactions with their related parties. The aim of the new law and regulations is to ensure compliance of covered entities **with the arm's length principle**.

Cyprus tax resident persons and PEs of non-Cyprus tax resident persons situated in Cyprus that engage in domestic and / or cross border controlled transactions, are required to prepare on an annual basis, a Transfer Pricing Documentation File, which consists of the Master File and the Cypriot Local File and the Summary Information Table (SIT).

Master File

This file contains high level information about the global business operations of a multinational group and should be in line with the OECD TP Guidelines. It must be prepared by Multinational groups with Consolidated Revenues exceeding Euro 750 million (with CbC obligations) and the UPE is Cypriot tax resident company. It must be made available by the taxpayer and submitted to the tax authorities upon request within 60 days.

Local File

The file contains detailed information about the local business of the taxpayer including description and documentation of related party transactions. It must be in line with the OECD TP Guidelines.

Transfer Pricing

It is required to be prepared by Cypriot tax resident companies / Cypriot tax resident companies with foreign branch / Cypriot branches of non - Cypriot tax resident companies being engaged in related party transactions with an accumulated amount during the tax year exceeding €750k (per transaction category as defined in the SIT).

The Local file should be subject to Annual Quality Assurance Review (sign off) by a person who has a practicing certificate of ICPAC or any other recognized institute of certified accountants in Cyprus.

Both Local File and Master File should be updated for each tax year and prepared until the date of submission of the TD4 for the relevant tax year. Upon request from the tax authorities should be made available within 60 days.

The Summary Table should be prepared by all taxpayers that engage in controlled transactions on an annual basis, disclosing details regarding such transactions including names, tax identification codes, values per transaction category (sale/purchase of goods, provision/receipt of services, financing transactions, receipt/payment of IP licences/royalties, others). The Summary Table must be submitted electronically together with the Income Tax Return for the relevant tax year.

Introduction of Advance Pricing Agreements

Taxpayers may submit advance pricing agreements to the Cypriot Tax Authorities, to agree on pricing methodologies in advance. Such APAs may have unilateral bilateral or multilateral applications and will be valid for a period of up to four years.

More specifically, the APA determines an appropriate set of criteria relevant for determining the arm's length pricing of the controlled transaction for a specific period.

Transfer Pricing

Penalties for non – compliance with the new TP Legislation

Document	Penalty
Master and Local File	€5.000 If submitted between 61 and 90 days upon the request of the tax department
	€10.000 If submitted between 91 and 120 days upon the request of the tax department
	€20.000 If not submitted or submitted after the 120 th day of the request of the tax department
Summary Information Table	€500 for late or no submission

05

Special Contribution for Defence



Special Contribution for Defence

Special Contribution for Defence

The following table presents the income that is subject to Special Contribution for Defence. **Non – domiciled** persons are exempt from the payment of Special Contribution for Defence.

Prior to 16 July 2015 individuals were subject to Special Contribution for Defence if they were tax resident in Cyprus. As from July 16, the Law has been amended and is as follows:

Legal entities are subject to Special Contribution for Defence if they are tax resident in Cyprus.

Individuals are subject to Special contribution for defence if they are both Cyprus tax resident and Cyprus domiciled.

For the purposes of Special Contribution for Defence an individual is domiciled in Cyprus if he / she has a domicile of origin in Cyprus per the Wills and Succession Law or if he / she has been resident in Cyprus for at least 17 out of the 20 tax years immediately prior to the tax year of assessment.

The rates for the Special Contribution for Defence are as shown in the table below:

Special Contribution for Defence

Tax rates

	Individuals		Legal entities	
	%		%	
• Dividend income from Cyprus tax resident companies	17	(1)	Nil	(1)
• Dividend income from non-Cyprus tax resident companies	17		Nil	(2)
• Interest income arising from the ordinary activities or closely related to the ordinary activities of the business	Nil	(3)	Nil	(3)
• Interest income that is earned from Cyprus government savings bonds And development bonds and Interest earned by a provident fund	3		3	
• Other interest income	30	(4)	30	(4)
• Rental income (reduced by 25%)	3	(4)(5) (6)	3	(4)(5) (6)

Notes

1. Dividends received by a Cyprus tax resident from other Cyprus tax resident companies are exempt, subject to certain anti-avoidance provisions.

Dividends declared by a Cyprus tax resident company to another Cyprus tax resident company after the lapse of four years from the end of the year in which the profits were generated, are subject to 17% defence contribution.

Dividends, which emanate directly or indirectly out of such dividends on which special contribution for defence was previously paid, are exempt.

Dividends derived from dividends, which suffered income tax rate at 20%, and such dividends are issued within a period of 6 years from the date of receipt, they are exempt from defence tax payment.

Special Contribution for Defence

2. Dividend income from abroad is exempt from defence fund contribution and applies to dividends that are not deductible for tax purposes by the paying company. Dividends deductible for tax purposes by the paying company are subject to Corporation tax.

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 burden in Cyprus. The tax authorities have clarified through a circular that "significantly lower" means a tax burden rate below 6,25%.

When the exemption does not apply, the dividend income is subject to special contribution for defence at the rate of 17%.

3. Such interest income is subject to personal income tax / corporation tax.
4. The SDC rate on interest income of 30% is effective for interest received or credited from 29 April 2013 onwards.

When the total income of an individual (including interest) does not exceed €12.000 in a taxable year the defence tax rate is 3%.

5. When the tenant is a Cyprus Company, partnership, the state or local authority, Special contribution for defence on rental income is withheld at source and is payable at the end of the month following the month in which it was withheld. In all other cases the special contribution for the defence on rental income is payable by the landlord in 6 monthly intervals on 30 June and 31 December each year.

For the interest and dividends paid to Cyprus tax residents any defence due is withheld at source and is payable at the end of the month following the month in which they are paid.

However, special contribution for defence on dividends, interest and rental income from abroad is payable in 6 months intervals on 30 June and 31 December each year.

Special Contribution for Defence

6. Rental income is also subject to personal income tax /corporation tax.
7. Any foreign taxes paid, will 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, in which the profits were generated, are liable to 17% 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.

As from 16 July 2015, the 17% Special Contribution for Defence is imposed to the extent that the ultimate direct/indirect shareholders of the company are individuals who are both Cyprus tax residents and Cyprus domiciled. Prior to 16 July 2015 the imposition applied to the extent the ultimate direct/indirect shareholders of the company were Cyprus tax resident individuals. The rate of 3% is applicable on deemed dividend distribution of Collective Investment Schemes.

When an actual dividend is paid after the deemed dividend distribution date, then if Special Contribution for Defence is due on such a dividend, the 17% is imposed only on the amount of the actual dividend paid which exceeds the dividend that was previously deemed to have been distributed and previously suffered Special Contribution for Defence.

Disposal of assets to shareholder at less than the market value

When a company disposes of an asset to its shareholder (individual) or to his or her relative of up to a second-degree relationship or his / her spouse without

Special Contribution for Defence

consideration or for consideration which is below the market value of the asset disposed of, it will be deemed, that the company has distributed dividend to its shareholder, equal to the difference between the market value of the asset and the amount of the consideration received.

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 of the last five years prior to the company's dissolution, which have not been distributed or deemed to have been distributed, will be considered as distributed on dissolution and will be subject to defence contribution at 17% (3% for Collective Investment Schemes).

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.

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

Special Contribution for Defence

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 to the shareholders, will be considered as dividends distributed and subject to special defence contribution at the rate of 17% after deducting any amounts, which have been deemed as distributable profits.

The redemption of units or shares in a Collective Investment Scheme is not subject to the above provisions.

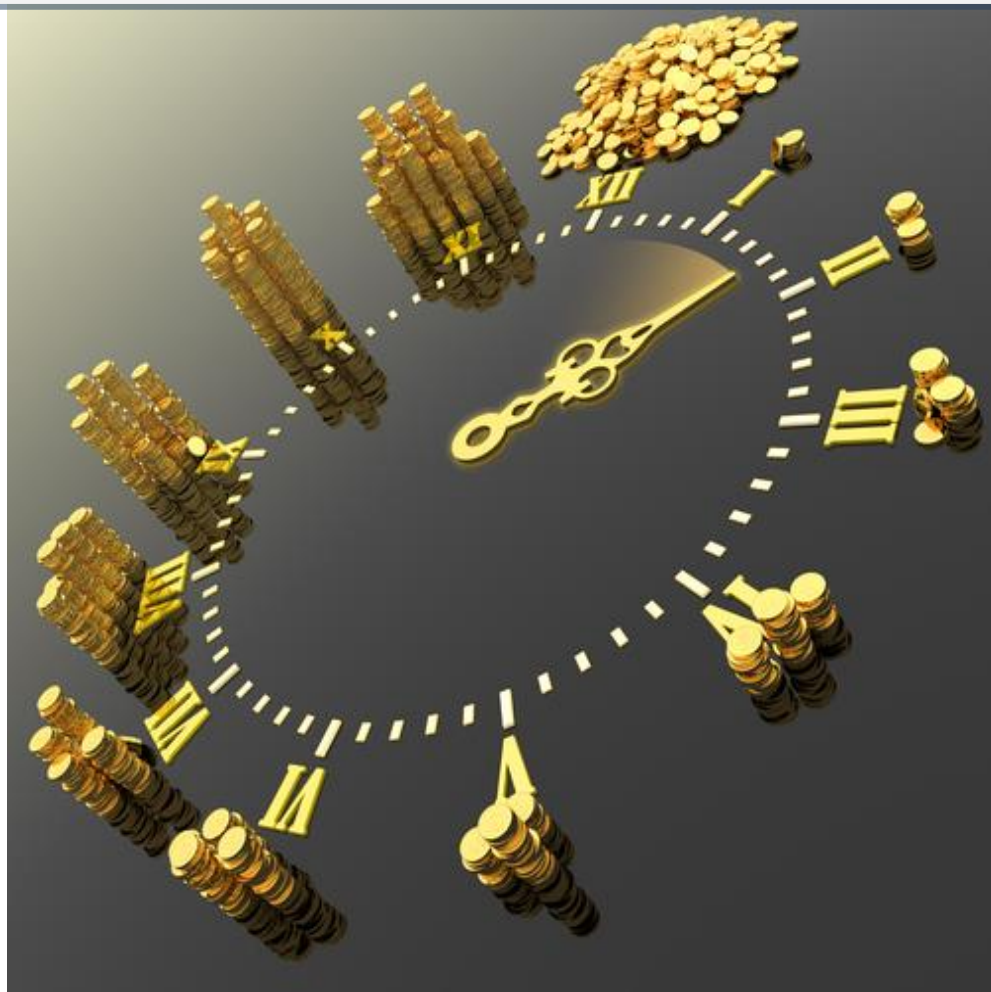
Prior to 16 July 2015, the above provisions applied only to the extent that the ultimate shareholders (direct or indirect) are taxed residents in Cyprus. As from 16 July 2015 the above provisions apply only to the extent that the ultimate shareholders (direct or indirect) are individuals who are both Cyprus tax resident and Cyprus domiciled.

Accounting profits for the tax years 2012, 2013 and 2014

The accounting profits for the tax years 2012, 2013 and 2014 will be adjusted for purposes of deemed distribution purposes provided the company had acquired in those years plant, machinery or buildings (excluding private motor vehicles) for business purposes. The cost of these assets will be deductible against the accounting profits.

06

Capital Gains Tax



Capital Gains Tax

Capital Gains Tax

Capital Gains Tax is imposed at the rate of 20% on gains

1. from the disposal of immovable property situated in Cyprus
2. From the disposal of shares in companies which own such immovable property excluding shares listed in any recognised stock exchange
3. From 17 December 2015, the disposal of shares of companies, which indirectly own immovable property located in Cyprus and at least 50% of the market value of the said shares derive from such immovable property

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 01/01/1980 whichever is the higher, inflated by the retail price index. Capital expenses incurred after 01/01/1980 (such as planning permission fees, architects' fees, water installation fees and levelling of land cost) are deducted with indexation allowance for inflation. Transfer fees, advertising fees, valuation fees, disposal fees, legal fees, commission to licensed agents and interest on loans for the acquisition of the property are allowed without indexation allowance.

Deductions that have been allowed under income tax law (such as capital allowances) are not allowed for capital gains tax purposes.

EXAMPLE

	€
Sale price at 30 September 2016	300.000
Cost of acquisition at 30 October 2003	-85.000
Indexation allowance 1 November 2003 to 30 September 2016 €85.000 @ 217,50 / 186,10	-72.729
Capital Gain	142.271

Capital Gains Tax

Exempt disposals

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

- Land and land with buildings acquired in the period from 16/07/2015 up to 31/12/2016 will be exempt from Capital Gains Tax upon its disposal provided there is a purchase agreement, is not an exchange or donation, to its market value by an unrelated person.
- Transfers, which arise on death.
- Gifts made from parent to child or between husband and wife or between up to third degree relatives.
- 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 made 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.
- Donation to a political party

Capital Gains Tax

Life time 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.



Capital Gains Tax

Central Agency for Equal Distribution of Burdens Law

On 11 February 2021 the Cyprus Parliament voted to amend certain provisions relating to the Central Agency for Equal Distribution of Burdens (Creation, Objects, Responsibilities, and Other Related Matters) Law of 1989, as amended, (the "Law") aiming to finance the activities of this Central Agency through the introduction of a 0,4% levy on Cyprus real estate disposals (both trading and capital nature disposals). The amendments were gazetted on 22 February 2021, which is their effective date.

With respect to direct disposals of immovable property, the levy is imposed on the disposal consideration, the taxing point is the transfer date of the immovable property, the levy is due on the transfer date of the immovable property.

With respect to disposals of shares of a company, which directly or indirectly holds immovable property the levy is imposed on the latest general valuation undertaken by the DLS, the taxing point is the transfer date of the immovable property, the levy is due on the transfer date of the shares.

The obligation for payment of the levy lies with the seller.

The following direct or indirect disposals of immovable property are exempt:

- Debt for asset swaps
- Qualifying reorganisations and
- Shares listed on a recognised stock exchange

07

Value Added Tax



Value Added Tax

Value Added Tax

VAT is imposed on the supply of goods and provision of 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.

Refund of excess input vat can be obtained in the following cases:

- a period of four months has elapsed from the date the VAT became refundable (as from 1/1/2016); The period extends to eight months in case of vat inspection;
- 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 the VAT is accounted using the acquisition accounting method. This involves a simple accounting entry in the books of the business whereby it self-charges VAT and at the same time claims it back, if it relates to supplies for which the right to recover input vat is granted, thereby creating no cost to the business.

Value Added Tax

There is exception to the above rule in respect of goods which are subject to excise taxes.

In cases the acquisition relates to a transaction for which the right to recover the input vat is not granted, the trader must pay the VAT that corresponds to the acquisition.

On 1 January 2010, a number of important VAT rules came into force following the implementation of various EU Directives and Regulations mainly concerning the supply rules for services.

The most important changes were the following:

- Place of supply of services rules. It is taxed where the customer is established if the customer is a taxable person (B2B) or where the supplier is situated (B2C) if the customer is a non - taxable person. Services provided to third countries are outside the scope of Cyprus or EU VAT.
- There are new “time of supply” rules when the reverse charge liability is accounted for and when a transaction is to be included on the VIES form.
- Exempt and partly exempt businesses, such as banks and insurance companies, receiving services from abroad face extra vat cost.
- A new electronic procedure for the refund of the VAT paid in another EU member state (8th Directive).
- Businesses are required to complete and submit a declaration for intra-community supply of services (the VIES) which are taxed under the reverse charge provisions in another MS.

Value Added Tax

The following are taxed at the place of consumption.

Property related services,
transportation of goods,
passenger transportation,
short – term hiring of means of transport,
restaurant and catering services,

scientific and educational services, sporting and cultural services.

As from 1 January 2011 changes came into effect in the EU and Cypriot VAT legislation with regards to the country of taxation of cultural, artistic, sporting, scientific, educational, entertainment and similar services including services of organisers of such activities, supplied between businesses (B2B).

Up to 31 December 2010 the above services, were subject to VAT in the country where those activities were physically carried out.

As from 1 January 2011, only admission to such activities is subject to VAT in the country where the activities are physically carried out. Services, other than the admission to such events, are subject to VAT in the country where the recipient of the services has established his business.

Value Added Tax

Vat on immovable property (2/1/2018)

The Cyprus House of Representatives voted on 03 November 2017 a new VAT Law. It was published in the Official Gazette of the Republic of Cyprus on 13 November 2017 and comes into force on 2 January 2018.

The new law introduces VAT at the standard rate for the sale of building land and the leasing/rental of business premises as per the conditions included in the law. It also introduces the reverse charge mechanism for Vatable supplies of land and property under a loan restructuring/force-sale arrangement, which will mostly impact financial institutions.

1. Imposition of vat at standard rate of 19% on building land as from 2 January 2018 on the transfers of non developed land which is intended to be used for the construction of building / structures in the course of carrying out a business activity. No vat will be imposed on the purchase or sale of land located in a livestock zone or areas which are not intended for development such as zones / areas of environmental protection, archaeological and agricultural.
2. Vat on leasing of immovable property (land and commercial buildings, other than residential buildings) when used by lessee in making taxable supplies. the lessor has the right to opt not to impose vat on the specific property. the option is irrevocable.
3. Introduction of Reverse Charge Provision on transfers resulting from loan restructuring or forced transfer of property to lender. These transfers are normally made without any payment by the bank to the taxpayer. The transaction creates a vat liability that the tax payer clearly would not be in a position to pay. for this reason, the article 11D to the main VAT law is introduced transferring the obligation to discharge the vat in such situations from the tax payer to the recipient (the bank). The provisions apply to immovable property including land and / or buildings that are transferred along with the land in which they are build on, provided that the transaction takes place before the occupation of the building. This law will remain in force for a limited period, currently being until 31/12/2019.
4. As from as 1 January 2019 leases of immovable property which effectively transfer the risks and rewards of ownership of immovable property are considered to be supplies of goods. They are subject to standard vat rate.

Value Added Tax

VAT rates

The legislation provides for the following four tax rates:

- Zero rate (0%)
- Reduced rate (5%)
- Reduced rate of 9%
- Standard rate (19%)

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.

Value Added Tax

Reduced rate of 5%

The reduced rate of 5% applies to:

- 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 and applies to

- (i) construction services and
- (ii) services of plumbers, electricians, carpenters and oil painters.

In case the materials cost exceeds 50% of the total value, then the VAT to be charged is the standard rate on the value of the materials and the reduced rate of 5% on the value of the service;

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

Value Added Tax

- food supplements and foodstuffs substitutes previously taxed at standard rate;
- syrups, flavoured or / and coloured;
- supplies of medicines and vaccines which were previously taxed at standard rate;
- 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;
- 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 excludes alcoholic beverages and refreshments, which are subject to the standard rate.
- b) Supply of drugs and vaccines, which are 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.

Value Added Tax

Reduced rate of 9%

The reduced rate of 9% (8% till 12 January 2014) 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
- 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 goods and services not covered by any of the aforementioned.

Exemptions

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

- leasing of buildings used for residence
- Medical and dental care services
- Most banking, insurance and financial services
- Certain cultural educational and sports activities
- Supplies of second-hand buildings
- Management services provided to mutual funds
- Postal services provided by the national postal authority.
- Lottery tickets and betting coupons for football and horse racing

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.

Value Added Tax

The imposition of the reduced rate of 5% applies to 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.

As at 17/11/2016 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.

As from 18/11/2016 the reduced rate of 5% applies on the first 200 square meters. The standard rate applies for the remaining square meters as determined based on the building coefficient.

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

The eligible person must submit an application on a designated 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. The application must be filed prior to the actual delivery of the residence to the eligible person.

In case of cessation before the lapse of 10-year period, the person must notify the Commissioner of Taxation, within 30 days, and pay the difference resulting from the application of the reduced and the standard rate of VAT attributable to the remaining

Value Added Tax

period of 10 years for which the property will not be used as the main and primary place of residence.

Persons who have acquired a residence on which the reduced VAT rate was imposed can reapply and acquire a new residence on which the reduced VAT rate will be imposed. A condition for this to apply is that in case the 10-year period of using the residence as the main and permanent place of residence has not lapsed, the persons must return to the Tax Department the difference in the VAT between the standard and reduced VAT rates applicable at the time of the acquisition or construction of the residence.

Reduced rate of 5% on the renovation and repair of private residences

The renovation and repair of used private residences for which a period of at least three years has elapsed from the date of their first use is subject to vat at the reduced rate of vat of 5%, excluding the value of materials which constitute more than 50% of the value of the services.

The renovation and repair of old private residences and which are used as the place of residence or vulnerable groups or residences that are used as place of residence and which are located in remote areas are subject to the reduced of vat of 5%.

VAT treatment of vouchers

A voucher is an instrument which contains an obligation to accept it as consideration, or partial consideration, for a supply of goods or services. it does not include discount vouchers, an instrument functioning as ticket or postage stamps. There are two types of vouchers. The single - purpose voucher and the multi - purpose voucher.

A single – purpose voucher is a voucher with respect to which the place of supply of the goods or services to which the voucher relates and the vat due on these goods / services are known at the time of the issue of the voucher. The vat due on these goods / services is due at the time of the issue of the voucher or at the point in time of a future transfer in such a case.

Value Added Tax

A multi-purpose voucher is a voucher other than a single-purpose voucher. Voucher for which at the payment of its payment and issue or during any subsequent transfer, the nature of goods / services that will be delivered is not known. Vat is accounted at the redemption time.

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 9% and/or 19%) exceed the threshold amount of € 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 (no registration threshold exists).
- Purchase goods from businesses established in EU member States (Intra-Community acquisitions) the value of which exceeds €10.251,61.

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 affected 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.

Where in a quarter input tax is higher than output tax, the difference is refunded or is transferred to the next VAT quarters.

As from 19 February 2013 taxpayers who make a claim for VAT refund will be entitled to repayment of the principal amounts together with interest in the event that the repayment is delayed for a period exceeding four months from the date of the submission of the claim.

The grace period for the VAT Authorities to repay the refundable amounts is extended by four months (i.e. eight months in total) in the event that the Commissioner is carrying out an investigation in relation to the submitted Claim.

Reverse charge mechanism is applicable to the following transactions between business persons

Domestic Reverse Charge	Article of the Law	Registration threshold
Construction services	11B	€15.600
Trade of specific goods (eg scrap metals)	11C	€15.600
Disposal of immovable property and plots to the Borrower as part of the loan restructuring	11D	€15.600
Supply of certain electronic devices (mobile phones, CPU units, Game consoles, Computer laptops and tablets)	11E	€15.600

Value Added Tax

OSS

Thresholds for distance sales apply for sales up to 1st July 2021, after which the EU rules were updated: For non-EU sellers, there is no revenue threshold and registration will be required in all member states where sales are made. For EU-based sellers, a threshold of €10,000 per annum applies – but this threshold refers to all EU sales, so if sales revenue across the whole EU is greater than €10,000 registration is needed in every EU state where goods are delivered. The new scheme covers the following:

1. New harmonised threshold of €10,000 for the place of supply of distance sales of goods within the EU and supply of Telecommunication, Broadcasting and Electronically supplied services. If the amount of distance sales of goods is below the amount of €10.000 the VAT rate of the member state of establishment of the supplier applies. If above then the VAT rate of the member state of establishment of the customer applies.
2. Extension of MOSS to all B2C services and intra-EU B2C sales of goods subject to threshold of €10,000 (covers goods and telecommunication, broadcasting and electronic services)
3. Online marketplaces and electronic interfaces become liable to collect and pay VAT for B2C supplies of goods (when they invoice or are responsible for the transfer of the goods)
4. In addition, as of 1 July 2021, the Import One-Stop Shop (IOSS) is the new electronic portal that businesses can be used to comply with their VAT e-commerce obligations on distance sales of imported goods, subject to the value of each consignment not exceeding EUR150.
5. A supplier is responsible to collect VAT, even if there is indirect involvement in the transfer of the goods.
6. The low value import exemption from VAT for goods up to EUR 22 has been abolished.
7. A simplification mechanism for the collection of import VAT by postal operators has been introduced for consignments not exceeding EUR150 and

Value Added Tax

for which the IOSS is not used.

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.

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”**.

Value Added Tax

(c) Provision of services

I. General Rule / Place of supply of services

II. 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
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
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

Value Added Tax

Thresholds and penalties		Amount in Euro €
1	Registration threshold (taxable supplies in Cyprus)	15.600
2	Registration threshold for distance sales (sale of goods to persons not subject to VAT registration in Cyprus, by suppliers resident in another EU Member State) as at 30/06/2021	35.000
3.	EU threshold as of 1 July 2021	10,000
4.	Registration threshold for acquisition of goods in Cyprus from suppliers resident in another EU Member States	10.251,61
5.	Registration threshold for intra-community supply of services	No threshold
6.	Registration threshold for non-established persons in Cyprus (taxable supplies in Cyprus)	No threshold
7.	Registration threshold for receipt of services from abroad for which the recipient must account for VAT under the reverse charge provisions	15.600
8.	Penalty for late submission of VAT return (from 20 August 2020)	100 for each return
9.	Penalty for failure to apply the reverse charge provisions (Effective as of 1 July 2021)	200 for each return
10.	Penalty for omission to keep books and records for a period of 6 years	341
11.	Penalty for late submission of VIES return	50 for each return
12.	Penalty for late submission of corrective VIES return	15 for each return
13.	Omission to submit the VIES return constitutes a criminal offence with a maximum penalty of	850
14.	Penalty for late registration with the VAT authorities	85 per month of delay

08

Immovable Property Tax



Immovable Property Tax

Immovable Property Tax

The immovable property tax has been abolished as from 1 January 2017.

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 until September 2013

Property value at 1/1/1980	Rate	Accumulated tax
€	‰	€
Up to 120.000	-	-
120.001 - 170.00	4	200
170.001 -300.000	5	850
300.001 – 500.000	6	2.050
500.001 – 800.000	7	4.150
Over 800.000	8	

Tax rates revised in September 2013

Property value at 1/1/1980	Rate	Accumulated tax
€	‰	€
Up to 12.500	exempt	exempt
Up to 40.000	6	240
40.001 -120.000	8	880
120.001 – 170.000	9	1.330
170.001 – 300.000	11	2.760
300.001 – 500.000	13	5.360
500.001 – 800.000	15	9.860
800.001 – 3.000.000	17	47.260
Over 3.000.000	19	

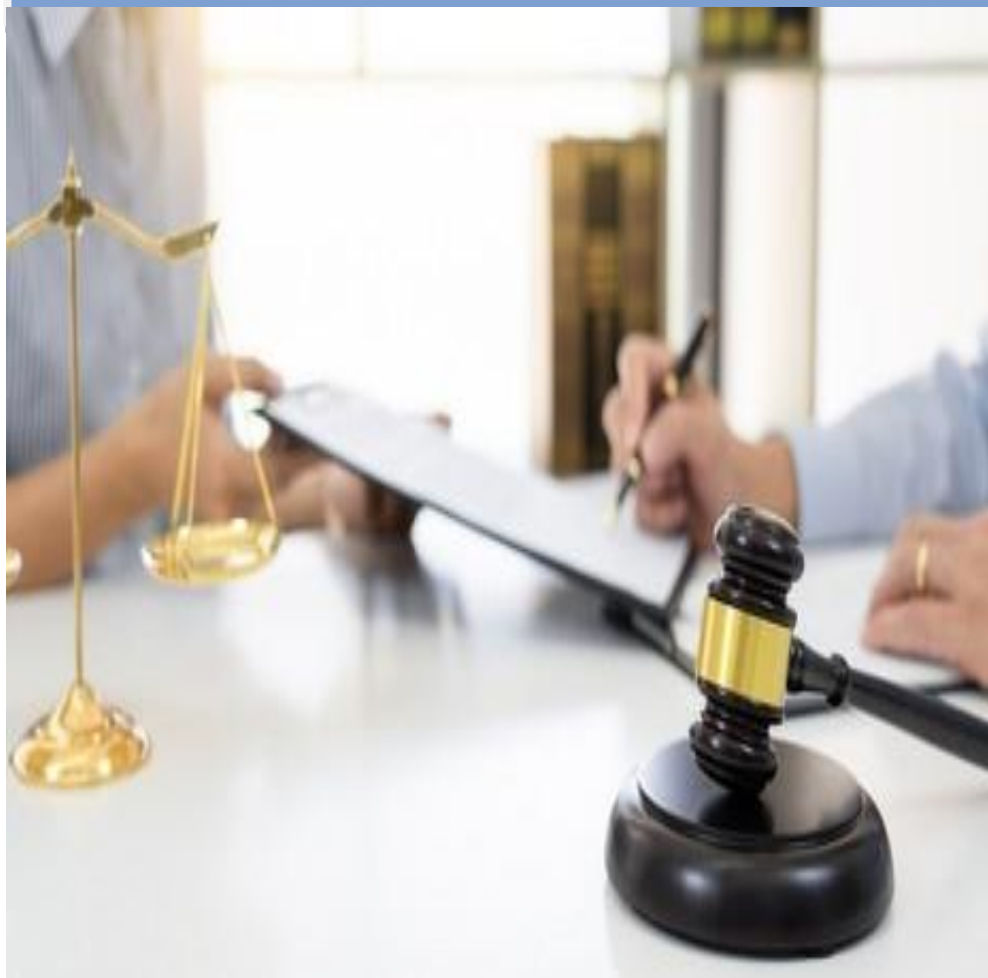
Immovable Property Tax

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.

09 Trusts



Trusts

A trust is established by an individual "the settlor" and is a means whereby one or more persons "the Trustees" hold property "the Trust Property" 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 involves trusts.

International trusts

The International Trusts Law of Cyprus governs international trusts. 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.

10

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 85.000	3	2.500	2.500
85.000 - 170.000	5	4.250	6.800
Over 170.000	8		

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%

The following rates are also applicable in the case of free transfers:

from parents to children	nil
between spouses	0,1%
between third degree relatives	0,1%
to trustees	€50

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 at 01/01/2013.

Mortgage registration fees are payable at 1% of the value of the loan/charge.

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

Abolition / Reduction of Property Transfer fees

1 Exemption from transfer fees if the transfer relates to a transaction that is subject to VAT

2 In case a transaction is not subject to VAT, the legislation provides for an exemption of 50% of the transfer fees.

11

Social Insurance



Social Insurance

Social Insurance

Salaried contributions

	2023	2022
Employee contributions	%	%
• Social insurance***	8,3	8,3
Other employer's contributions		
• Social insurance	8,3	8,3
The rate of 8.3% will continue till the end of 2023. Thereafter the rate will increase by 0.50% every five years until it reaches 10,3% as from 01/01/2039.		
• Social cohesion fund *	2,0	2,0
• Redundancy fund **	1,2	1,2
• Industrial training fund **	0,5	0,5
• Holiday fund (if is not exempt) **	8,0	8,0

* Social cohesion fund is calculated on total emoluments and has no maximum level

** Restricted to the maximum level as with the social insurance contributions

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

2023

€

- Weekly employees 60.060 (€1.155 per week)
- Monthly employees 60.060 (€5.005 per month)

The contributions of self-employed persons are 15,60 (2014-2018: 14,6) per cent of income. The rate will increase by 1% every five years until it reaches 19,6% as from 01/01/2039.

Social Insurance

The amount of the contributions is subject to a lower and a maximum limit., depending on the profession or trade of the self-employed person. The upper limits of income on which self-employed persons pay social insurance contributions are €1.155 per week and the lower limits depend on the profession. The below lower limits refer to year 2023:

	Lower Limit 2023
	Weekly €
1. Persons exercising a profession for over / under ten years	856,49 424,43
2. Wholesalers, estate agents, insurance agents, industrialists and other businessmen	856,49
3. Teaching professionals	827,62 413,81
4. Builders and other related to construction industry	519,67
5. Farmers, stock breeders, fishermen and other related activities	288,71
6. Transport drivers, excavator drivers and other related activities	413,81
7. Technicians, Telecommunication Cooperators	413,81
8. Clerks, typists, cashiers, secretaries	413,81
9. Workers not falling in any other occupational category	413,81
10. Shop owners / supervisors	394,56
11. Butchers, bakers, confectioners and similar profession	317,58
12. Street vendors, mail carriers, garbage collectors, miners and quarry workers, deck service providers and salesman	288,71
13. Cleaners, Messengers, watchpersons, dry cleaning owners	394,56
14. Draughtspersons, computer equipment operators, ships' engineers, agents and related occupations, musicians, magicians	423,43
15. Persons not falling under any other occupational category	423,43

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 th of following May
April – June	10 th of following August
July – September	10 th of following November
October – December	10 th 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.

12

National Health System

The National Health System Law of 2001 as amended (89(I)2017) states the Contribution rates to the GHS which started on 01/03/2019 and increased in 2021 as per the table below. Contributions are to be applied to a maximum level of income (including interest, dividends, rental income) of €180.000 per annum.

Category	Applied on	As at 31/05/2020	As from 1/6/2020 Current
Employees	Own emoluments	1,70%	2,65%
Employers	Employees emoluments	1,85%	2,90%
Self employed	Own income	2,55%	4,00%
Pensioners	Pension	1,70%	2,65%
Physical persons earning income e.g. rent, dividends, interest and other income	rent, dividends, interest and other income	1,70%	2,65%
Any person that holds or exercise an office	Officers' remuneration	1,70%	2,65%
The Government or Natural / Legal person responsible for the remuneration of persons holding an office	Officers' remuneration	1,85%	2,90%
The consolidated fund of the Republic	On the emoluments / pensions	1,65%	4,70%

13

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. In addition, any contracts relating to assets situated outside Cyprus or business affairs that take place outside Cyprus are exempt from stamp duty.

Nature of documents	As from 01/03/2013
• Receipts for amounts over €4	€0,07
• Letters of credit	€2,00
• Letters of guarantee	€4,00
• Will	€18,00
• Bills of exchange (payable within three days on demand or at sight)	€1,00
• Contracts without fixed sum	€35,00
• Contracts with a fixed amount	
- Up to €5.000	0%
- €5.001 - €170.000	1.5‰
- Over €170.000	0,2% (maximum duty €20.000)
• Customs declaration documents	€18,00 - €35,00
• Bills of lading	€4,00

Stamp Duty

	As from 01/03/2013
• Powers of attorney	General limited €6,00 €2,00
• Certified copies of contracts and documents	€2,00
• Issue of tax residency certificate by Inland Revenue Department	€80,00
Companies Registrar Rights and fees	
Registration of a limited company by shares or guarantee, with share capital	€105,00
Registration of a company without share capital	€175,00
Issued share capital upon incorporation of a Cyprus company	No capital duty if the shares are issued at their nominal value. There is a €20 flat duty if the shares are issued at a premium
Issued share capital upon subsequent increases	€20,00 flat duty on every issue, whether the shares are issued at nominal value or at a premium.
Change of name of company	€40,00
Reduction of capital	€80,00
Application for registration of a general or a limited partnership	€120,00
Application for registration of a business name	€80,00
Filing with the Registrar of the following document:	
Annual Report	€20,00
Annual Report which is overdue	€40,00
Notification of a registered mortgage on immovable property in the Republic of Cyprus irrespective of the sum of money	€20,00

Stamp Duty

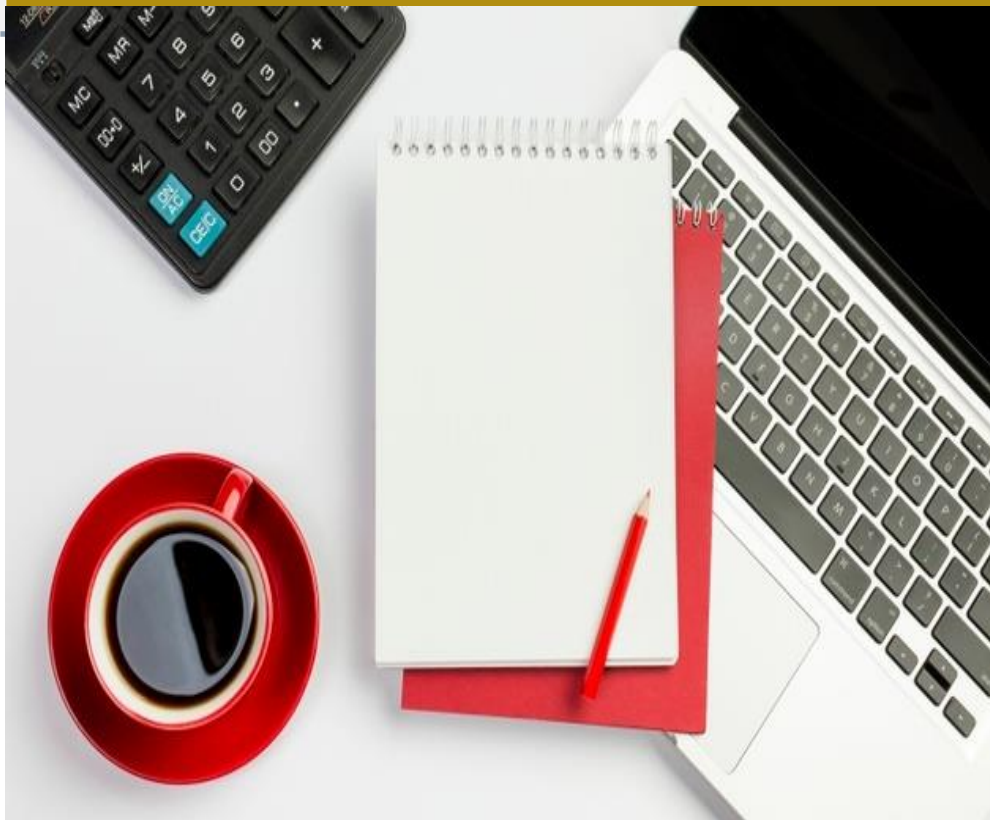
Registration of a charge apart from a mortgage on immovable property within the Republic of Cyprus:	
- On the form of notification of the charge	€40,00
- On the charge document securing maximum amount:	
- For a sum of money up to €17.086	€100,00
- For a sum of money exceeding €17.086 but not over €34.172	€200,00
- For a sum of money exceeding €34.172 but not over €85.430	€340,00
- For a sum of money exceeding €85.430 but not over €170.860	€500,00
- For a sum of money over €170.860 where no amount is mentioned	€600,00

Payment of annual levy by companies registered in the Cyprus company register

All companies registered in Cyprus must pay an annual levy of €350. In the case of group companies, the total amount payable is capped at €20.000.

- The annual levy is payable from the year of incorporation.
- The above-mentioned levy is payable to the Registrar of Companies by 30 June of each year.
- Late payment of the levy will give rise to the following penalties:
 - in case of up to a 2-month delay - a 10% penalty;
 - in case of a delay between 2 and 5 months - a 30% penalty.
- Non-payment of the levy may result in deregistration (strike-off) of a company by the Cyprus Registrar of Companies (which will not allow the company to submit documents or request certificates from the Registrar of Companies).
- If a company is re-instated within a two-year period from its strike-off a fixed penalty of €500 (in addition to the outstanding amount of the levy) is imposed. The fixed fee will be increased to €750 where a company is re-instated after the two-year period.

14Tax Diary



Tax Diary

End of following month

- Payment of tax deducted from employees salary (PAYE) in the preceding month
- Defence contribution deducted from dividends, interest or rent* paid in the previous month
- Payment of tax withheld during the previous month on payments to non-Cyprus tax residents
- 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 2020 (two years ago).

31 March

- Electronic submission of the 2021 corporation tax return (IR4) for accounting periods ending on 31 December 2021
- Submission of the 2021 income tax return of physical persons preparing audited financial statements (IR1)

30 April

- Payment of premium tax for life insurance companies - first instalment for the year 2023

31 May

- Electronic submission by employers of the total 2022 payroll (IR7)

30 June

- Payment of special contribution for defence for the first six months of the year (2023) on rents, dividends and interest derived from sources outside Cyprus.

Tax Diary

31 July

- Submission of the 2023 provisional tax assessment and payment of the first installment.
- Electronic submission of 2022 personal tax returns of individuals whose gross income exceeds €19.500.
- Payment of 2022 personal income tax under the self-assessment by employees
- Electronic submission of 2022 personal tax returns and payment of 2022 personal income tax under the self-assessment method by other individuals who have gross income that falls under Article 5 (includes salaries, dividends, interest and profit from share dealings) and who are not obliged to prepare audited financial statements

1 August

- Payment of previous year's final corporation tax under the self-assessment method and of personal income tax by individuals preparing audited financial statements.

31 August

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

31 December

- Payment of provisional tax - second and last instalment for the year 2023
- Payment of second instalment of special contribution for defence for the last six months of the year (2023), on the income from rents, dividends and interest received from sources outside Cyprus.
- Payment of premium tax for life insurance companies -third and last instalment for the year

Tax Diary

Interest and Penalties

The official rate of interest as set by the Minister of Finance for all amounts due as from 1 January 2023 is 2,75%

The applicable interest rate for previous years is as shown below:

Period	Interest rate %
Up to 31/12/2006	9,00
01/01/2007 – 31/12/2009	8,00
01/01/2010 – 31/12/2010	5,35
01/01/2011 – 31/12/2012	5,00
01/01/2013 – 31/12/2013	4,75
01/01/2014 – 31/12/2014	4,50
01/01/2015 – 31/12/2016	4,00
01/01/2017 – 31/12/2018	3,50
01/01/2019 – 31/12/2019	2,00
01/01/2020 – 31/12/2022	1,75
01/01/2023 – 31/12/2023	2,25

In addition to the interest, penalties are also charged depending on the circumstances.

Administrative penalties amounting to €100 or €200 depending on the specific case, will be imposed for late submission of declarations or late submission of supporting documentation requested by the Commissioner. In the case of late payment of the tax due, an additional penalty at the rate of 5% will be imposed on the unpaid tax.

Notes:

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

15

Apserou Shiaka and Co services

Our main aim is to offer our clients services of the highest standards through our specialized departments and to add value to their business activities. This is achieved through an in-depth knowledge of our clients' activities and needs and the expertise and knowhow of our people

Our services

Audit and Assurance Services

Accounting and Vat

Payroll

Tax and Vat Compliance

Consulting and business advisory

Corporate and Fiduciary services


Management services

Office facilities


16

Contact details

Apserou Shiaka & Co Limited

Address:
 22A Evagoras Pallikarides
Ayios Dometios, 2369 Nicosia, Cyprus

 **Web:** www.shiakas.com
E-mail: info@shiakas.com

T:  +357-22 424 096
F: +357 22 424 097

