

SUBSIDIARY LEGISLATION 406.13

**VALUE ADDED TAX (REFUND
TO NON-RESIDENTS) REGULATIONS**

1st May, 2004

LEGAL NOTICE 319 of 2004, as amended by Legal Notices 426 of 2007, 59 and 105 of 2008, 426 of 2012 and 204 of 2015 and 116 of 2019.

1. (1) The title of these regulations is the Value Added Tax (Refund to Non-residents) Regulations.

Citation and commencement.

(2) These regulations shall be deemed to have come into force on 1st May, 2004 and shall apply to purchases, made by non-resident travellers, of goods taken out of the Community in their personal luggage on or after this date.

2. (1) In these regulations unless the context otherwise requires-

Interpretation.
Amended by:
L.N. 426 of 2007;
L.N. 105 of 2008;
L.N. 426 of 2012;
L.N. 204 of 2015;
L.N. 116 of 2019.
Cap. 406.

"the Act" means the Value Added Tax Act;

"administrative fee" means a fee of twenty-three euro (€23) or four per cent of the repayment claimed, whichever is the higher, charged by the Commissioner to the non-resident traveller when the non-resident traveller makes a claim for a repayment of value added tax directly with the Commissioner and not through an authorised refund operator;

"authorised refund operator" means a refund operator authorised by the Commissioner that acts on behalf of a non-resident traveller in a claim for a repayment of value added tax under these regulations;

"commission" means any commission, charge or any other fee by whatever name and irrespective of how computed, as approved by the Commissioner and charged by the authorised refund operator to the non-resident traveller for acting on the non-resident traveller's behalf in a claim for repayment of value added tax under these regulations;

"domicile or habitual residence" means the place entered as such in a passport, a legally valid identification document which the Maltese authorities, within whose territory the supply takes place, consider to be valid;

"non-resident traveller" means a traveller whose domicile or habitual residence is not situated within the Community.

(2) Other terms and expressions used in these regulations shall have the meaning assigned to them in the Act.

3. A repayment of value added tax paid on goods purchased in Malta by non-resident travellers shall be made to such non-resident travellers or to an authorised refund operator acting on behalf of the non-resident travellers, when the goods are taken out

Conditions.
Substituted by:
L.N. 204 of 2015.

of Malta to a final destination outside the Community in the accompanied luggage by such non-resident travellers before the end of the third month following that in which the supply was effected, provided that:

- (a) the application is made on such form as may be approved by the Commissioner;
- (b) the payment is made of the administrative fee which shall be directly deducted by the Commissioner from the amount of repayment claimed, when such payment is made directly to the non-resident traveller;
- (c) the goods are officially certified to have been taken out of Malta at the point of exit, and, in the case of a non-resident traveller who transits through another Member State or States, an endorsement that the goods have left the Community;
- (d) original fiscal receipts in respect of the purchase of goods for which repayment is being claimed are attached to the approved form;
- (e) where the repayment of value added tax is claimed by an authorised refund operator, in addition to the documents mentioned in this regulation, the claim for refund is also supported by additional forms and information as may be requested by the Commissioner;
- (f) where the repayment of value added tax is claimed by an authorised refund operator, the authorised refund operator may charge a commission to non-resident travellers as agreed or approved by the Commissioner.

Inapplicability of these regulations.

4. These regulations shall not apply to:

- (a) consumable items which are wholly or partly consumed in Malta;
- (b) goods exported for business purposes.

Minimum limit.
Amended by:
L.N. 426 of 2007.
Substituted by:
L.N. 59 of 2008;
L.N. 204 of 2015.
Amended by:
L.N. 116 of 2019.

5. Repayment shall only apply to goods where the value of such goods purchased from a single registered establishment as shown on a single receipt is not below fifty euro (€50).

Repayment.
Substituted by:
L.N. 204 of 2015.

6. Approved repayments will be made to the applicant as shown on the form approved by the Commissioner in a currency of his choice as selected on the said form or in Euro by bank transfer when the payment is made by the Commissioner to an authorised refund operator subject to the written consent of the non-resident traveller:

Provided that a repayment of value added tax due to an authorised refund operator shall only be made in so far as the Commissioner is satisfied that any commission charged to non-resident travellers is as agreed or approved by the Commissioner.