

Tax Agenda Cyprus





April 2023



No.	Fact	Action
1	<p>Transfer pricing (TP)</p> <p>Cyprus introduced transfer pricing rules and documentation requirements effective as of 1 January 2022. The legislation is broadly in line with the OECD TP Guidelines and requires domestic and cross-border intra-group transactions to be documented for Cypriot TP purposes. The TP documentation files include Local and Master file as well as the Summary Information Table.</p> <p>Cyprus Tax Authority issues FAQs on new Transfer Pricing Legislation. On 10 February 2023, the Cyprus Tax Authority released a set of FAQs which address a number of aspects relating to the application of the new TP legislation that is effective as of 1 January 2022. One of the main points addressed relates to the abolishment of the Interpretive Circular 3 (dated 30 June 2017) on back-to-back financing arrangements. The abolishment is effective as from 1 January 2022.</p>	<p>Develop a thorough understanding of the new TP documentation rules and assessment of the impact of the new transfer pricing requirement for your group.</p> <p>It is important to review the FAQ here TaxLegi 22.2.2023 EY - Cyprus.</p>
2	<p>Withholding Tax on outbound payments of interest, dividend and royalty</p> <p>Withholding Tax on outbound payments of interest, dividends and royalties made to companies registered or resident in jurisdictions listed by the EU as non-cooperative jurisdictions on tax matters. Effective as of 31 December 2022.</p>	<p>Review compliance with the requirements of the new law on outbound payments of interest, dividends and royalties.</p>

Use text boxes above the timeline to plan your actions for coming months

● Compliance ● Risk management ● Cash-flow and ETR impact

No.	Fact	Action
3	<p>European Union updates the list of non-cooperative jurisdictions for tax purposes</p> <p>On 14 February 2023, the Council of the European Union (EU) updated the list of non-cooperative jurisdictions (EU List). Specifically, British Virgin Islands, Costa Rica, Marshall Islands and Russia were added to Annex I of the EU List. The revision of the EU List may have potential reportability obligations for Cypriot DAC6/MDR purposes, especially regarding hallmarks C.1.b.(ii) and D.1 of the Cypriot DAC6/MDR Law. Read more: TaxLegi 22.2.2023 EY - Cyprus.</p>	<p>Cypriot companies should assess potential reporting obligations under the Cypriot DAC6/MDR legislation as result of the revision of the EU list of non-cooperative jurisdictions.</p> 
4	<p>Green Taxes updates</p> <p>As part of the Cyprus green taxation reform, a number of environmental taxes are under consultation:</p> <ol style="list-style-type: none"> Introduction of taxes to combat air pollution and climate change, i.e., carbon (applicable on top of excise duties) Introduction of taxes to combat water pollution (i.e., increase in water tariffs) Introduction of taxes to enhance management and circular economy, i.e.: landfill tax, tourism tax and pay-as-you-throw scheme for citizens 	<p>Businesses (and citizens) should monitor the legislative proposals of such new green taxes and understand their impact as well as any compliance obligations.</p> 
5	<p>Amendment on the sale of "new" buildings - Schedule 8 Cyprus VAT Law</p> <p>According to the new order applicable from 11 November 2022 the sale of "new" buildings will be subject to VAT provided that:</p> <ol style="list-style-type: none"> An application for a planning and buildable permit was filed with the authorities after 1 May 2004. The sale is made within a period of five years from the date of complete erection of the building. Within the 5 years period noted in (II), the building was not used systematically by a non-related party for a period of at least 2 years. 	<p>Taxpayers should ensure compliance with new VAT Law requirements applicable from 11 November and evaluate input VAT recovery restrictions and output VAT payment.</p> 
6	<p>Amendment to the definition of corporate tax residency</p> <p>Introduction of the incorporation test—a company which is incorporated or registered in Cyprus, and its management and control is exercised outside Cyprus, should be considered a resident of Cyprus for tax purposes unless it is a tax resident in another country. This test should be in addition to the management and control test aiming to capture the so-called stateless companies. Effective as of 31 December 2022.</p>	<p>Review compliance with the expanded definition of corporate tax residency.</p> 

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7	<p>Register of Ultimate Beneficial Owners (UBOs)</p> <p>The Registrar of Companies in Cyprus has adopted the new legislation regarding the Register of UBOs. All Cyprus Companies have the obligation to comply with this regulation and to report the Ultimate Beneficial Owners to the Registrar of Companies.</p>	<p>Businesses should ensure compliance with the new filing obligations which include:</p> <ol style="list-style-type: none"> 1. For existing companies incorporated before 12 March 2021, the deadline for the initial reporting to the interim solution was end of July. The Registrar will not impose any penalties for now, until the final solution is available. 2. For new incorporated Companies incorporated after 12 March 2021, initial reporting should be done within 30 days from incorporation date. 3. Companies that had changes in their shareholders need to report within 14 days. 4. Annual confirmation (more details to be provided by the Registrar).
8	<p>New requirements on companies established as VCIC</p> <p>The Companies Law has introduced amendments relating to entities as VCIC relating to their Memorandum and Articles of Association, share capital (issuance or conversion), redemption of shares and preparation of financial statements.</p>	<p>Entities established as Variable Capital Investment Companies must submit a special resolution to the RoC by 05 November 2022, with which the VCIC amends its Memorandum and Articles of Association to be compliant with the provisions of the new Part XA of the Companies Law.</p>
9	<p>Introduction of a super R&D deduction for years 2022-2024</p> <p>The Cypriot Income Tax Law has been amended to grant a new increased deduction on research and development expenses for the years 2022, 2023 and 2024. Eligible research and development expenses that will be deducted from the taxable income of the economic owner of the IP assets will equal to 120% of the actual R&D expenses incurred.</p>	<p>Taxpayers should examine whether the new increased deduction can be availed to them and explore potential tax efficiencies.</p>
10	<p>Civil Registry and Migration</p> <p>Following the relevant decision of the Council on Ministers dated 15 October 2021, revised criteria apply for employment at International Business Companies(IBC), as of January 2022.</p> <p>On 30 November 2022, the Council of Ministers amended the eligibility criteria of foreign interest companies and specifically included the criterion of a company's obligation to evidence an initial investment in the Republic of at least EUR200,000, which should be proven by presenting the appropriate certificates.</p>	<p>The most important of the revised criteria are as follows:</p> <ol style="list-style-type: none"> 1. Amendment of the IBC policy for Companies that will be part of the newly established Business Facilitation Unit - main changes: <ul style="list-style-type: none"> ▶ Required minimum salary is now EUR2500 per month, up from EUR2000. ▶ Required minimum employment contract duration is now two years, up from one year. ▶ Required investment of EUR200.000, evidenced by relevant documentation.
11	<p>Cyprus Tax Authority publishes 10-year government bond yield rates for NID purposes</p> <p>On 16 March 2023, the Cypriot Tax Department issued an announcement that lists the 10-year government bond yield rates as of 31 December 2022 for a number of countries with respect to the Notional Interest Deduction (NID) on equity. Read more: Cyprus Tax Authority publishes 10-year government bond yield rates for NID purposes (ey.com)</p>	<p>Taxpayers should use the yield rates to determine the reference interest rate for claiming NID for the 2023 tax year.</p>

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Amendment of 20% and 50% exemptions of the Income Tax Law

- ▶ The article 8(21) has been amended and the provisions of the 20% exemption are now applicable for employment which commenced up until the 26 July 2022.
- ▶ New provisions have been introduced which provide for a 20% tax exemption or EUR8,550, whichever is the lower, for remuneration derived from "first employment" in Cyprus by a person who was employed outside Cyprus for an employer not resident in Cyprus for three consecutive years prior to the commencement of his employment in Cyprus. The exemption is granted for seven tax years following the year of employment in Cyprus and applies to "first employment" which commenced in Cyprus during the period 26 July 2022 and 31 December 2027.
- ▶ The article 8(23) has been amended and the provisions of the 50% exemption are now applicable for employment which commenced up until 26 July 2022.
- ▶ New provisions have been introduced which refer to the application of the 50% tax exemption for remuneration from first employment which is exercised in Cyprus by a person who was resident outside Cyprus for a period of at least 10 consecutive years prior to the commencement of his employment in Cyprus and the first employment in Cyprus commenced after 1 January 2022. The tax exemption is granted for a period of seventeen tax years and is granted in any year in which the remuneration from employment in Cyprus exceeds EUR55,000 annually. Certain provisions have been introduced in order the 50% tax exemption to be available for employments which commenced in Cyprus during the years 2016-2021 (subject to conditions). Read more: [TaxLegi 28.11.2022 | EY - Cyprus](#).

Employers should ensure compliance with the amended provisions so as to withhold the correct pay-as-you-earn (PAYE) tax.

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EU Amendments on VAT rates

On 05 April 2022, the European Council adopted Council Directive (EU) 2022/542 which introduces reforms to currently applicable VAT rates. Annex III of the EU VAT Directive indicating the goods and services that can be subject to reduced VAT rates was updated to include among others digital services, goods or equipment for the protection of public health, items that have a positive impact on EU's climate change, diverse products and services deemed useful by member states which are driven by the general interest of public policy objectives.

Businesses should monitor any legislative amendments on VAT rates as they may have a great impact on their business affairs and VAT Compliance obligations.

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According to the new rules, member states will:

- ▶ Continue to apply a standard rate of VAT above 15%.
- ▶ Be able to apply two reduced rates as low as 5% to goods and services included in the Annex III of the Directive.
- ▶ Be able to apply one reduced rate lower than 5% and one exemption ('zero rate') to a maximum of seven categories on the list considered to cover basic needs, such as foodstuffs, medicines, pharmaceutical products.



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