

Nru. 838

No. 838

**ATT DWAR IT-TAXXA FUQ IL-VALUR MIŻJUD
(KAP. 406)**

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

**Linji Gwida dwar il-Partita 5, Taqsima Tnejn
tal-Ħames Skeda tal-Att dwar it-Taxxa
fuq il-Valur Miżjud – Sports**

**Guidelines on Item 5, Part Two of the Fifth
Schedule to the Value Added
Tax Act – Sports**

IL-Kummissarju tat-Taxxi jgħarraf illi, f'konformità mal-artikolu 75(2) tal-Att dwar it-Taxxa fuq il-Valur Miżjud (Kap. 406, Liġijiet ta' Malta), għandhom japplikaw il-linji gwida li ġejjin:

THE Commissioner for Revenue notifies that, in conformity with article 75(2) of the Value Added Tax Act (Cap 406, Laws of Malta), the following guidelines shall apply:

Bażi legali għal dawn il-linji gwida:

Legal Basis for these guidelines:

Il-partita 5 tat-Taqsima Tnejn tal-Ħames Skeda tal-Att dwar it-Taxxa fuq il-Valur Miżjud teżenta mill-VAT mingħajr id-dritt tat-tnaqqis tal-input VAT:

Item 5 of Part Two of the Fifth Schedule to the Value Added Tax Act exempts from VAT without the right of deduction of input VAT:

“Il-provvista minn organizzazzjonijiet li ma jagħmlux profitt ta' dawk is-servizzi li għandhom x'jaqsmu ma' rikreazzjoni sportiva jew fiżika u provduta lill-persuni li jieħdu sehem fl-isport jew rikreazzjoni fiżika hekk kif jistgħu jiġu approvati mill-Ministru.”

“The supply by non-profit making organisations of such services related to sport or physical recreation and provided to persons taking part in sport or physical education as may be approved by the Minister.”

Din id-dispożizzjoni timplimenta l-artikolu 132.1(m) tad-Direttiva tal-Kunsill 2006/112/KE tat-28 ta' Novembru 2006 dwar is-sistema komuni tat-taxxa fuq il-valur miżjud li tipprovdi illi l-Istati Membri għandhom jeżentaw mingħajr id-dritt tat-tnaqqis tal-input VAT “il-provvista ta' certu servizzi marbuta mill-qrib ma' sport u edukazzjoni fiżika minn organizzazzjonijiet li ma jagħmlux profitt lil persuni li jieħdu parti fl-isport jew fl-edukazzjoni fiżika”.

This provision implements article 132.1(m) of Council Directive 2006/112/EC of 28th November, 2006, on the common system of value added tax which provides that Member States shall exempt without the right of deduction of input VAT “the supply of certain services closely linked to sport or physical education by non-profit-making organisations to persons taking part in sport or physical education”.

Għall-iskop tal-applikazzjoni tal-eżenzjoni, din titqies li hija applikabbli fejn:

For the purpose of applying the exemption, this is deemed to be applicable where:

1. Min jipprovdi s-servizz irid ikun “organizzazzjoni li ma tagħmilx profitt”. Għall-fini tal-Att dwar it-Taxxa fuq il-Valur Miżjud, organizzazzjoni li ma tagħmilx profitt hija entità kif definita fil-partita 5, Taqsima Hamsa tal-Ħames Skeda tal-Att dwar it-Taxxa fuq il-Valur Miżjud.

1. The service provider is a “non-profit making organisation”. For the purposes of the VAT Act, a non-profit making organisation is an entity as defined under item 5, Part Five, Fifth Schedule to the VAT Act.

2. L-eżenzjoni tapplika biss għal dawk is-servizzi li huma marbuta mill-qrib ma' sport jew edukazzjoni fiżika u fejn is-servizzi jkunu provduti lil persuna li tieħu parti fl-isport jew fl-edukazzjoni fiżika.

2. The exemption applies only to such services that are closely linked to sport or physical education and where the services are provided to the person taking part in sport or physical education.

Il-Kummissarju tat-Taxxi jirriserva d-dritt li jissostitwixxi, ibiddel jew jirtira dawn il-linji gwida fi kwalunkwe żmien kif meħtieġ.

The Commissioner for Revenue reserves the right to substitute, alter or withdraw these guidelines at any time as may be necessary.

Is-16 ta' Lulju, 2019

16th July, 2019