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# The Executive Regulation of Federal Law No. 7 of 2017 on Tax Procedures

Cabinet Decision No. 36 of 2017 – Issue Date: 24th of September 2017

Cabinet Decision No. 51 of 2021 – Issue Date: 28th of April 2021

## The Cabinet has decided:

- Having reviewed the Constitution;
- Federal Law No. 1 of 1972 on the Competencies of the Ministries and Powers of the Ministers and its amendments;
- Federal Decree-Law No. 13 of 2016 on the Establishment of the Federal Tax Authority;
- Federal Law No. 7 of 2017 on Tax Procedures;
- Based on what was presented by the Minister of Finance and approved by the Cabinet,

## Title One

### Article 1 - Definitions

In the application of the provisions of this Decision, the following words and expressions shall have the meanings assigned against each, unless the context otherwise requires:

|                  |   |
|------------------|---|
| State            | : United Arab Emirates.   |
| Authority        | : Federal Tax Authority.  |
| Board            | : Authority's board of directors.   |
| Director-General | : Director-General of the Authority.  |
| Competent Court  | : Federal court within whose jurisdiction the Authority's Head Office or branch is located. |
| Tax              | : Any Federal tax administered, collected or enforced by the Authority.                     |



- Tax Law** : Any federal law pursuant to which a Federal Tax is imposed
- Person** : A natural or legal person.
- Business** : Any activity conducted in an ongoing, regular and independent manner by any Person and in any location, such as an industrial, commercial, agricultural, professional, vocational or service activity, drilling activities or anything related to the use of material or non-material property.
- Premises** : the place of business of the Person subject to Tax Audit, any other place in which he conducts his business, or where he stores goods or records.
- Taxable Person** : A Person who is subject to Tax under the provisions of the relevant Tax Law.
- Taxpayer** : Any Person who is obligated to pay Tax in the State under the Tax Law, whether such Person is a Taxable Person or an end consumer.
- Tax Return** : Information and data specified for Tax purposes and submitted by a Taxable Person in accordance with the form prepared by the Authority.
- Tax Period** : A specified period of time for which the Payable Tax shall be calculated and paid.
- Tax Registration** : A procedure by which a Taxable Person or his Legal Representative registers with the Authority for Tax purposes
- Tax Registration Number (TRN)** : A unique number issued by the Authority for each Person registered for Tax purposes.
- Registrant** : A Taxable Person who has been granted a TRN.
- Legal Representative** : The manager of a company or a guardian or custodian of a minor or incapacitated person, or the bankruptcy trustee appointed by court for a company that is in bankruptcy, or any other Person legally appointed to represent another Person.
- Due Tax** : Tax that is calculated and imposed under the provisions of any Tax Law.
- Payable Tax** : Tax that has become due for payment to the Authority.
- Administrative Penalties** : Monetary amounts imposed on a Person by the Authority for breaching the provisions of the Law or the Tax Law.
- Refundable Tax** : Amounts that have been paid and that the Authority may return in whole or in part to the Taxpayer pursuant to the relevant Tax Law require to use for the payment of amounts due or Administrative Penalties or require to carry forward to future Tax Periods depending on the nature of the refund, according to the Tax Law.
- Tax Assessment** : A decision issued by the Authority in relation to the Payable Tax or Refundable Tax.



- Administrative Penalties Assessment Notification : A decision issued by the Authority concerning Administrative Penalties due.
- Voluntary Disclosure : Notification to the concerned Person or his Tax Agent or Legal Representative of the decisions issued by the Authority through the means stated in the Law and this Decision.
- Register Tax Agent : A form prepared by the Authority pursuant to which the Taxpayer notifies the Authority of an error or omission in the Tax Return, Tax Assessment or Tax Refund application in accordance with the provisions of the Tax Law.
- Register Tax Agent : The Register of Tax Agents.
- Tax Auditor : Any Person registered with the Authority in the Register, who is appointed on behalf of another Person to represent him before the Authority and assist him in the fulfilment of his Tax obligations and the exercise of his associated tax rights
- Tax Audit : A procedure undertaken by the Authority to inspect the commercial records or any information or data related to a Person conducting Business.
- Tax Auditor : Any member of the Authority's staff appointed as a Tax Auditor.
- Documents : Original documents or copies thereof that are related to the Person conducting a Business, and forming a part of the Person's legal records.
- Assets : Tangible assets, including equipment, machinery, stock and others, that the Authority has considers as owned, leased or used in connection with the conduct of business by any Person
- The Law : Federal Law No. 7 of 2017 on Tax Procedures.

## **Title Two - Keeping Accounting Records and Commercial Books**

### **Article 2 - Keeping Accounting Records and Commercial Books**

1. Accounting Records and Commercial Books shall include the following:
  - a. Accounting books in relation to that Business, which include records of payments and receipts, purchases and sales, revenues and expenditures, and any business, and any matters as required under any Tax Law or any other applicable law, including:
    - 1) Balance sheet and profit and loss accounts.
    - 2) Records of wages and salaries.
    - 3) Records of fixed assets.



- 4) Inventory records and statements (including quantities and values) at the end of any relevant Tax Period and all records of stock-counts related to Inventory statements.
  - b. Additional records as may be required in the Tax Law and its Executive Regulation.
2. In addition to the Accounting Records and Commercial Books mentioned in Clause (1) of this Article, the Authority may require any other information in order to confirm, through an audit trail, the Person's Tax obligations, including any liability to register for Tax purposes.

### Article 3 - Period of Record-Keeping

1. Every Person holding and maintaining any of the records mentioned in Article 2 of this Decision, shall keep these records in a manner that enables the Authority, or an officer authorised by the Authority, to ascertain that Person's Tax obligations, as follows:
  - a. For a period of 5 years after the end of the Tax Period to which they relate in the case of a Taxable Person.
  - b. For a period of 5 years from the end of the calendar year in which the concerned document was created in the case of non-Taxable Persons.
  - c. For a period specified in the Tax Law for real estate records.
2. The Authority may, before the expiry of the period specified in paragraph (a) of Clause (1) of this Article, inform the Person to retain the records for a further period not exceeding 4 years, in cases where he is required to do so including the following:
  - a. If the Taxable Person's tax obligations are subject to a dispute between him and the Authority.
  - b. If the Person is being subject to a Tax Audit and that Tax Audit has not yet been completed.
  - c. If the Authority has given notice to the Person that it intends to conduct a Tax Audit before the expiry of the period specified in Clause (1) of this Article.
3. If a Person is no longer a Taxable Person, he shall be required to comply with the provisions of paragraph (b) of Clause (1) of this Article.
4. Where a Person enters into bankruptcy proceedings, his Legal Representative is required to keep the records of that Person for 12 months from the date on which those proceedings have come to an end.
5. For the purposes of Clause (4) of this Article, should the Authority require the records to be kept for a longer period, it may take possession of them, at a time agreed with the Legal Representative responsible for the relevant bankruptcy proceedings.



## Article 4 - How to Keep Accounting Records and Commercial Books

1. Unless otherwise required by the Tax Law, the obligation to maintain Accounting Records and Commercial Books shall be met through any of the following:
  - a. Creating the record and the retention of original Documents which support the entries contained in the record.
  - b. Creating the record and preserving the information that was contained in the original document, provided that:
    - 1) The information matches the data contained in the original document, and shall be available during the periods referred to in Article 3 of this Decision.
    - 2) The information retained or stored in either photocopy or electronic form, and an easily readable copy of it can be reproduced within a reasonable period, if requested by the Authority.
2. The Authority may lay down the rules of preserving information contained in Accounting Records and Commercial Books, and impose such reasonable requirements for ensuring that the information will be as readily available to it as if the original records themselves had been preserved.

## Article 5 - The use of a language other than the Arabic

1. Tax Return, data, information, records and other Documents related to any Tax shall be submitted to the Authority in Arabic, as per the mechanism specified by the Tax Law.
2. As an exception to Clause (1) of this Article, the Authority may accept data, information, records and other Documents related to any Tax to be submitted to it in English; the Authority may, at its discretion, request the Person to translate some or all of these to Arabic.
3. Where the data, information, records and other Documents related to any Tax are issued in any foreign language other than English, the Person is required to submit these Documents to the Authority as translated into Arabic.
4. The Person submitting any translation of data, information, records and other Documents related to any Tax to the Authority shall be liable for the accuracy and correctness of the translation, and shall bear all associated costs. The Authority shall have the right to rely on the translation provided.



## Title Three - Registration and De-Registration for Tax Purposes

### Article 6 - Procedures of Tax Registration, De-registration and Amending Details of Registration

The following procedures with respect to tax registration and de-registration shall be followed:

1. A Tax Registration application shall be submitted by the non-registered Taxable Person or any other Person who has the right to be registered to the Authority according to the forms adopted by the Authority in this regard.
2. A Tax de-registration application shall be submitted to the Authority by the Registrant who is required or has the right, to be deregistered based on the forms adopted by the Authority in this regard.
3. The Authority shall review the tax registration or de-registration application in accordance with the rules adopted in this regard.
4. Tax registration or de-registration shall be finalised by issuing the Tax Registration Number for the applicant, or cancelling this number, or reactivating the Tax Registration Number if the Authority re-registers a Person, as the case may be.
5. The Authority shall notify the Person of his tax registration or de-registration or the reactivation of his registration based on the mechanism adopted thereby in this regard.
6. A Registrant shall within 20 business days notify the Authority of any of the following:
  - a. Any change to the name, address, articles of association, or nature of the Business of that Registrant.
  - b. Any change to the address from which any Business is conducted by that Registrant.
7. The Government body responsible for issuing business licences shall inform the Authority in writing of any licences that has been issued thereby on the form specified by the Authority, within 20 business days from issuing the licence, provided that such notification includes the following:
  - a. The name of the business.
  - b. The type of commercial licence.
  - c. The commercial licence number.
  - d. The date of issuance of the commercial license.
  - e. The registered address of the business.
  - f. Description of the activities of the business.
  - g. The details of the owners and directors of the business.
  - h. Any other information requested by the Authority.



8. Any Person appointed as a Legal Representative is required to give a notice of his appointment to the Authority within 20 business days from the appointment date, such notice shall be in writing or by the form determined by the Authority, and shall include the following:
  - a. The type of appointment.
  - b. The Person's responsibilities.
  - c. The duration of the appointment, in the case of fixed-term appointment.
  - d. The name, address and Tax Registration Number, if applicable, of the Taxable Person who is represented by the Legal Representative.
  - e. The name and address of the Legal Representative.
  - f. The legal basis of the appointment.
9. When a notice is given in accordance with Clause (8) of this Article, it shall be accompanied by appropriate evidence of the appointment of the Legal Representative, such as a copy of the document that states the legal basis for the appointment.
10. The Authority may request further information from the applicant about the appointment of the Legal Representative and may obtain from other persons information relating to the appointment in order to verify the details of the appointment.
11. Where the Authority accepts the appointment of the Legal Representative, it will notify the Legal Representative of the acceptance of his appointment within 20 business days as of such acceptance.

## **Title Four - Tax Obligations**

### **Article 7 - Allocation of Unidentified payments**

1. If the Taxable Person settles any amount to the Authority without specifying the type of Tax or Tax Period to which it relates, the Authority may allocate the amount for settling any debts or liabilities due to the Authority based on seniority.
2. If the amount received by the Authority under Clause (1) of this Article, exceeds the Taxable Person's existing liabilities, the Authority shall treat the excess amount received as a credit against future liabilities of the Taxable Person, where the Taxable Person did not request the excess amount to be returned.
3. The Authority shall notify the Taxable Person regarding the allocation of payments according to Clause (1) of this Article.

## Title Five - Voluntary Disclosure

### Article 8 - Time Limits for Voluntary Disclosure

1. If a Taxable Person becomes aware that a Tax Return submitted by him to the Authority or a Tax Assessment sent to him from the Authority are incorrect, resulting in a calculation of the Payable Tax according to the Tax Law being less than required by more than 10,000 Dirhams, the Taxable Person shall make a Voluntary Disclosure to the Authority within 20 business days from the date when the Taxable Person became aware of the error.
2. If a Taxable Person becomes aware that a Tax Return submitted by him to the Authority or a Tax Assessment sent to him from the Authority is incorrect, resulting in a calculation of Payable Tax according to the Tax Law being less than required by not more than 10,000 Dirhams, the Taxable Person shall make the following:
  - a. To correct the error in the Tax Return for the Tax Period in which the error has been discovered, if the Taxable Person is obligated to submit a Tax Return to the Authority for this Tax Period.
  - b. The Taxable Person shall make a Voluntary Disclosure to the Authority within 20 business days from the date of becoming aware of the error, if there is no Tax Return through which the error can be corrected according to paragraph (a) of this Clause.
3. If a Taxpayer becomes aware that a Tax refund application that he has submitted to the Authority is incorrect, resulting in a calculation of a refund to which he is entitled according to the Tax Law being more than the correct amount, the Taxpayer shall make a Voluntary Disclosure to the Authority within 20 business days from the date when the Taxpayer becomes aware of the error, unless the error was a result of an incorrect Tax Return or Tax Assessment, then provisions of Clauses (1) and (2) shall apply.
4. For the purposes of implementing this Article, a Voluntary Disclosure must be made in accordance with the form directed by the Authority.

## Title Six - Tax Notifications

### Article 9 - Means of Notification and Correspondence by the Authority

1. The Authority shall execute the Notification by any of the following means:
  - a. Post.
  - b. Registered post.
  - c. By electronic mail to the address provided by the Person being notified.
  - d. Posting on the premises of the Taxable Person





- e. Any other means as may be agreed by the Person and the Authority.
2. If the Authority considers that notifying the unregistered person by the means mentioned in Clause (1) of this Article is not practical for the cases of Notification mentioned in Article 13 of this Decision, the Notification may be made by posting a notice in a printed or written form at the Premises at which a Tax Audit is to be conducted.
3. For the purposes of Clause (1) of this Article, the Authority may use any of the following contact addresses for a Person, according to the cases mentioned:
  - a. For delivery by post or registered post: the address provided by the Person to the Authority, or the address of their usual or last known place of residence or business may be used.
  - b. In case of natural Person: the email address that they have provided to the Authority or the Person's last known email address may be used.
  - c. In case of legal Person: the email address shall be used in the following order:
    - 1) The email address that they have provided to the Authority.
    - 2) The email address of any Person acting in favour or on behalf of the Person being notified concerning the relevant matter.
    - 3) The last known email address of a Person acting in favour or on behalf of the Person being notified concerning the relevant matter.
    - 4) Any other email address of another Person, if there are reasonable grounds to suppose that that Legal Person will receive the Notification through that other Person.
4. For the purposes of making a communication under Clauses (1) and (2) of this Article, the Authority may communicate with either of the following:
  - a. The relevant Person.
  - b. The Tax Agent or Legal Representative of the Taxable Person.

## **Title Seven - Tax Agents**

### **Article 10 - Procedures for listing a Tax Agent in the Register and Rights and Obligations of Tax Agents**

1. Anyone requesting to be listed in the Register shall satisfy the following conditions:
  - a. To be of good conduct and behaviour and to have never been convicted of a crime or misdemeanor prejudicial to honour or honesty, irrespective of whether or not he may have been rehabilitated.
  - b. To hold at least a certified bachelor or Master degree in tax, accounting or law from a recognised educational institution, or a bachelor degree in any field plus a tax certification as accepted from an internationally known tax institute.



- c. To have a relevant recent experience of at least three years, in either tax, qualified accounting or law, with the ability to communicate orally and in writing in both Arabic and English.
  - d. To pass any tests to meet qualification standards as may be specified by the Authority.
  - e. To be medically fit to perform the duties of the profession.
  - f. To hold a professional indemnity insurance contract.
  - g. To perform his activity through a legal person approved by the Ministry of Economy and the local competent authority.
2. The Person shall submit an application for listing in the Register to the Authority using the form specified by the Authority.
  3. The Authority may request further information from the Person applying for registration, request an interview with the Person or check references provided in the application before deciding whether or not to list the applicant as a Tax Agent.
  4. The Authority shall review the applications and shall issue its decision within 15 business days from receiving the application. Exceptionally, in case of gathering additional information under Clause (3) of this Article, it shall issue the decision within 15 business days from the date of receipt of the information.
  5. If the Authority accepts the application, the applicant will be listed in the Register within 5 business days from the date of the Authority's approval of the application or any other date that may be specified by the Authority after settling the required fees.
  6. The Authority may refuse an application for listing a Person in the Register in any of the following cases:
    - a. The Person fails to meet the conditions specified in Clause (1) of this Article.
    - b. Listing the Person as a Tax Agent would adversely affect the integrity of the Tax system.
  7. The Authority shall notify the Person whether or not his application to be listed in the Register has been accepted or rejected within 20 business days from the date of the Authority's approval of the application.
  8. Listing in the Register shall be valid for three years from the date of registration. The relevant Person shall be required to renew his listing before expiration of such period according to the mechanism determined by the Authority.
  9. The Authority may de-list the Tax Agent from the Register in any of the following cases:
    - a. If it was proven to the Authority that the Person is not eligible to be a Tax Agent.
    - b. If the Authority found that the continued registration of the Person as a Tax Agent would adversely affect the integrity of the Tax system.
    - c. If he committed a significant violation of the provisions of Law or Tax Law.



10. Upon de-listing a Person from the Register, the Authority shall notify that Person regarding the de-listing within 5 business days of the decision and provide reasons for the decision.
11. Where a Person appoints a Tax Agent to act in his name and on his behalf, the Tax Agent shall:
  - a. Assist the Person with his Tax obligations according to a contractual agreement between the Person and the Tax Agent.
  - b. Without prejudice to any obligations in the Law, maintain the confidentiality of any information obtained in the course of performing his duties as a Tax Agent.
  - c. Refuse to participate in any work or plan which may result in a breach of any law by any Person or may jeopardize the integrity of the tax system.
12. In performing his duties as a Tax Agent, the Tax Agent may rely on information provided to him by the Person unless the Tax Agent has reasonable grounds for believing that the information may be incorrect.

## **Title Eight - Tax Audits**

### **Article 11 - Regularity of Tax Audits**

1. When the Authority decides on whether or not to conduct a Tax Audit on a Person, it shall consider the following:
  - a. That a Tax Audit is necessary for protecting the integrity of the Tax system.
  - b. The responsibility of the Person, or anyone associated with him, to comply with the Law and Tax Law.
  - c. The likely Tax revenue at stake, and the administrative and compliance burdens on both the Person and the Authority resulting from performing a Tax Audit.
2. If the Authority decides to re-audit a business, it shall take into consideration the results of the previous Tax Audit, any new information or data, which are likely to change the Authority's position.
3. Notwithstanding Clauses (1) and (2) of this Article, a decision by the Authority to conduct a Tax Audit may not be challenged by any Person.

### **Article 12 - Right to Conduct Tax Audit**

1. For the purposes of conducting a Tax Audit, the Authority may inspect:
  - a. The Premises.
  - b. The Documents available at the Premises.
  - c. The Assets that are available at the Premises.
  - d. The accounting systems used by the Person subject to Tax Audit.



2. For the purposes of implementing provisions of Clause (4) of Article 17 of this Law, the Tax Auditor shall obtain the prior written consent of the Director-General, as well as a permit from the Public Prosecutor to be able to enter the part of the Premises where the Premises or parts thereof are used as a dwelling.
3. For the purposes of implementing Clause (1) of this Article, the occupational tenant of the Premises, or in the absence of the occupational tenant, any Person the Authority considers as having control over the Premises, shall provide the Authority with all reasonable facilities necessary for the effective exercise of its powers under this Article.

### **Article 13 - Notice of Audit**

1. Any notice of a Tax Audit sent by the Authority shall state the possible consequences of obstructing the Tax Auditor in the exercise of his duty.
2. Where a Tax Auditor is assigned to carry out a Tax Audit according to Clause (4) of Article 17 of this Law, he shall provide a notice in writing at the beginning of the Tax Audit to the following:
  - a. The occupational tenant of the Premises if he is present at the time of beginning the Tax Audit.
  - b. The Person who appears to be in charge of the Premises if he is present and the occupational tenant is not present.
  - c. In any other case, the notice shall be posted on a prominent place in the Premises.
3. Any other official of the Authority whom a Tax Auditor considers necessary for the effective exercise of his powers under this Decision may accompany the Tax Auditor to any Premises.
4. A Tax Auditor carrying out a Tax Audit at the Premises of a Person based on a permission of the public prosecutor according to Article 12 of this Decision, shall present the permit issued by the Authority as well as the permit obtained from the public prosecutor, in addition to the proof of identity every time he is requested to do so.

### **Article 14 - Power to remove and retain Original Documents or Assets or make Copies Thereof**

1. Where an original Document is provided to or inspected by a Tax Auditor during a Tax Audit, he may:
  - a. Make copies of the Document.
  - b. Remove the Document for a period specified by the Tax Auditor for the completion of his work, or make copies of it during the removal period, provided that he notifies the Person of such matter.



2. For purposes of Article 12 of this Decision, the Tax Auditor may remove any Asset provided thereto, or inspected by him for a period specified by the Authority for the purposes of completing the Tax Audit.
3. Where a Document is removed under Clause (1) of this Article or an Asset is removed under Clause (2) of this Article, the Authority shall provide a record of what was removed, within 10 business days from the date of removal, to any of the following:
  - a. The owner of the Document or the Asset.
  - b. The occupational tenant of the Premises in which the Document or Asset were removed.
  - c. The Person who had custody or control of the Document or Asset immediately before the removal.
4. The record referred to in Clause (3) of this Article shall include the following:
  - a. The purpose for removing the Asset or Document.
  - b. The nature of the Asset or Document so removed.
  - c. The location where the Asset or Document is stored and the conditions of storage.
  - d. The period for which it is expected to be retained by the Authority.

## Article 15 - Power to Mark Assets and Record Information

The Authority shall have the power to:

1. Mark Assets for the purpose of indicating that they have been inspected.
2. Obtain and record information relating to the Premises, Assets, Documents and accounting systems that have been inspected.

## Article 16 - Storage and Providing Access to removed Documents and Assets

1. Any Documents or Assets removed under Article 14 of this Decision shall be kept and stored by the Authority for the duration required for the completion of the Tax Audit in accordance with the conditions included in Clauses (2) and (3) of this Article.
2. Any Documents or Assets removed and retained shall be returned to the Person to whom a record has been provided under the provisions of Clause (3) of Article 14 of this Decision in a condition as good as practically possible. The Authority may dispose of the Assets that naturally deteriorate and hence cease to have value, in accordance with the internal procedures of the Authority.
3. For perishable Assets, the Authority shall have the right to dispose of them 45 business days after their removal, in accordance with the internal procedures of the Authority.



4. The Authority shall notify the owner of an Asset 10 business days prior to exercising its right under Clauses (2) or (3) of this Article, of its intention to dispose of the Asset in whole or in part, and give the owner an opportunity to take back the Asset in whole or in part.
5. Where the Person from whom the Asset or Document was taken submits a request to view the Asset or Document, the Authority may:
  - a. Allow the Person who made the request to view the Asset or Document under the supervision of the Authority for the purpose of photocopying or photographing the Document or photographing the Asset.
  - b. Photocopy or photograph the Document or photograph the Asset, and provide the photocopy or the photograph to the relevant Person.
  - c. Reject the request where the Authority believes that it would prejudice any of the following:
    - 1) That Tax Audit.
    - 2) The Tax Audit of another Person.
    - 3) Any investigation related to any of the Documents or Assets to be viewed.
    - 4) Any criminal proceedings related to the Document or the Asset to be viewed.

## Article 17 - Result of the Audit

1. The Person subject to the Tax Audit shall be notified of the results of the Tax Audit within 10 business days from the end of the audit.
2. Where the Person subject to the Tax Audit is notified of the results of the Tax Audit in accordance with Clause (1) of this Article, he may request the Authority to view or obtain Documents and data on which the Authority based the assessment of Due Tax. Such request shall be made in writing or through such other form adopted by the Authority within 20 business days from the date of the notice provided by the Authority, and shall provide the requested information within 10 business days in the following manner:
  - a. A paper or electronic copy of the Document or data requested.
  - b. The original Document or data requested if such Documents or data belong to the Person subject to the Tax Audit who made the request.
3. The Authority is not required to provide:
  - a. Documents or data which would reveal internal correspondence or decisions made by the Authority.
  - b. Any confidential information or data related to any other Person or Persons.
  - c. Any Documents or data, which are known to be in possession of the Person, who is subject to the Tax Audit and made the request. In this case, the Authority shall provide the Person subject to the Tax Audit with sufficient information to enable him to identify the Documents and data requested.



## Article 18 - Notice to Provide Information or Documents

The Authority may issue a Notification requiring a Person to provide any information or any Documents in relation to himself or another Person, if these Documents or information are considered necessary by the Authority.

## Article 19 - Complying with Notifications

1. Where a Person has been notified to provide information or Documents, the Person shall do so within the period specified and by the means and in the form determined in the Notification.
2. Where a Notification requires a Person to provide information or Documents, these shall be submitted at any of the following places:
  - a. A place agreed upon between the Person and the Authority.
  - b. The place determined by the Authority provided that this place is appropriate and not used solely as a dwelling.

## Title Nine - Tax Assessment and the Administrative Penalties Assessment

### Article 20 - Considering Taxes as Debts owed to the Authority

Where an amount of Tax or Administrative Penalty has been assessed and notified to any Person under the Tax Law, it shall be deemed to be a debt to the Authority, and may be collected accordingly.

### Article 21 - Notification of Tax Assessment or Administrative Penalty Assessment

1. A notification of Tax Assessment shall contain sufficient information regarding the Tax Assessment, and include at least the following:
  - a. The Taxable Person's name and address.
  - b. The Taxable Person's Tax Registration Number, if applicable.
  - c. The Tax Assessment reference number.
  - d. The Tax to which the assessment relates.
  - e. A Tax summary, which includes: the details of the Tax declared and adjustments made.
  - f. Reasons for Tax Assessment.
  - g. Net Tax due to the Authority or refundable by the Authority.
  - h. The date any Due Tax is payable and the method of payment.



2. A notification of an Administrative Penalty Assessment shall contain sufficient information regarding the Administrative Penalty Assessment, and shall include at least the following:
  - a. The Person's name and address.
  - b. The Taxable Person's Tax Registration Number if applicable.
  - c. The Administrative Penalty Assessment reference number.
  - d. The Tax to which the Administrative Penalty Assessment relates.
  - e. The violation for which the Administrative Penalty has been assessed.
  - f. The Administrative Penalty summary, which includes: the amount of Administrative Penalty imposed, the amount of Tax to which the Administrative Penalty relates, and any reductions to the Administrative Penalty.
  - g. Total of Administrative Penalties due to the Authority.
  - h. The date any Administrative Penalty due is payable and the method of payment.

## **Title Ten - Tax Refunds**

### **Article 22 - Procedures of Getting a Tax Refund**

1. Subject to any further conditions specified in the Tax Law, a Taxpayer shall apply for a refund as per the mechanism specified by the Authority.
2. The Authority shall, within 20 business days of an application being submitted, review the application and notify said Taxpayer of accepting or rejecting the refund claim. Where the Authority has reasonable grounds for requiring a period longer than 20 business days to consider his application, it shall notify the relevant Taxpayer thereof.
3. Where the Authority has approved a refund application in accordance with Clause (2) of this Article, it shall, within 5 business days of the approval, either make the appropriate payment to the Person or notify the Person that the Authority will offset the amount requested to be refunded against any other Payable Tax or Administrative Penalties due, or to notify the Person that the refund will be postponed until all due Tax Returns are submitted to the Authority; any amount in excess of such liability shall be refundable in conformity with the conditions contained in the Tax Law .
4. The payment of a refund amount shall be made to the Person entitled to the refund by the means acceptable to the Authority.





## Title Eleven – Bankruptcy Cases

### Article 23 - Responsibilities of Bankruptcy Trustee in Case of Bankruptcy

1. If a Business or part of a Business is subject to bankruptcy proceedings and a Person has been appointed as a trustee in bankruptcy, that trustee shall be treated as representing and carrying out the Business or the part of the Business until the expiration date of his appointment as a trustee in bankruptcy under the Federal Decree Law No 9 of 2016.
2. Where the Authority has notified an appointed trustee of the Due Tax, the trustee may apply for a review, objection or appeal of the decision, in accordance with the rules and controls stated in Title Four of the Law.
3. Any Payable Tax due to the Authority shall be paid by the trustee in accordance with the settlement mechanism applicable to the Payable Tax.

## Title Twelve – Disclosure of Information

### Article 24 - Disclosure of information

1. The Authority staff and any Persons delegated by the Authority to execute the provisions of the Law or the Tax Law shall not disclose information they become aware of by virtue of carrying out a function at the Authority, except in the following cases:
  - a. The disclosure is made upon a decision of a judicial authority for the purposes of a civil or criminal case before the Competent Court with respect to a matter falling within the Authority's functions.
  - b. The disclosure is made to a competent government entity that was determined by a decision of the board of directors, after concluding a memorandum that stipulates such disclosure, the use that may be made of the information disclosed, the arrangements for the control, security, subsequent disclosure and the accuracy of the information, including the access to that information by Persons.
  - c. The disclosure is made in the implementation of international conventions or treaties.
  - d. The disclosure is requested by a Person or their Tax Agent in relation to any part of their file which is held by the Authority.
  - e. The disclosure is made to another specialised Authority's staff member, provided it is made at a place and in accordance with the confidentiality



conditions under which the Authority expects that Person to perform his duties and functions.

2. For purposes of Clause (1) of this Article, “the Authority’s staff” means:
  - a. The chairman and members of the Board.
  - b. The Director-General.
  - c. Any other officer of the Authority.
3. For the purposes of implementing this Article, the Board may specify the following:
  - a. The Persons working at the Authority, whose functions allow them to disclose information and the nature or category of such information which may be disclosed.
  - b. The date on which disclosure may be made.

## **Article 25 - Disclosure of Information by the Authority’s Staff after Leaving Function**

If an Authority’s staff member leaves his job, he shall remain under the same duty of confidentiality in respect of information known or held by him at the time that he was authorised to carry out his functions as a competent officer of the Authority, save where a Competent Court or the Public Prosecutor orders the disclosure of any such information.

## **Title Thirteen – Reduction in or exemption from Administrative Penalties**

### **Article 26<sup>1</sup> - Reduction of Administrative Penalties or Exemption Therefrom**

1. The Authority may reduce or waive Administrative Penalties for any Person or category whose violation of the provisions of the Law or Tax Law was proved, if the following conditions are met:
  - a. There is an excuse that is acceptable to the Authority.
  - b. Availability of evidence that justifies the existence of the excuse and the violation it caused, which led to the imposition of Administrative Penalties.
2. Without prejudice to the provisions of Clause (1) of this Article, any Person or category whose violation of the provisions of the Law or Tax Law was proved, may apply to the Authority to reduce or waive the penalties it imposed according to the following provisions:
  - a. There is an excuse that is acceptable to the Authority.

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<sup>1</sup> Amended as per Cabinet Decision No. 51 of 2021 – effective from 28 April 2021



- b. Availability of evidence that justifies the existence of the excuse and the violation it caused, which led to the imposition of Administrative Penalties.
  - c. The reduction or exemption application is notified to the Authority, as per the mechanism it specifies, within 40 business days from the end of the acceptable excuse.
  - d. The Person demonstrates that they have corrected their violation.
  - e. The request for reduction or exemption is submitted to the Authority in the form it specifies.
3. An excuse is not considered accepted if the act that led to the violation was deliberate.
  4. For the purposes of implementing the provision of paragraph (a) of Clause (1) and paragraph (a) of Clause (2) of this Article, the acceptance of an excuse shall be based on a decision by a tripartite committee, set up by a decision of the Director-General and has the mandate to review the excuse and accept or reject it.
  5. The Authority shall make its decision in respect of the reduction of the Administrative Penalties or exemption therefrom within 40 business days from the date of receiving the application, if any, and shall notify the applicant of the decision within 10 business days from the date of issuance.

## **Article 27 - Abrogation of Contradicting Provisions**

Any provision contrary to or inconsistent with the provisions of this Decision shall be abrogated.

## **Article 28 - Publication and Application of this Decision**

This Decision shall be published in the Official Gazette and shall come into effect from the date of its issuance.