

**مرسوم بقانون رقم (٤٧) لسنة ٢٠١٨
بالتصديق على الاتفاقية الموحدة لضريبة القيمة المضافة
لدول مجلس التعاون لدول الخليج العربية**

نحن حمد بن عيسى آل خليفة ملك مملكة البحرين.
بعد الاطلاع على الدستور، وعلى الأخص المادة (٣٨) منه،
وعلى الاتفاقية الموحدة لضريبة القيمة المضافة لدول مجلس التعاون لدول الخليج
العربية، المحررة بتاريخ ٢٧ نوفمبر ٢٠١٦،
وبناء على عرض رئيس مجلس الوزراء،
وبعد موافقة مجلس الوزراء،

رسمنا بالقانون الآتي:

المادة الأولى

صودق على الاتفاقية الموحدة لضريبة القيمة المضافة لدول مجلس التعاون لدول الخليج
العربية، المحررة بتاريخ ٢٧ نوفمبر ٢٠١٦، والمرافقة لهذا القانون.

المادة الثانية

على رئيس مجلس الوزراء والوزراء - كل فيما يخصه - تنفيذ هذا القانون، ويُعمل
به من اليوم التالي لتاريخ نشره في الجريدة الرسمية.

ملك مملكة البحرين
حمد بن عيسى آل خليفة

رئيس مجلس الوزراء
خليفة بن سلمان آل خليفة

صدر في قصر الرفاع:
بتاريخ: ٢٥ محرم ١٤٤٠هـ
الموافق: ٥ أكتوبر ٢٠١٨م



الأمانة العامة

**Common VAT Agreement
of the States of the
Cooperation Council for the Arab Gulf States (GCC)
November 2016**

Common VAT Agreement of the States of the Cooperation Council for the Arab Gulf States (GCC)

The Members of the Cooperation Council for the Arab Gulf States (GCC) namely:

The United Arab Emirates,

The Kingdom of Bahrain,

The Kingdom of Saudi Arabia,

The Sultanate of Oman,

The State of Qatar, and

The State of Kuwait

Pursuant to the objectives set out in the Statute of the Gulf Cooperation Council aimed at the importance of developing existing cooperation relations amongst them in various fields;

In line with the objectives of the GCC Economic Agreement of 2001, which seeks to reach advanced stages of economic integration, and develop similar economic and financial legislation and legal foundations amongst Member States, and with a desire to promote the GCC economy and proceed with the measures that have been taken to establish economic unity amongst Member States; and

Pursuant to the Supreme Council decision at its 36th meeting (Riyadh - 9-10 December, 2015) with respect to the common imposition by the GCC States of VAT at a rate of 5% and delegating to the Financial and Economic Cooperation Committee the completion of all the requirements necessary to pass the (Common VAT Agreement of the states of the Cooperation Council for the Arab Gulf States) and signing it. This Agreement aims to establish a common legal framework for the introduction of a general tax on consumption in the GCC known as (VAT) levied on the import and supply of Goods and Services at each stage of production and distribution.

have agreed to the following:

Chapter One
Definitions and General Provisions
Article (1)
Definitions

In the application of the provisions of this Agreement, the following words and expressions shall bear the meanings set forth against each of them unless the context otherwise requires:

The Council: The cooperation Council for the Arab States of the Gulf (GCC).

Agreement: The Common VAT Agreement of the States of the GCC.

Tax: Value Added Tax (VAT) imposed on the import and supply of Goods and Services at each stage of production and distribution, including "Deemed Supplies".

Member State: Any country with full membership status in the GCC in accordance with the Council's statute.

GCC Territory: All territories of the Member States.

Domestic Law: The VAT Law and any relevant legislation issued by each Member State.

Person: Any natural or legal person, public or private, or any other form of partnership.

Taxable Person: A Person conducting an Economic Activity independently for the purpose of generating income, who is registered or obligated to register for VAT in accordance with the provisions of this Agreement.

Economic Activity: An activity that is conducted in an ongoing and regular manner including commercial, industrial, agricultural or professional activities or services or any use of tangible or intangible property and any other similar activity.

Taxable Trader: The Taxable Person in any Member State whose main activity is the distribution of Oil, Gas, Water or Electricity.

Place of Business: The place where a business is legally established, or where its actual management center is located where key business decisions are made if different from the place of establishment.

Fixed Establishment: Any fixed location for a Business other than the Place of Business, in which the business is carried out and is distinguished by the permanent presence of human and technical resources in such a way as to enable the Person to supply or receive Goods or Services.

Place of Residence of a Person: The location of Place of Business or any other type of Fixed Establishment is. In the case of a natural person, if it does not have a Place of Business or Fixed Establishment, it will be its usual place of residence. If a Person has a Place of Residence in more than one State, the place of residence will be considered to be in the place most closely connected with the supply.

Resident Person: A person will be resident in a State if it has a place of residence therein.

Non-Resident Person: A person is not resident in a State if it has no Place of Residence therein.

Supplier: The Person who supplies Goods or Services.

Customer: The Person who receives Goods or Services.

Reverse Charge Mechanism: A mechanism by which the Taxable Customer is obligated to pay the Tax due on behalf of the Supplier and is liable for all the obligations provided for in the Agreement and the Domestic Law.

Related Persons: Two or more Persons where one of them has supervisory or directive control over the others in such a way that it has administrative power that enables it to influence the business of the other Persons from a financial, economic or regulatory aspect. This includes Persons who are subject to the authority of a third Person that enables it to control their businesses from the financial, economic or regulatory aspect.

Supply: Any form of supply of Goods or Services for consideration in accordance with the cases provided for in Chapter Two of this Agreement.

Deemed Supply: Anything that is considered a Supply in accordance with the cases provided for in Article 8 of this Agreement.

Input Tax: Tax borne by a Taxable Person in relation to Goods or Services supplied to it or imported for the purpose of carrying on the Economic Activity.

Common Customs Regulations (Law): The Common Customs Regulations (Law) of the States of the GCC.

First Point of Entry: The first customs point of entry through which Goods enter the GCC Territory from abroad in accordance with the Common Customs Law.

Final Destination Point: The customs point of entry through which Goods enter the Final Destination State within the GCC Territory.

Consideration: All that has been or will be collected by the Taxable Supplier from the Customer or a third party for the Supply of Goods or Services inclusive of the VAT.

Exempted Supplies: Supplies on which no Tax is charged and for which associated Input Tax is not deducted pursuant to the provisions of the Agreement and Domestic Law.

Taxable Supplies: Supplies on which Tax is charged in accordance with the provisions of the Agreement, whether at the standard rate or zero-rate, and for which associated Input Tax is deducted in accordance with the provisions of the Agreement.

Intra-GCC Supplies: Supplies of Goods or Services by a Supplier who resides in a Member State to a Customer who resides in another Member State.

Goods: All types of tangible property (tangible assets), including water and all forms of energy including electricity, gas, lighting, heating, cooling and air conditioning.

Import of Goods: The entry of Goods into any Member State from outside the GCC Territory in accordance with the provisions of the Common Customs Law.

Export of Goods: Supply of Goods from any Member State to the outside of the GCC Territory in accordance with the provisions of the Common Customs Law.

Competent Tax Administration: The relevant government entity in each Member State responsible for the administration, collection and enforcement of the Tax.

Deductible Tax: Input Tax that may be deducted from the Tax due on supplies for each Tax Period in accordance with the Agreement and Domestic Law.

Capital Assets: Tangible and intangible assets that form part of a business's assets allocated for long-term use as a business instrument or means of investment.

Tax Period: The period of time for which the Net Tax must be accounted.

Net Tax: Tax resulting from deducting the Deductible Tax in a Member State from the Tax Due in that State within the same Tax Period. Net Tax may either be payable or refundable.

Mandatory Registration Threshold: The minimum value of actual supplies at which the Taxable Person becomes obligated to register for Tax purposes.

Voluntary Registration Threshold: The minimum value of actual supplies at which the Taxable Person may apply to register for Tax purposes.

Ministerial Committee: The Financial and Economic Cooperation Committee of the Council States.

Article (2)

Scope of Tax

The Agreement shall come into effect in the GCC Territory and the Tax shall be imposed on the following transactions:

1. Taxable Supplies made by a Taxable Person in the Member State Territory.
2. Receipt by a Taxable Customer of Goods or Services supplied to it by a Non- Resident Person and not Taxable Person in the Member State in such instances where the Reverse Charge Mechanism applies.
3. Importation of Goods by any Person

Article (3)
Calculation of Dates

Dates and Timeframes stipulated in the Agreement shall be calculated in accordance with the Gregorian Calendar.

Article (4)
Tax Group

Each Member State may treat the Tax Group as a single Taxable Person in accordance with the terms and conditions it puts in place for that purpose.

A Tax Group means two or more Legal Persons who are Residents of the same Member State.

Chapter Two
Supplies within the Scope of the Tax

Article (5)
Supply of Goods

1. A Supply of Goods means the transfer of ownership of such Goods or the right to dispose of the same as an owner.
2. A Supply of Goods includes the following transactions:
 - a. Transfer of possession Goods under an agreement that provides for the transfer of ownership of these Goods or the possibility of transferring the same at a date subsequent to the date of the agreement, which shall be no later than the date on which the Consideration is paid in full;
 - b. granting rights in rem deriving from ownership giving the right to use real estate;
 - c. C. compulsory transfer of ownership of the Goods for Consideration pursuant to a decision of the public authorities or by virtue of any applicable law.

Article (6)

Transporting Goods from One Member State to Another

1. A Taxable Person who transports Goods forming part of its assets from the place where they are in a Member State to another place in another Member State shall be deemed to have made a Supply of Goods.
2. A transport of Goods as provided for in subsection 1 of this Article shall not be considered a Supply of Goods if it was done for one of the following purposes:
 - a. to use the Goods in the other Member State temporarily within the conditions of temporary admission provided for in the Common Customs Law;
 - b. where the transport of goods is done as part of another Taxable Supply in the other Member State.

Article (7)

Supply of Services

Any Supply that does not constitute a Supply of Goods under this Agreement shall be considered a Supply of Services.

Article (8)

Deemed Supply

1. A Taxable Person shall be deemed to have made a Supply of goods when disposing of Goods that constitute part of its assets in any of the following cases:

disposal of Goods, for purposes other than Economic Activity, with or without

 - a. Consideration;
 - b. changing the use of Goods to use for non-taxable Supplies;
 - c. retaining Goods after ceasing to carry on an Economic Activity; and
 - d. supplying Goods without Consideration, unless the Supply is in the course of business, such as samples and gifts of trivial value as determined by each Member State.
2. A Taxable Person shall be deemed to have made a Supply of following cases:
 - a. use by it of Goods that constitute part of its assets for purposes other than those of an Economic Activity; and
 - b. supplying Services without Consideration.

3. The provisions of this Article shall apply if the Taxable Person has already deducted Input Tax related to the Goods and Services mentioned in this Article.
4. Each Member States may determine the terms and conditions for the implementation of this Article.

Article (9)

Receiving Goods and Services

1. If the Taxable Person in a Member State receives taxable Goods or Services from a Resident Person in another Member State, then it shall be deemed to have supplied these Goods or Services to himself and the Supply shall be taxable in accordance with the Reverse Charge Mechanism.
2. If a Taxable Person residing in a Member State receives Services from a Non-Resident Person of the GCC Territory, then that Person shall be deemed to have supplied these Services to himself and the Supply shall be taxable according to the Reverse Charge Mechanism

Chapter Three

Place of Supply

Part One

Place of Supply of Goods

Article (10)

Supply of Goods without Transport

The place of a supply of goods that occurs without transport or dispatch thereof shall be the place where the goods are located on the date they are placed at the customer's disposal.

Article (11)

Supply of Goods with Transport

The place of a Supply of Goods that occurs with transport or dispatch thereof by the Supplier or on behalf of Customer shall be the place where the Goods are located when the transport or dispatch commences.

Article (12)
Special Case of Intra-GCC Supplies with Transport

1. As an exception to the provisions of Article 11 of this agreement, the place of supply for an intra-GCC Supply of Goods including transport or dispatch thereof from one Member State to another shall be in the state in which the transport or dispatch of goods ends in the following cases:
 - a. If the customer is a Taxable person
 - b. Without prejudice to subsection 2 of this Article, if the Customer is not a Taxable Person and the Supplier is registered or is obligated to be registered in the State where the Customer resides.
2. The place of an Intra-GCC Supply of Goods with transport or dispatch thereof but without installation or assembly by a registered supplier who is registered for Tax purposes in a Member State to a Customer who is not registered for Tax purposes in another Member state shall be the place where the Goods are located on the date the transport or dispatch begins, provided that the total value of the Supplies of that supplier during any 12 months period does not exceed an amount of SAR 375,000, or its equivalent in GCC currencies, in the state to which the supply is provided. In the event that the total value of the supplies exceeds this amount, this shall result in the Supplier registering in that State
3. If the transport of Goods from one Member State to another cannot be established through compliance with the obligations provided for in Article 6 of this Agreement and the Domestic Laws, the place of supply shall be where the Goods are located on the date the transportation or dispatch begins.
4. In the event of a Supply of Goods that occurs without transport or dispatch, and it is later established that the transport or dispatch of such Goods to a Member State took place in the circumstances provided for in Subsection 1 of this Article, the State in which the transport or dispatch ends has the right to recover the Tax from the Member State where the transportation or dispatch started in accordance with the Automated Direct Transfer Mechanism in force with Customs or any other mechanism approved by the Ministerial Committee

Article (13)
Intra-GCC Supplies to Non-Registered Persons.

Each Member State has the right to claim from another Member State the Tax paid if the value of the Supply exceeds the amount of SAR 10,000, or its equivalent in other currencies of the GCC, to individuals and non-registered persons, and the settlement of the Tax shall be in accordance with the Customs Duties Automated

Direct Transfer Mechanism applicable under the framework of the Customs Union of the GCC. The Ministerial Committee may propose any other mechanisms.

The Member State may also impose the Tax on these supplies at its point of entry to such Member State if no evidence is presented to establish that the Tax was paid in the other Member State.

Article (14)

Supply of Gas, Oil, Water and Electricity

As an exception to the provisions of Articles (10) and (11) of this Agreement:

1. The place of Supply for gas, oil and water through the pipeline distribution system and Supply of electricity by a Taxable person who is established in a Member State to a Taxable Trader established in another Member State shall be the place where the Taxable Trader is established.
2. The place of Supply for gas, oil and water through the pipeline distribution system and Supply of electricity to a person who is not a Taxable Trader shall be the place of actual consumption.

Part Two

Place of Supply of Services

Section One

General Principle

Article (15)

Place of Supply of Services

The Place of Supply for Services provided by a Taxable Supplier shall be the Place of Residence of the Supplier.

Article (16)

Place of Supply of Services between Taxable Persons

As an exception to the provisions of Article 15 of this Agreement, the place of Supply of Services provided by a Taxable Supplier to a Taxable Customer shall be the place of Residence of the Customer.

Section Two
Special Cases
Article (17)
Leasing means of Transport

As an exception to the provisions of Article 15 of this Agreement, the place of supply for leasing means of transport by Taxable Supplier to a Non-Taxable Customer shall be the location where these means of transport were placed at the Customer's disposal.

Article (18)
Supply of Goods and Passenger Transport Services

As an exception to the provisions of Article 15 of this Agreement, the place of supply of Services for the transport of Goods and passengers and related Services shall be the place where the transport begins.

Article (19)
Supply of Real Estate Related Services

1. Real Estate Related Services shall mean those that are closely linked to real estate, including:
 - a. real estate experts and agent services;
 - b. granting the right to possess or use real estate;
 - c. services related to construction work;
2. As an exception to the provisions of Article 15 of this Agreement, the place of supply of real estate related services shall be where the real estate is located.

Article (20)
Supply of Wired and Wireless Telecommunication Services and Electronically Supplied Services

The place of supply for wired and wireless telecommunication Services and electronically supplied Services shall be the place of actual use of or enjoyment of these Services.

Article (21)
Supply of Other Services

The place of supply for the following Services shall be where they are actually performed:

- a. restaurant, hotel and catering services.
- b. cultural, artistic, sport, educational and recreational Services.
- c. services linked to transported Goods supplied from a taxable Supplier residing in a Member State to a non-taxable Customer residing in another Member State.

Part Three
Place of Import
Article (22)
Place of Import

1. The place of import for Goods shall be the State of the First Point of Entry.
2. When Goods are immediately placed under customs duty suspension under the Common Customs Law upon entry into the GCC Territory, then the place of import shall be in the Member State where these Goods were released from the duty suspension arrangement.

Chapter Four
Tax Due Date
Article (23)
Date of Tax Due on Supplies of Goods and Services

1. Tax becomes due on the date of the supply of Goods or Services, the date of issuance of the tax invoice or upon partial or full receipt of the Consideration and to the extent of the received amount, whichever occurs first.
2. The date of Supply provided for in subsection 1 of this Article shall be as follows:
 - a. the date on which the Goods were placed at the Customer's disposal with regards to the supplies of Goods without transport or dispatch;
 - b. the date on which the transport or dispatch of Goods begins with regards to supplies of Goods with transport or dispatch;

- c. the date on which the assembly or installation of Goods was completed with regards to the supplies of Goods with assembly or installation;
 - d. the date on which the performance of the services was completed;
 - e. the date of occurrence of any of the events referred to in Article 8 of this Agreement.
- 3. As an exception to the provisions of subsections 1 and 2 of this Article, with regards to supplies of a repetitive nature leading to the repetitive issuance of invoices or payment of a Consideration, the Tax is due on the payment date specified in the invoice or actual date of the actual payment, whichever comes first, and at least once in every period of 12 consecutive months.
- 4. Each Member State may determine the date on which Tax becomes due with regards to supplies not referred to in the foregoing subsections of this Article.

Article (24)

Tax Due Date on Importation

Tax becomes due on the date of importing Goods into the Member State, subject to the provisions of Article 39 related to cases of Tax suspension upon importation and Article 64 related to the mechanism for paying Tax due on imports.

Chapter five

Calculation of Tax

Article (25)

Tax Rate

- 1. The Tax shall be applied at the standard rate of 5% of the value of the Supply or the value of imports, unless this Agreement provides for an exemption or a zero-rate application on such supplies.
- 2. Without prejudice to the obligations provided for under this Agreement and the Domestic Laws, published prices in the domestic market for Goods and Services must be inclusive of VAT.

Article (26)
Value of Supply of Goods and Services

1. The fair market value is the amount at which Goods or Services can be traded in an open market between two independent parties under competitive conditions determined by each Member State.
2. The value of a Supply shall be the value of the Consideration less the Tax and includes the value of the non-cash portion of the Consideration determined according to the fair market value.
3. The value of the Supply shall include all the expenses imposed by the Taxable Supplier on the Customer, the fees due as a result of the Supply and all the Taxes including excise Tax, but excluding VAT.
4. In the case of a Deemed Supply and transport of Goods from one Member State to another, the value of the Supply shall be the purchase value or cost. If the purchase value or cost cannot be determined, then the fair market value shall apply.
5. Each Member State shall determine the terms and conditions for adjusting the value of the Supply between Related Persons
6. The value of the Supply is reduced by the following:
 - a. discounts on prices and deductions granted to the Customer;
 - b. the value of subsidies granted by the Member State to the Supplier;
 - c. amounts paid by the taxable supplier in the name of and on behalf of the Customer. In this case the taxable supplier shall not be entitled to deduct the Tax paid on these expenses.
7. If any of the components of the value of the Supply is expressed in a foreign currency, it shall be converted into the local currency based on the official exchange rate applied in the Member State on the Tax due date.
8. Each Member State may determine the value of the supply in certain cases not referred to in this Article.

Article (27)
Adjustment of Tax Value

A Taxable Person may adjust the value of the Tax imposed upon any of the following events taking place at a date later than the supply date:

1. total or partial cancellation or rejection of a supply;
2. reduction of the value of the supply;
3. total or partial non-collection of the Consideration in accordance with the conditions applicable to bad debts in each Member State.

Article (28)
Value of Imported Goods

1. The value of imported Goods will be the customs value determined in accordance with the Common Customs Law plus Excise Tax, customs duties and any other liabilities, with the exception of VAT.
2. For Goods temporarily exported outside the GCC Territory for completion of manufacturing or repair thereof abroad, these Goods shall be taxed when reimported on the basis of the value added to them as provided for in the Common Customs Law.

Chapter Six

Exceptions

Article (29)

Rights of States to Exempt Certain Sectors or Tax them at Zero-Rate

1. Each Member State may exempt or tax at Zero-Rate the following sectors in accordance with the terms and conditions set by that Member State:
 - a. education sector;
 - b. health sector;
 - c. real estate sector;
 - d. local transport sector;
2. Each of the Member States may subject its oil, oil derivatives and gas sector to Tax at zero-rate in accordance with the terms and conditions set by each Member State.

Article (30)

Exceptions to Payment of Tax in Special Cases

Each Member State may exclude the following categories from paying the Tax upon receipt of Goods and Services in that state, and each Member State may allow these Persons to reclaim Tax borne upon receipt of Goods and Services in accordance with the terms and conditions determined by that Member State.

These categories include:

- Government bodies determined by each state;
- Charities and public welfare establishments as determined by each State;

- Exempted companies under international event hosting agreements;
- Citizens of the Member State when constructing their homes for private use;
- Farmers and fishermen who are not registered for Tax;

Article (31)

Supply of Foodstuffs, Medicines and Medical Equipment

I: Foodstuffs:

All foodstuffs shall be subject to the standard Tax rate. Member States may apply the zero-rate on foodstuffs mentioned in a unified list of Goods approved by the Financial and Economic Cooperation Committee.

II: Medicines and Medical Equipment

Medicines and medical equipment shall be subject to the zero-rate in accordance with unified provisions proposed by the committee of Health Ministers and approved by the financial and economic cooperation committee.

Article (32)

Intra-GCC and International Transportation

The following transport transactions shall be subject to Tax at zero rate:

1. Transport of goods and passengers from one Member State to another and the Supply of services related to transport.
2. International transport of Goods and passengers from and to the GCC Territory and the Supply of services related to transport.

Article (33)

Supply of Means of Transport

Each Member State may apply the zero-rate to the following supplies:

1. Supply of sea, land and air means of transport allocated to the transport of Goods and passengers in return for a fee for commercial purposes;
2. Supply of Goods and services related to the supply of means of transport mentioned in subsection 1 of this article allocated to the operation, repair maintenance or conversion of any of these means or for the requirements of the means of transport or their cargoes or passengers;
3. Supply of rescue airplanes, rescue boats and aid by land and sea and boats allocated to sea fishing.

Article (34)

Supplies to Outside the GCC Territory

1. The following supplies shall be subject to the zero-rate:
 - a. the export of Goods outside the GCC Territory;
 - b. supply of Goods to a customs duty suspension arrangement as provided for in the Common Customs Law and the supply of Goods within customs duty suspension arrangements;
 - c. re-export of moveable Goods that have been temporarily imported into the GCC Territory for repairs, refurbishment, conversion or processing as well as the Services added to these goods;
 - d. supply of Services by a Taxable Supplier residing in a Member State for a Customer who does not reside in the GCC Territory who benefits from the service outside the GCC Territory in accordance with the criteria determined by each Member State except for the cases provided for in Articles 17 to 21 of this Agreement that determine the place of supply as being in a Member State.
2. The supply of Goods and Services out of the GCC Territory shall be subject to the zero-rate when such supply is exempt from Tax inside the Member State.

Article (35)

Supply of Investment Gold, Silver and Platinum

1. For the purposes of this Article, gold, silver or platinum shall be considered as an investment when the metal is at a purity level not less than 99% and tradable on the Global Bullion Exchange.
2. The supply of investment gold, silver, and platinum shall be subject to Tax at the zero rate.
3. The first supply after extraction of gold, silver and platinum shall be subject to Tax at the zero rate.

Article (36)
Financial Services

1. Financial Services performed by banks and financial institutions licensed under the laws in force in each Member State shall be exempt from Tax. Banks and financial institutions may reclaim Input Tax on the basis of the refund rates determined by each state.
2. As an exception to subsection 1 of this Article, each State may apply any other tax treatment to financial services.

Article (37)
Taxation of Supplies of Used Goods

Each Member State may determine the terms and conditions for the imposition of the Tax on the supply of used Goods by the Taxable Person based on the profit margin.

Chapter Seven
Exceptions on Import
Article (38)
Exemptions on Import

The following shall be exempt from Tax:

1. Import of Goods if the supply of these Goods in the final destination country is exempted from Tax or subject to Tax at zero-rate.
2. Import of the following Goods that are exempted from customs duty as per the terms and conditions provided for under the Common Customs Regulations (Law):
 - a. diplomatic exemptions;
 - b. military exemptions;
 - c. importation of used luggage and household appliances which are brought by citizens residing abroad and foreigners who are coming to reside in the country for the first time.
 - d. importation of requisites for non-profit charity organizations if these are exempted from Tax under Article 30;
 - e. importation of returned Goods.

3. Personal luggage and gifts accompanied by travelers as specified by the Member State.
4. Requisites for people with special needs as specified by the Member State.

Article (39)

Suspension of Tax

Tax shall be suspended on imports of Goods that are placed under a customs duty suspension arrangement in accordance with the terms and conditions provided for in the Common Customs Law. Each Member State has the right to link the suspension of Tax to the provision of security for the value of the Tax.

Chapter Eight

Persons who are Obligated to Pay Tax

Article (40)

General Principle

1. The Taxable Person is obliged to pay Tax due on taxable supplies of Goods and Services to the Competent Tax Administration in the Member State in which the place of supply is located.
2. Any Person that states a Tax amount on any invoices issued by it becomes obligated to pay this Tax amount to the Competent Tax Administration in the Member State in which the place of supply is located.

Article (41)

Customer Obligated to Pay the Tax According to the Reverse Charge Mechanism

1. If the place of supply of Goods or Services is in a Member State where the Supplier is not a resident, then the Taxable Customer residing in that Member State shall be obligated to pay the Tax due.
2. Tax due under subsection 1 of this Article shall be paid pursuant to a tax return or independently as determined by each Member State.

Article (42)
Person Liable to Pay Tax in respect of Import

The Person appointed or recognized as an importer pursuant to the Common Customs Law shall be obligated to pay Tax due on imports.

Article (43)
Joint Liability

1. The Person who willfully participates in violating any of the obligations provided for in this Agreement and the Domestic Law shall be jointly liable with the Person obligated to pay the Tax and any other amounts due as a result of the violation.
2. Each Member State may determine other instances of joint liability other than those provided for in this Article.

Chapter Nine
Deduction of Tax
Article (44)
Tax Deduction Principle

1. The Taxable Person may deduct from the Tax Due and Payable by it in a Member State the value of the Deductible Tax borne in the same State in the course of making Taxable Supplies.
2. The right to make a deduction arises when a Deductible Tax is due pursuant to this Agreement.
3. A Customer who is obligated to pay the Tax pursuant to the Reverse Charge Mechanism may deduct the Deductible Tax related thereto provided that it has declared the Tax due according to Article 41(2) of this Agreement.
4. Each Member State shall determine the terms and conditions for Tax deduction.

Article (45)
Restrictions on Input Tax Deductions

Input Tax that has been borne cannot be deducted in either of the following cases:

1. If it is for purposes other than Economic Activities as determined by each Member state;
2. If it is paid on Goods that are prohibited to trade in the Member State according to applicable laws.

Article (46)

Proportional Deduction

1. If the Input Tax is related to Goods and Services used to make Taxable Supplies and non-Taxable Supplies, then the Input Tax can only be deducted within the limits of the proportion attributable to the Taxable Supplies.
2. Each Member State may determine the methods of calculating the deduction proportion and the conditions for treating the value of non-deductible Input Tax as zero.

Article (47)

Adjustment of Deductible Input Tax

1. A Taxable Person must adjust the value of Input Tax deducted by it when receiving Goods or Services supplied that are of higher or lower value than the value of the Input Tax deduction available to it, as a result of changes in the determining factors for Deductible Tax, including:
 - a. cancellation or rejection of a Supply;
 - b. reduction of the Supply's Consideration after the date of the Supply;
 - c. non-payment of the Supply's Consideration, whether in whole or in part according to Article 27(3) of this Agreement.
 - d. altering the usage of Capital Assets.
2. The Taxable Person is not required to adjust the Input Tax in any of the following cases:
 - a. where the Taxable Person establishes loss, damage or theft of the supplied Goods in accordance with the terms and conditions applicable in each Member State.
 - b. where the Taxable Person uses the supplied Goods as samples or gifts of insignificant value as specified in Article 8 (1)(d) of this Agreement.

Article (48)
Conditions for Exercising the Right of Deduction

1. For purposes of exercising the right of deduction, the Taxable Person must hold the following documents:
 - a. The Tax Invoice received pursuant to the provisions of this Agreement.
 - b. The customs documents proving that it imported the Goods in accordance with the Common Customs Law.
2. Each Member State may allow the Taxable Person to exercise the right of deduction in the event that a Tax Invoice is not available or does not meet the requirements provided for in this Agreement, provided that the value of Tax due can be established by any other means.

Article (49)
The Right to Deduct Input Tax Paid Prior to the Date of Registration

1. A Taxable Person may deduct Input Tax paid on Goods or Services supplied to it prior to the date of its registration for Tax purposes after meeting the following conditions:
 - a. Goods and Services are received for the purpose of making Taxable Supplies;
 - b. Capital Assets were not fully depreciated before the date of registration;
 - c. Goods were not supplied prior to the registration date;
 - d. Services were received within a specific period of time prior to the date of registration as determined by each Member State;
 - e. The Goods and Services are not subject to any restriction related to the right to make a deduction as stated in this Agreement.
2. For the purposes of applying this Article, Input Tax shall be deductible for Capital Assets in accordance with the net book value of the assets as on the date of registration as specified by each Member State.

Chapter Ten
Obligations
Part One
Registration
Article (50)
Mandatory Registration

1. For the purposes of implementing this Agreement, a Taxable Person shall be obligated to register if:
 - a. it is resident in any Member State; and
 - b. the value of its annual supplies in that Member State exceeds or is expected to exceed the Mandatory Registration Threshold.
2. The Mandatory Registration Threshold shall be SAR 375,000 (or its equivalent in the GCC State currencies). The Ministerial Committee has the right to amend the Registration Threshold after three years of implementation.
3. A Non-Resident Person of a Member State shall be required to register in that State regardless of its business turnover if it is obligated to pay Tax in that State under this Agreement. Registration can be done directly or through the appointment of a tax representative with the consent of the competent Tax Administration. The tax representative shall take the place of the Non-Resident Person in all its rights and obligations provided for in this Agreement, subject to the provisions of Article 43(2) of this Agreement.
4. A Taxable Person that only makes zero-rated supplies may request to be excluded from the Mandatory Registration requirement for Tax purposes in accordance with the terms and conditions determined by each Member State.

Article (51)

Voluntary Registration

1. A Person who is not required to be registered under Article 50(1) of this Agreement who resides in any Member State may request to be registered therein, provided that the value of its annual supplies in that Member State is not less than the Voluntary Registration Threshold.
2. A Member State may allow the registration provided that the annual expenses of a person who is not obligated to register in that State exceed the Voluntary Registration Threshold in accordance with the terms and conditions determined by that State.
3. The Voluntary Registration Threshold shall be 50% of the Mandatory Registration Threshold.

Article (52)
Calculating the Value of Supplies

1. For the purposes of applying the provisions of this Agreement, the value of annual supplies is calculated on the basis of any of the following:
 - a. total value of supplies – excluding exempt supplies- made by the Taxable Person at the end of any month plus the previous eleven months;
 - b. total value of supplies -excluding exempt supplies- expected to be made by the Taxable Person at the end of any month plus the following eleven months or in accordance with the criteria and period determined by each Member State.
2. Total value of supplies consists of the following:
 - a. the value of Taxable Supplies except for the value of the supply of Capital Assets;
 - b. the value of Goods and Services supplied to the Taxable Person who is obligated to pay Tax pursuant to the provisions of this Agreement;
 - c. the value of intra-GCC Supplies where the place of supply is in a Member State other than the State where the Taxable Supplier resides and these supplies would have been taxable in the State where the Supplier resides had the place of supply been located in that State.
3. Each Member State may determine the terms and conditions for the aggregation of the business turnover of Related Persons who conduct similar or related activities and register each of them mandatorily on the basis of the total business turnover.

Article (53)
Tax Identification Number (TIN)

When registering for Tax purposes in any of the Member States, each Member State shall allocate a TIN for the Taxable Person provided that the Ministerial Committee shall determine the provisions for issuing the TIN.

Article (54)
Deregistration

1. A Taxable Person who is registered for Tax purposes must apply for deregistration in any of the following cases:

- a. cessation of carrying on the Economic Activity;
 - b. cessation of making Taxable Supplies;
 - c. if the value of the Taxable Person's supplies falls below the Voluntary Registration Threshold pursuant to the provisions of Article (51) of this Agreement.
2. The Taxable Person may apply for deregistration if the total annual business turnover falls below the Mandatory Registration Threshold but exceeds the Voluntary Registration Threshold.
3. For the purposes of applying items (b) and (c) of subsection 1 and subsection 2 of this Article, each Member State may determine a minimum period to keep the Taxable Person registered for Tax purposes as a condition of deregistration.
4. Each Member State may determine the terms and conditions necessary to reject an application for deregistration of a Taxable Person or to deregister it in cases other than those provided for in subsection 1 and 2 of this Article.
5. The Tax Administration shall notify the Taxable Person of its deregistration and its effective date.

Part Two

Tax Invoice

Article (55)

Issuance of the Tax Invoice

1. The Taxable Person must issue a Tax invoice or similar document in the following cases:
 - a. Supply of Goods or Services including a Deemed Supply as provided for in Article 8 of this Agreement;
 - b. Full or partial receipt of Consideration prior to the supply date.
2. Each Member State may except the Taxable Person from issuing the invoices provided for in this Article for exempted supplies, provided they do not pertain to Intra-GCC Transactions between Member States.
3. Subject to the provisions of Article 56 of this Agreement, each Member State may allow the Taxable Person to issue summary tax invoices, each including all the supplies of Goods and service made in favor of a single Customer and that were taxable over a period of one month.
4. For the purposes of applying this Agreement, the Member States must accept the invoices in form, whether issued on paper or electronically, in accordance with the conditions and procedures determined by each Member State.

Article (56)
Contents of the Tax Invoice

1. Each Member State must determine the contents of the Tax Invoice and the period within which it must be issued, provided that the Ministerial Committee shall determine the minimum details required to be included in the tax invoice. Each Member State may allow for the issuance of simplified invoices in accordance with the terms and conditions determined by it.
2. Tax invoices can be issued in any currency, provided that the value of the Tax is written in the currency of the Member State where the place of supply is located based on the official currency exchange rate in force in that State as on the tax due date.

Article (57)
Amendment of Invoices (Credit Notes)

A Taxable Person who adjusts the Supply Consideration must include this adjustment in a document (credit or debit note "Tax Invoice") correcting the original Tax Invoice. This document shall be treated in the same manner as the original Tax Invoice according to the procedures determined by each Member State.

Article (58)
Special Provisions

1. A taxable Customer who receives Goods or Services supplied to it from a taxable supplier may issue Tax Invoices provided that the Supplier consents and the Tax Invoice is marked as a self-issued invoice with the approval of the competent Tax Administration. In this case the self-issued invoice shall be treated as an invoice issued by the Supplier.
2. A Taxable Person may engage the assistance of others to issue Tax Invoices on its behalf with the approval of the Competent Tax Administration and provided that all the obligations provided for in this Agreement and the Domestic Laws are fulfilled.

Part Three

Retention of Tax Invoices, Records and Accounting Documents

Article (59)

Retention Period for Tax Invoices, Records and Accounting Documents

Without prejudice to any longer period stipulated under the laws of the Member State, Tax Invoices, books, records and accounting documents shall be retained for a period not less than five years from the end of the year to which the invoices, books, records and accounting documents relate. This period shall extend to fifteen years with regards to retention of Tax Invoices, books, records and documents pertaining to real estate.

Part Four

Tax Period and Tax Returns

Article (60)

Tax period

Each Member State must determine its own tax period or periods, provided that no tax period shall be less than one month.

Article (61)

Submission of Tax Returns

Each Member State shall determine the timeframes, terms and conditions for submission of Tax Returns by a Taxable person for each tax period, provided that The Ministerial Committee shall determine the minimum data required to be included in the tax return.

Article (62)

Amending the Tax Return

Each Member State shall determine the terms and conditions that allow a Taxable Person to amend a previously submitted Tax Return.

Part Five
Payment and Refund of Tax
Article (63)
Payment of Tax

Each Member State shall determine the timeframes, terms and conditions for payment of the Net Tax due by the Taxable Person.

Article (64)
Payment of Tax on Imports

1. Tax due on imported Goods shall be paid at the First Point of Entry and deposited in a special tax account, and transferred to the final destination State according to the Custom Duties Automated Direct Transfer Mechanism in force within the framework of the GCC Customs Union; the Ministerial Committee may propose any other mechanisms.
2. Each Member State may, in accordance with the terms and conditions determined by it, allow a Taxable Person to defer payment of the Tax due on Goods imported for the purposes of the Economic Activity and to declare the same in its Tax Return. Tax due that has been deferred and declared shall be deductible according to the provisions of this Agreement.

Article (65)
Tax Refunds

Each Member State shall determine the terms and conditions for allowing a Taxable Person to request a refund of the net deductible Tax or carry it forward to subsequent tax periods.

Chapter Eleven
Special Treatments of Tax Refunds
Article (66)
Tax Refunds for Persons Residing in the GCC Territory

Taxable Persons in any Member State may request the refund of the Tax paid in another Member State in accordance with the terms and conditions determined by the Financial and Economic Cooperation Committee.

Article (67)
Tax Refunds for Non-Residents in the GCC Territory

Each Member State may allow Non-Resident Persons in the GCC Territory to request tax refunds for Taxes paid in it if all the following requirements are met:

1. the Non-Resident Person does not supply Goods or Services for which it is obligated to pay its Tax in any Member State;
2. The Non-Resident Person is registered for Tax purposes in its country of residence, if such country applies a VAT system or a similar tax system;
3. the Tax is incurred by a Non-Resident Person in any Member State for the purposes of its Economic Activity.

Article (68)
Tax Refunds for Tourists

1. Each Member State may apply a Tax Refund system for tourists pursuant to the terms and conditions determined in its Domestic Law.
2. For the purpose of applying this Article, a tourist shall be defined as any natural person who meets all of the following conditions:
 - a. the person is not a resident of the GCC Territory.
 - b. the person is not a crew member on a flight or aircraft leaving a Member State.

Article (69)

Tax Refunds for Foreign Governments, International Organizations and Diplomatic Bodies and Missions

1. Each Member State shall determine the terms and conditions for granting foreign governments, international organizations and diplomatic, consular and military. bodies and missions the right to reclaim the Tax borne for Goods and Services in the Member State in application of international treaties or the condition of reciprocity.
2. Each Member State may apply the zero-rate to supplies of Goods and Services in Favor of foreign governments, international organizations, and diplomatic, consular and military bodies and missions within the terms and conditions determined by each State.

Chapter Twelve

Exchange of Information among Member States

Article (70)

Exchange of Information

1. The Tax Administrations in the Member States shall exchange information relevant to the implementation of the provisions of this Agreement or related to the administration or enforcement of Domestic Laws related to VAT.
2. Without prejudice to the provisions of international agreements to which the Member State is a party, the information obtained by the Tax Administration shall be treated as confidential information in the same manner as the information obtained under the local laws of that administration, and shall be disclosed only to persons or entities (including the courts and administrative authorities) concerned with Tax assessment, collection, enforcement, or bringing judicial claims or determining appeals relating thereto or supervising the above. Such persons or authorities may not use the information obtained save for those purposes and may disclose such information in judicial rulings in public courts or in judicial decisions. Regardless of the foregoing, the information obtained by the Tax Administration may be used for other purposes when the laws of both States permit its use for such other purposes, and the Tax Administration in the State that provides the information permits such use.

3. The provisions of subsections 1 and 2 of this Article may not, under any circumstances interpreted in a manner that results in any Member State being obligated to the following:
 - a. implement administrative measures contrary to the regulations and administrative practices in that State or in another Member State.
 - b. provide information, which is not obtainable under normal administrative regulations or directives in that State or in another Member State.
 - c. provide information that would lead to the disclosure of any secret relating to trade, business or industry, or commercial or professional secrets, or trade processes or information the disclosure of which would violate public policy (public order).
4. If a Member State requests information under this Article, the other Member State shall employ its own procedures for collecting the required information, notwithstanding that the other State may not need this information for its own tax purposes. The obligation set forth in the preceding sentence shall be subject to the restrictions contained in subsection 3, but in no case may these restrictions be interpreted as permitting a Member State to decline to provide information on the sole ground that it has no domestic interest in it.
5. Under no circumstances shall the provisions of subsection 3 be interpreted as allowing a Contracting State to decline to provide information on the sole ground that the information in question is held by a bank or any other financial institution or an authorized person, or a person acting as a proxy or in a fiduciary capacity or on the grounds that the information is linked to interests pertaining to ownership in a person.

Article (71)

Electronic Service System

1. Each Member State shall create an electronic service system for the purpose of complying with the requirements related to the Tax. The GCC Secretariat General shall take the necessary measures to establish a tax information center, and to operate a central website or electronic system to track the information related to Intra-GCC Supplies and the exchange of such information between the concerned Tax Administrations in the Member States; provided that the website or electronic system of the tax information center must include at least the following information:
 - a. the TIN for both the Supplier and the Customer;
 - b. the number and date of the Tax Invoice;
 - c. a description of the transaction;
 - d. the consideration for the transaction.

2. If the information recorded by each of the Supplier and the Customer corresponds, each of them shall be given a confirmation number that must be retained for Tax audits performed by the concerned Tax Administration and for the purpose of ascertaining that this information corresponds with that provided in the Tax returns and other relevant information provided pursuant to the provisions of this Agreement.
3. The system must be reliable and secure and must not allow the Supplier or the Customer access to any information other than that to which they are permitted to have access.
4. The concerned Tax Administration in each Member State shall have a right of access to the information related to Intra-GCC Supplies between Taxable Persons registered for Tax purposes.
5. The System shall allow the tracking of the proof of movement of the Goods to the country of Final Destination.

Article (72)

Cooperation between Member States

1. The Member States may, pursuant to a proposal from the GCC Secretariat General to the Ministerial Committee, take the necessary measures related to administrative cooperation among them, especially in the following areas:
 - a. exchange of information needed to determine Tax accuracy based on the request of each Member State;
 - b. agreeing to conducting simultaneous audits and participating in audits by any Member State pursuant to the approval of the concerned States.
 - c. assisting in the collection of tax and taking the necessary procedures related to the collection.
2. Subject to the provisions of international agreements to which the Member State is a party, each Member State shall obligate its employees not to disclose or use information they receive in the course of their work from another Member State for any other purposes not related to performance of their functions. Each Member State may determine the penalties that apply in the event of a violation.

Chapter Thirteen
Transitional Provisions
Article (73)

Each Member State must provide in its Domestic Law transitional provisions dealing with the following aspects at least:

1. Tax shall be due on supplies of Goods and Services and on imports of Goods as of the date the Domestic Law comes into effect in the Member State.
2. Each Member State shall determine timelines for registering Taxable Persons obligated to be registered on the date the Domestic Law comes into effect.
3. Notwithstanding any other provision in this Agreement, should an invoice be issued or Consideration paid before the date of application of the Local Law or prior to the registration date and the Supply occurred after such date, then each Member State may ignore the date of the invoice or payment and consider the Tax due date to be the date of the Supply.
4. The provisions of subsection 3 of this Article shall apply to Intra-GCC Supplies between a Taxable Supplier residing in a Member State and a Customer in another Member State.
5. With regard to ongoing supplies that are partially performed before the date on which the Domestic Law comes into force or before the registration date and partially after such date, then the Tax shall not be due on the part performed before the date of coming into force or of the registration.

Chapter Fourteen
Objections and Appeals
Article (74)
Objections and Appeals

Each Member State shall determine the terms and conditions for allowing objections to decisions of the competent Tax Administration, including the right of recourse to the competent local courts in each Member State.

Chapter Fifteen
Closing Provisions
Article (75)
Interpretation

The Ministerial Committee shall have jurisdiction to consider matters related to the application and interpretation of this Agreement and its decisions shall be binding on the Member State.

Article (76)
Dispute Resolution

Member States shall strive to amicably resolve any dispute that may arise amongst them pertaining to this Agreement, and they may by agreement, if a settlement as aforesaid is not possible, refer to the dispute to arbitration in accordance with rules of arbitration to be agreed.

Article (77)
Amendments

This Agreement may be amended upon the approval of all Member States and upon the proposal of any of them, and the coming into force of such amendments shall be subject to the same procedures provided for in Article (79) of this Agreement.

Article (78)
Coming Into Force

This Agreement shall be adopted by the GCC Supreme Council and shall be ratified by Member States in accordance with their constitutional procedures.

1. This Agreement shall be treated as coming into force from the deposit of the ratification document by the second Member State at the GCC Secretariat General.

2. Each Member State shall take the necessary internal procedures to issue a Domestic law to implement the provisions of this Agreement, including setting the policies and procedures necessary for the implementation of the Tax in a manner consistent with the provisions of this Agreement.
3. Each Member State that has not implemented its Domestic Law shall remain outside the scope of implementation of this Agreement until such Domestic Law becomes effective.

This agreement is executed in Arabic on 27/2/1438 Hijri, corresponding to 27/11/2016, in one original copy deposited at the GCC Secretariat General, and one copy of the original shall be delivered to each of the Member States that are party to this Agreement.