

L.N. 131 of 2004

**VALUE ADDED TAX ACT,
(CAP. 406)**

**Value Added Tax (Collection of Supplementary Information),
Regulations, 2004**

IN exercise of the powers conferred by Article 75 of the Value Added Tax Act, the Minister for Finance and Economic Affairs has made the following regulations:-

1. (1) The title of these regulations is the Value Added Tax (Collection of Supplementary Information), Regulations, 2004. Title and commencement.

(2) These regulations shall enter into force on the 1st May, 2004.

2. In these regulations, unless the context otherwise requires: Interpretation.

“agent” means a cargo clearance and forwarding agent as defined in article 2 of the Cargo Clearance and Transport Act; Cap. 203.

“arrivals” refer to the entry of goods into Malta from another Member State of the European Community;

“community goods” means goods:

(i) entirely obtained in the customs territory of the Community, without the addition of goods from non-member countries or from territories which are not part of the customs territory of the Community;

(ii) deriving from countries or territories not forming part of the customs territory of the Community which have been released for free circulation in a Member State;

(iii) obtained in the customs territory of the Community either from the goods referred to exclusively in paragraph (ii) hereof or from the goods referred to in paragraphs (i) and (ii) hereof;

“dispatch” refers to the shipment of goods from Malta to a destination in a Member State of the European Community.

“goods” means both Community and non-Community goods;

“non-Community goods” means goods other than those defined as “Community goods”. Without prejudice to agreements concluded by the European Community with non-member countries for the implementation of the Community transit arrangements, goods which, while fulfilling the conditions for being considered as “Community goods” are reintroduced into the customs territory of the Community after export therefrom are also considered as non-Community goods;

“trading of goods between Member States” means any movement of goods from one Member State to another.

System of collection of supplementary information.

3. (1) A system for the collection of supplementary information is hereby being established and shall compile all statistics relating to the trading of goods between Malta and other Member States.

(2) All persons who trade in Community goods between Malta and the other Member States shall be required to submit supplementary information relating to the goods being traded as may, from time to time, be required.

(3) All Community goods traded between Malta and the other Member States shall be subject to the submission of supplementary information as required by these regulations;

Provided that goods shall be considered as moving between Malta and the other Member States even if in so doing they cross the external frontier of the Community and whether or not they subsequently enter the territory of a non-Member State.

(4) The supplementary information required for the purposes of the system of collection of supplementary information shall be stipulated by the Commissioner in an apposite format and shall be submitted by the persons responsible, or their authorised agent, in periodic declarations.

4. (1) Any person responsible for providing the information required by these regulations may transfer the task of providing the information to an agent, but such transfer shall in no way reduce the responsibility of the said person. Agent.

(2) Any person who transfers the task of providing the information to an agent in accordance with sub-regulation (1) of this regulation shall provide such agent with all the information necessary to fulfil his obligations as the person responsible.

(3) The Commissioner may require any person responsible for providing information to notify him that he has transferred such task to an agent who shall be identified by him to the Commissioner.

5. Any person who is not required to account for VAT in connection with a given movement of goods in terms of article 13 of the Value-Added Tax Act and in terms of the Sixth Schedule to the said Act, and all persons who qualify for one of the special schemes provided for by the said Act, legal persons not liable to account for VAT and persons liable to account who carry out only transactions not entitling them to any deduction of VAT and who are not required to submit any tax declaration, shall be exempt from the provisions of these regulations: Persons not required to submit periodic declarations.

Provided that any person not required to provide information from the start of the year but whose cumulative value of trade for either arrivals or dispatches reaches the threshold in a calendar month shall submit the information in respect of that and subsequent months:

Provided further that if in the opinion of the Commissioner the quality of the information is being affected adversely through the use of the application of the provisions of this article, the Commissioner may, after consultation with the Director General of the National Statistics Office, vary or waive its application in respect of all or certain persons.

6. The reference period for the submission of the periodic declaration shall be such period as may, from time to time, be established by the Commissioner by notice in the Gazette. Reference period.

7. Any person who is not exempt from the provisions of regulation 5 hereof but whose trading activities fall below an annual threshold of Lm40,000 for arrivals and, or Lm40,000 for dispatches shall only be requested to supply that information as may be required by notice in the Gazette using a simplified format: Simplification threshold.

Provided that any person whose trading activities exceed the above-mentioned threshold at any time during the calendar year shall be required to provide information as from the month of the year in which the threshold was exceeded.

Provided further that if in the opinion of the Commissioner the quality of the information is being affected adversely through the use of the simplified format, the Commissioner may after consultation with the Director General of the National Statistics Office vary or waive its application in respect of all or certain persons.

Penalties.

8. Any person who fails to submit a periodic declaration as provided for by these regulations and as required by regulation 6 hereof shall be liable to the penalties provided for in article 76 of the Act.

Collection offices.

9. The Minister responsible for finance may, as required, designate collection offices for the purposes of collecting supplementary information required by these regulations.