



*Transmittal Note*

## **SUPPLEMENT TO DOC 8632**

### **ICAO'S POLICIES ON TAXATION IN THE FIELD OF INTERNATIONAL AIR TRANSPORT**

**(Third Edition — 2000)**

1. The attached Supplement supersedes all previous Supplements to Doc 8632 and includes information received up to 15 January 2013 from Contracting States as to their position vis-à-vis the Council Resolution on taxation in the field of international air transport.
  2. Additional information received from Contracting States will be issued at intervals as amendments to this Supplement.
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**SUPPLEMENT TO DOC 8632 — THIRD EDITION**

**ICAO'S POLICIES ON TAXATION IN THE FIELD  
OF INTERNATIONAL AIR TRANSPORT**

Information contained herein reflects the status of implementation of Council's 1999 Taxation Resolutions and Recommendations by Contracting States as notified to ICAO.

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INTERNATIONAL CIVIL AVIATION ORGANIZATION

**RECORD OF AMENDMENTS TO SUPPLEMENT**

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The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of ICAO concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

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**ARGENTINA**

**Clause 1** Argentina complies with the Council Resolution contained in Clause 1, with the following clarifications:

- 1) With reference to the exemptions which the Resolution in Clause 1 of Doc 8632 establishes with respect to import and export duties, the situations outlined there are free from the payment of such taxes, with the exception of the hypotheses foreseen which are mentioned in Attachment I hereto.
- 2) With regard to international air transport operations performed in our country by aircraft registered in another State or leased or chartered by enterprises of that State, which are provided for in the Resolution in Clause 1 of Doc 8632 which establishes the exemption from consumption taxes levied on the acquisition of fuel, lubricants and other consumable technical supplies contained in the tanks or other receptacles on aircraft or taken on board, Argentina legislation provides for tax exemption for these products under certain conditions, namely:
  - a) With respect to internal taxes, provided that the fact of being taxable has not been established, provision is made for exemption when these products have been included on the list of stores (products which will be consumed on board) or if the fact of being taxable has been established, the tax will be refunded or credited.
  - b) Although the sale of certain products has the Value Added Tax (VAT) levied on it, the regulations for this tax provide for the refund of the tax in those cases intended for the international transport of passengers and cargo.

**Clause 2** Argentina complies with the Council Resolution contained in Clause 2 which merits the following comments:

- 1) Since 1946, Argentina has maintained the position which provides that each State must have exclusivity in the taxation of the income and the capital of the enterprises performing international transport operations which are constituted or domiciled in that State.
- 2) Starting from the year mentioned in 1) above, specific agreements have been concluded for the avoidance of double taxation in the field of international transport by sea and by air. In addition, the position mentioned in the relevant articles of the broad tax agreements for the avoidance of double taxation (Articles 8, 13 and 22 of the OECD Model Convention) has been established.

**Clause 3** Argentina does not apply types of taxation which may affect the *modus operandi* of international transport by creating obstacles or difficulties for its development, as far as passengers and shippers are concerned. In this regard, the following comments should be made:

- 1) Argentina levies 5 per cent on the price of air tickets for travel abroad which are sold or issued in our country, as well as those sold or issued outside our national territory, to nationals or permanent residents of our country, where the departure point of the journey is at any airport located in our country.
- 2) There is a conceptual difference with respect to the Resolving Clause (2) part where what in Argentina is called a charge for the payment of a service provided by the Nation, Province or Municipality is considered a tax and with respect to which international practices, a position

maintained by Argentina, allow for countries to be able to collect such charges which are in general applied on the value of the immovable property and which are intended to cover the costs of city lighting and cleaning.



**Attachment 1**

**Customs Code of the Argentine Nation (Law 22.415)**

“Article 514

Except for any special provision to the contrary, the loading in a means of transport, national or foreign, of goods which are not freely circulated in the customs territory and which are intended as supplies, of stores or of supplies coming from a warehouse subjected to customs control, shall be considered as if it were importation for consumption and shall be subject to the corresponding payment of taxes.”

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## ARMENIA

In accordance with the Law of the Republic of Armenia “On Value-Added Tax”, a zero rate of VAT is applied with respect to the following:

- a) fuel for filling aircraft flying international lines, and the provision of goods intended for use by the crew and passengers on aircraft along the entire route;
- b) taxable turnover of services (including air navigation, and takeoff and landing), repairs, re-equipping the means of transport operating on international routes, as well as services of carriage on international routes for passengers, baggage, freight, and post, and services provided to passengers during transport;
- c) taxable turnover of services (including agency and intermediary services) directly associated with the services indicated in subparagraph b) above and for the providers thereof.

A zero rate of VAT applies to resident and non-resident companies.

In accordance with Article 102 of the Tax Code of the Republic of Armenia, a zero rate of customs duty applies to the import and export of all types of fuel and lubricants.

In accordance with the Law of the Republic of Armenia on Profit Tax, revenues received by a foreign company performing air transport from the Republic of Armenia are subject to taxation either at the source of income payment or on the basis of an annual income statement (if the company performing air transport has a separate subsidiary in the territory of the Republic of Armenia).

Moreover, agreements to avoid double taxation of income and property have been concluded with and are in force in virtually all of the countries of residence (incorporation) of foreign companies performing air transport from or to the Republic of Armenia, as are air services agreements, and the provisions of these agreements concerning international air transport are in conformity with ICAO’s policies on taxation in the field of international air transport.

As of 1 January 2012, Armenia has double taxation avoidance agreements on income and property with the following 43 countries: Bulgaria, Ukraine, China, Romania, Russia, Iran, Turkmenistan, Georgia, Lebanon, Latvia, Lithuania, France, Belarus, Greece, Thailand, the Netherlands, Estonia, Belgium, Austria, the United Arab Emirates, India, Poland, Canada, Moldova, Syria, Qatar, Switzerland, Finland, Italy, Czech Republic, Luxembourg, Croatia, Hungary, Kazakhstan, Cyprus, Tadjikistan, Indonesia, Egypt, Kuwait, Slovenia, Spain, United Kingdom of Great Britain and Northern Ireland and Ireland.

In the Republic of Armenia, a State air passenger departure of 10,000 Armenian drams (approximately USD 33) has been collected since 1998 from passengers flying out of the Republic of Armenia. According to the amendment to the Law of the Republic of Armenia on the State Duty (entered into force on 29 March 2009), the State duty is included in the cost of an air ticket and should be paid to the State budget of the Republic of Armenia:

- a) by air carriers of the Republic of Armenia and representatives of foreign air carriers registered in the Republic of Armenia, when operating scheduled air services; and
- b) by organizations operating airports, when operating non-scheduled air service.



## AUSTRALIA

### General Comment

Australia's policy remains that the taxation of international airlines should be dealt within the context of Australia's overall taxation policy.

### Extension of ICAO taxation policies to taxes levied at sub-national levels

Australian States and Territories have their own taxing powers, and the Commonwealth does not have the authority to directly override State taxation laws. This is reflected in the fact that Australia's double tax treaties and airline profit agreements do not cover State taxes.

The following information is provided in relation to national taxation.

### Notification of practice with regard to Doc 8632 — taxation at national level only

#### Clause 1

Australian practice, as reflected in Article 9 of Australia's standard Air Service Agreement complies with Clause 1.

Specifically, aircraft operated in international air transportation by the airlines of each Party are exempt from import restrictions, customs duties, excise taxes, goods and services tax, and similar fees and charges imposed by Australia. Component parts, normal aircraft equipment and other items intended for or used solely in connection with the operation or for the repair, maintenance and servicing of such aircraft are similarly exempt, provided such equipment and items are for use on board an aircraft and are re-exported.

Provided in each case that they are for use on board an aircraft in connection with the establishment or maintenance of international air transportation by the airline concerned, the following items are exempt from import restrictions, customs duties, excise taxes, goods and services tax, and similar fees and charges imposed by Australia, whether they are brought by an airline into Australian territory or supplied to an airline in Australia:

- i) aircraft stores (including but not limited to such items as food, beverages and products destined for sale to, or use by, passengers during flight);
- ii) fuel, lubricants (including hydraulic fluids) and consumable technical supplies, and
- iii) spare parts including engines.

These exemptions also apply when these items are used on any part of a journey performed over Australian territory in the course of an international journey.

#### Clause 1 e)

Australia would use its best efforts to ensure that State and local authorities do not impose taxes on items used in operating or servicing aircraft used in international air transport, including fuel, lubricants and consumable technical supplies. However the Australian Government cannot give a commitment that it could ensure the States would not levy taxes in certain cases. The Australian States and local authorities do not at present impose any taxes inconsistent with the tax exemptions for international air transport set out in Australia's model air services agreement or in the ICAO's resolution on the taxation of items used in international air transport.

**Clause 2 a) i)** There are no special rules in Australia's domestic taxation law for taxing the income of a non-resident airline operator and such airlines must calculate their taxable income in accordance with Australian income tax law.

Australia's comprehensive bilateral tax treaties generally follow the *OECD Model Tax Convention on Income and on Capital*, which allocates taxing rights over profits from international air transport to the country of residence of the relevant enterprise. Australia reserves the right, however, to tax profits from the carriage of passengers or cargo taken on board at one place in Australia for discharge in Australia. Australia's tax treaties also provide that the enterprise's country of residence provide relief from double taxation where necessary.

Australia taxes capital gains as part of its income tax regime. Under Australia's domestic law non-resident international airline operators are taxed on capital gains arising from the disposal of "taxable Australian property" (essentially Australian real property and the business assets of Australian branches of a foreign resident airline operator). Where a comprehensive tax treaty exists, Australia does not tax capital gains arising from the alienation of aircraft (or movable property pertaining to the operation of such aircraft) operated by a non-resident enterprise. Taxing rights over such gains are allocated to the country of residence of the enterprise.

**Clause 2 c)** Australia has entered 44 comprehensive tax treaties and 4 airline profits agreements, which deal with the taxation of profits from international air transport.

**Clauses 3 and 4** Australia's goods and services tax (GST), a broad-based value added tax, makes sales of international air transport services GST-free (zero-rated). Hence Australia complies with Clause 3 of the ICAO policy statement.

The Passenger Movement Charge (PMC) is a non-hypothecated tax levied on international passengers departing from Australian airports and is usually collected by the international airline as part of the ticketing/airfares process. It contributes to recovering the costs of a range of aviation security initiatives, processing international passengers at international airports and maritime ports, and issuing short term visas overseas. The PMC is remitted to the Australian Customs Service by the airline following the departure of the aircraft from Australia.

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**AUSTRIA****Clause 1**

- Clause 1 a)** This clause is implemented in Austria for commercial air transport;
- Clause 1 b)** Exemptions are being granted even without the requirement of reciprocity;
- Clause 1 c)** Exemptions are also being granted on departure;
- Clause 1 d)** This definition is acceptable in Austria; and
- Clause 1 e)** There are no such local taxes and duties in Austria.

**Clause 2** Fully acceptable to Austria.

**Clause 2 a)** Austria has concluded a number of bilateral agreements on double taxation, so that multiple taxation inter alia in the field of civil aviation is to be avoided.

**Clause 4** As stated above, Austria respects the existing exemption of international civil aviation from taxation with said one exception.

However, Austria as an EU Member State does support the introduction of emission trading in Europe as the appropriate economic instrument to reduce/to limit the environmental impact of civil aviation. Moreover, Austria would strongly support any global emission trading system to be achieved under the framework of ICAO and UNFCCC.

Contrary to ICAO recommendation, a federal tax on the covered flight distance has been implemented. The tax on short distances is 8 €, on middle distances 20 € and on long distances 35€ per departing passenger.





**AZERBAIJAN**

**General comment**

With regard to the resolution in question, please note that we have neither comments nor proposals with respect to the document indicated above.

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**BAHRAIN**

The Kingdom of Bahrain is committed to promote market-based economics and has thus adopted a proactive position within its resources and facilities. Accordingly it does not levy a corporate tax on companies in all fields of activity including airlines. This is designed to facilitate commercial investment.

The State has also concluded several double taxation avoidance agreements in respect of airline activities. Its bilateral air services agreements also contain a special provision exempting airlines from taxes and other charges.

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**BARBADOS**

**Clause 3**      With effect from 27 November 2010, the value added tax of fifteen percent (15 per cent) imposed on airline tickets for journeys commencing, issued or paid for in Barbados was increased to 17.5 per cent.

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**BELGIUM****Clause 1****A. Fuel and lubricants on board aircraft**

An exemption from customs duties is granted on arrival for fuels and lubricants on board aircraft serving scheduled international routes.

An exemption from excise duties is granted for stores, supplies, fuels and lubricants on board aircraft on arrival.

**B. Fuels and lubricants delivered on board an aircraft in Belgium**

Goods from countries outside the EU which are retrieved from a holding facility (e.g. customs bonded warehouse) are exempt from customs duties.

If such goods are re-exported outside the territory of the EU, they are exempted from import duties. This is the case with supplies for aircraft whose final destination is outside the EU.

It should be noted that the exemption from excise duties is restricted to the provision of aviation fuel irrespective of the flight performed.

As to registration and the value-added tax:

The ICAO Resolutions are applied within the limits of the 6th directive of 17 May 1977 of the Council of the European Union (77/388/CEE) transposed into the Belgian legislation.

The latter contains a paragraph providing that the following are tax-exempt:

1. deliveries and imports of aeroplanes, hydroplanes, helicopters and similar aircraft for use by the State and by airlines chiefly engaged in the international transport of persons and goods for remuneration;
2. deliveries to the producers, owners or operators of the aircraft referred to in Item 1 of this paragraph, and imports by them of articles to be incorporated in these aircraft or used in operating them;
3. the provision of services for the production, conversion, repair, maintenance and rental of the aircraft and articles referred to in Items 1 and 2 of this paragraph;
4. deliveries to airlines referred to in Item 1 of this paragraph and imports by them of goods for refuelling the aeroplanes, hydroplanes, helicopters and similar aircraft which these airlines use;
5. the provision of services other than those referred to in Item 3 of this paragraph for the direct needs of the aircraft referred to in Item 1 of this paragraph, except for aircraft used by the State, and of their cargo, such as towing, piloting, rescue and expertise, use of aerodromes, services required for landing, take-off and stay of aircraft on aerodromes, services provided to airlines by airline agents in their capacity as agents, assistance provided to passengers and crews on behalf of airlines.

The VAT code also provides for a tax exemption for intra-Community imports and purchases of goods whose delivery by those liable to tax is, in any case, exempt within the country.

Implementation provisions of the VAT code also provide for the permanent tax-exempt import of

the stores on board aircraft serving scheduled international routes.

The provisions of the Belgian legislation are in keeping with the objectives of Clause 1 of the ICAO Resolution. It will also be noted that these exemptions only apply to aircraft used for the international transport of persons and goods, contrary to the provisions of Clause 1 a) of the document and paragraph 3 of the Council's Commentary.

**Clause 2 a)           Income of international air transport enterprises and from aircraft operation**

The Belgian income tax code allows for the exemption, under conditions of reciprocity, of the profits which a foreign company derives in Belgium from operating aircraft which it owns or charters and which stop over in Belgium. This is an exemption from the Belgian non-residents' tax, which is in principle the only possible tax on the income in question.

**Clause 2 b)           Double taxation avoidance agreements**

In the great majority of double taxation avoidance agreements, Belgium has included, following the OECD Model Convention, a provision stipulating that the profits from the operation of aircraft in international traffic shall only be taxable in the Contracting State where the enterprise's place of effective management is located or in that enterprise's State of residence.

This also applies to capital gains arising from the alienation of aircraft, to the salary received for paid work on board aircraft and to any taxes on the wealth constituted by these aircraft.

In the case of Belgium, these double taxation avoidance agreements apply to the personal income tax, the corporate tax, the tax on juridical persons, the non-residents' tax, the special contribution related to the personal income tax and the supplementary crisis tax, including the deductions at source, the surtax on the said deductions as well as the surtaxes on the personal income tax, levied on behalf of Belgium, its political subdivisions or its local communities.

**Clause 3**           Subject to what was mentioned in the Commentary on Clause 2 concerning the income of international air transport enterprises, Belgium does not have specific sales taxes on international air transport operations or on international tickets.

There are airport charges whose proceeds are used to pay for the services provided or to finance investments for the benefit of civil aviation. In particular, this is the case for the use of the facilities developed for the passengers and for the surfaces occupied by handling companies.

The aircraft take-off and landing charges are set in accordance with a rate which varies depending on the weight of the aircraft, its acoustic category and the time of operation. This variation is intended to protect the environment and the peace of those living nearby.



**BOTSWANA**

Botswana does endorse the ICAO Council Resolution of 24 February 1999 as contained in Doc 8632, Third Edition, 2000. The present legislation does not require the imposition of any taxes or duties of any sort on the said items. As a safeguard, the bilateral air services agreements with other countries contain articles which exempt the designated airlines from payment of such taxes and duties for aircraft engaged in international operations on a reciprocal basis.

Botswana shall keep ICAO informed of any subsequent changes in her position vis-à-vis this resolution.

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## BURKINA FASO

In accordance with Article 24 of the Chicago Convention, Burkina Faso complies with the policies of the International Civil Aviation Organization (ICAO) on taxation in the field of international air transport.

### **I. Airport Service Charges**

Airport service charges related to airport public services generate remuneration of the airport manager for services rendered.

The adjustment of these charges is based on relevant, objective, and transparent criteria in respect of the costs associated with the provision of these services. The charges comply with ICAO recommendations.

### **II. Taxes on Fuel, Lubricants, and Other Consumable Technical Supplies**

In accordance with Article 24 of the Chicago Convention and with the provisions of the bilateral agreements in place, Burkina Faso, on a basis of reciprocity, applies the exemption from customs or other duties on fuel, lubricants, consumable technical supplies, spare parts, etc.

### **III. Taxation of Income**

As regards the taxation of airline income, the bilateral air transport agreements signed between Burkina Faso and other States provide for non-double taxation of income derived from international air service operations.

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## BURUNDI

### General comments

Burundi applies the provisions of Document 8632 and has no restrictions with respect to the Resolution. Exemption and reciprocity arrangements are specified in the bilateral air transport agreements between Burundi and the country of the air transport company concerned.

### Clause 1

The Government of Burundi exempts from customs and other duties fuel, lubricants and other consumable technical supplies when used in international air transport.

Moreover, it favours the inclusion of a clause to that effect in bilateral air transport agreements in order to ensure reciprocity.

### Clause 2

In Burundi, the taxation of the earnings of air transport enterprises and of aircraft and other movable property associated with the operation of aircraft engaged in international air transport is effected in the State in which the head office of the enterprise in question is actually located.

Bilateral air transport agreements negotiated by Burundi must include a tax clause to ensure reciprocal treatment for its international air transport enterprises.

### Clause 3

The Government of Burundi levies no taxes on the sale or use of international air transport.

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**CAMEROON**

Cameroon has no objections to ICAO's guidance in respect of policies on taxation in the field of international air transport.

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**CANADA****General Comments**

Canada has a federal system of government. Canada's constitution gives certain taxing powers to the provincial governments and does not require the provinces to conform to the policies of the federal Government in exercising those powers. Municipal governments have also been given their own taxing powers by their respective provincial governments, although more limited.

Therefore, unless otherwise indicated, the following comments only concern taxes and duties imposed by the federal government in Canada.

**Clause 1****Clause 1 a) Fuel**

Aviation fuel used in the provision of international air transportation services is exempt from federal customs duties and excise taxes.

The federal Goods and Services Tax (GST) and the Harmonized Sales Tax (HST), which is levied instead of the GST in provinces that have harmonized their retail sales taxes with the GST, are relieved in the case of aviation fuel that is used to provide international air transportation services.

While all provinces in Canada levy tax on aviation fuel, most provide either full or partial tax relief for aviation fuel used to provide international air transportation services.

**Lubricants or other consumable technical supplies**

Aircraft stores, lubricants and other consumable technical supplies used in the provision of international air transportation services are for most items exempt from federal customs duties and excise taxes.

The GST/HST is relieved or refunded in the case of consumable technical supplies that are used to provide international air transportation services.

**Clause 1 a) Last paragraph**

The relief from GST/HST described above generally only applies where an air carrier is providing international transportation services in the course of its commercial activities.

**Clause 1 e) See **General Comment** above.****Clause 2****Clause 2 a) i) No taxes are levied on income derived by non-residents from the operation of aircraft in international traffic, provided the country where they reside grants substantially similar relief to Canadian residents.****Clause 2 a) ii) See **General Comments** above.****Clause 2 b) When non-residents are exempt from federal tax on income and capital directly related to the**

operation of aircraft in international traffic, the provinces provide simple tax relief.

**Clause 2 c)**

Canada has agreements relating to the avoidance of double taxation in force with the following countries:

Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belgium, Brazil, Bulgaria, Cameroon, Chile, China, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, Estonia, Finland, France, Gabon, Germany, Greece, Guyana, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Moldova, Mongolia, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Senegal, Singapore, Slovak Republic, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tanzania, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Uzbekistan, Venezuela, Vietnam, Zambia, Zimbabwe.

**Clause 3**

International passenger and freight air transportation services are generally relieved of the GST/HST. Passenger air transportation services between Canada and the continental United States or the islands of St. Pierre and Miquelon are subject to the GST/HST if the transportation originates in Canada.

There are certain user charges levied in Canada by the federal government and other service providers that are used to defray the costs of providing facilities and services for civil aviation. These charges are not, therefore, taxes for the purposes of the Council Resolution on Taxation of International Air Transport. They include the following:

- Fees charged to air carriers by Nav Canada, a private non-profit corporation, in order to fund the costs of providing air navigation services in Canada;
- The Air Travellers Security Charge, which is charged by the federal government to air passengers in order to fund the cost of air travel security measures; and
- Airport improvement fees charged by certain airports in Canada in order to help pay for airport improvements.

**CHILE**

**Clause 1**           The Directorate General of Civil Aeronautics of Chile is in full agreement with the Resolution. This position is consistent with the exemption from taxation given by Chile in the cases indicated in Clause 1 of Doc 8632.

**Clause 2**           In order to avoid multilateral double taxation, Chile concludes international treaties and agreements with some foreign countries which relate specifically to air transport.

In general, this type of agreement exempts from taxation the income of the transport enterprises of the other Contracting State derived from their activities, provided that this exemption from taxation is subject to the principle of reciprocity in that other State. Chile has signed treaties with Argentina, Brazil, Colombia, France, Germany, Panama, Paraguay, Spain, the United States, Uruguay and Venezuela.

**Clause 3**           In Chile the sale of tickets is exempt from the Value Added Tax (VAT).

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**CHINA**

- Clause 1** The bonded aviation fuel warehouses set up by China Aviation Fuel Corporation Ltd. at the following airports shall sell imported and bonded aviation fuel to international civil flights at prices exempt from value added tax (VAT) during the valid period of the bonded warehouses as approved by the customs authorities:
- Beijing Capital, Shanghai Pudong, Tianjin Binhai, Guangzhou Baiyun (new airport), Shenzhen Baoan, Chongqing Jiangbei, Hangzhou Xiaoshan, Qingdao Liuting, Nanjing Lukou, Shanghai Hongqiao.
- Clause 2** A list of countries with which China has concluded Double Taxation Avoidance Agreement is attached.
- Clause 3** Each departing passenger on an international or regional flight pays RMB70 as Civil Aviation Development Fund.

**EFFECTIVE TAX TREATIES**

| <i>Serial No.</i> | <i>Country</i> | <i>Signed on</i> | <i>Effective from</i> | <i>Applicable since</i> |
|-------------------|----------------|------------------|-----------------------|-------------------------|
| 1                 | JAPAN          | 1983.9.6         | 1984.6.26             | 1985.1.1                |
| 2                 | U.S.A.         | 1984.4.30        | 1986.11.21            | 1987.1.1                |
| 3                 | FRANCE         | 1984.5.30        | 1985.2.21             | 1986.1.1                |
| 4                 | U.K.           | 1984.7.26        | 1984.12.23            | 1985.1.1                |
| 5                 | BELGIUM        | 1985.4.18        | 1987.9.11             | 1988.1.1                |
| 6                 | GERMANY        | 1985.6.10        | 1986.5.14             | 1985.1.1/7.1            |
| 7                 | MALAYSIA       | 1985.11.23       | 1986.9.14             | 1987.1.1                |
| 8                 | NORWAY         | 1986.2.25        | 1986.12.21            | 1987.1.1                |
| 9                 | DENMARK        | 1986.3.26.       | 1986.10.22            | 1987.1.1                |
| 10                | FINLAND        | 1986.5.12        | 1987.12.18            | 1988.1.1                |
| 11                | CANADA         | 1986.5.12        | 1986.12.29            | 1987.1.1                |
| 12                | SWEDEN         | 1986.5.16        | 1987.1.3              | 1987.1.1                |
| 13                | NEW ZEALAND    | 1986.9.16        | 1986.12.17            | 1987.1.1                |
| 14                | THAILAND       | 1986.10.27       | 1986.12.29            | 1987.1.1                |
| 15                | ITALY          | 1986.10.31       | 1989.11.14            | 1990.1.1                |

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|    |                         |            |            |              |
|----|-------------------------|------------|------------|--------------|
| 16 | NETHERLANDS             | 1987.5.13  | 1988.3.5   | 1989.1.1     |
| 17 | CZECHOSLOVAKIA          | 1987.6.11  | 1987.12.23 | 1988.1.1     |
| 18 | POLAND                  | 1988.6.7   | 1989.1.7   | 1990.1.1     |
| 19 | AUSTRALIA               | 1988.11.17 | 1990.12.28 | 1991.1.1     |
| 20 | BULGARIA                | 1989.11.6  | 1990.5.25  | 1991.1.1     |
| 21 | PAKISTAN                | 1989.11.15 | 1989.12.27 | 1989.1.1/7.1 |
| 22 | KUWAIT                  | 1989.12.25 | 1990.7.20  | 1989.1.1     |
| 23 | SWITZERLAND             | 1990.7.6   | 1991.9.27  | 1990.1.1     |
| 24 | CYPRUS                  | 1990.10.25 | 1991.10.5  | 1992.1.1     |
| 25 | SPAIN                   | 1990.11.22 | 1992.5.20  | 1993.1.1     |
| 26 | ROMANIA                 | 1991.1.16  | 1992.3.5   | 1993.1.1     |
| 27 | AUSTRIA                 | 1991.4.10  | 1992.11.1  | 1993.1.1     |
| 28 | BRAZIL                  | 1991.8.5   | 1993.1.6   | 1994.1.1     |
| 29 | MONGOLIA                | 1991.8.26  | 1992.6.23  | 1993.1.1     |
| 30 | HUNGARY                 | 1992.6.17  | 1994.12.31 | 1995.1.1     |
| 31 | MALTA                   | 1993.2.2   | 1994.3.20  | 1995.1.1     |
| 32 | UNITED ARAB<br>EMIRATES | 1993.7.1   | 1994.7.14  | 1995.1.1     |
| 33 | LUXEMBOURG              | 1994.3.12  | 1995.7.28  | 1996.1.1     |
| 34 | KOREA                   | 1994.3.28  | 1994.9.27  | 1995.1.1     |
| 35 | RUSSIA                  | 1994.5.27  | 1997.4.10  | 1998.1.1     |
| 36 | PAPUA NEW GUINEA        | 1994.7.14  | 1995.8.16  | 1996.1.1     |
| 37 | INDIA                   | 1994.7.18  | 1994.11.19 | 1995.1.1     |
| 38 | MAURITIUS               | 1994.8.1   | 1995.5.4   | 1996.1.1     |
| 39 | CROATIA                 | 1995.1.9   | 2001.5.18  | 2002.1.1     |
| 40 | BELARUS                 | 1995.1.17  | 1996.10.3  | 1997.1.1     |
| 41 | SLOVENIA                | 1995.2.13  | 1995.12.27 | 1996.1.1     |
| 42 | ISRAEL                  | 1995.4.8   | 1995.12.22 | 1996.1.1     |
| 43 | VIET NAM                | 1995.5.17  | 1996.10.18 | 1997.1.1     |

|    |              |            |            |                                      |
|----|--------------|------------|------------|--------------------------------------|
| 44 | TURKEY       | 1995.5.23  | 1997.1.20  | 1998.1.1                             |
| 46 | ARMENIA      | 1996.5.5   | 1996.11.28 | 1997.1.1                             |
| 47 | JAMAICA      | 1996.6.3   | 1997.3.15  | 1998.1.1                             |
| 48 | ICELAND      | 1996.6.3   | 1997.2.5   | 1998.1.1                             |
| 49 | LITHUANIA    | 1996.6.3   | 1996.10.18 | 1997.1.1                             |
| 50 | LATVIA       | 1996.6.7   | 1997.1.27  | 1998.1.1                             |
| 51 | UZBEKISTAN   | 1996.7.3   | 1996.7.3   | 1997.1.1                             |
| 52 | BANGLADESH   | 1996.9.12  | 1997.4.10  | (China)98.1.1<br>(Bangladesh)98.7.1  |
| 53 | YUGOSLAVIA   | 1997.3.21  | 1998.1.1   | 1998.1.1                             |
| 54 | SUDAN        | 1997.5.30  | 1999.2.9   | 2000.1.1                             |
| 55 | MACEDONIA    | 1997.6.9   | 1997.11.29 | 1998.1.1                             |
| 56 | EGYPT        | 1997.8.13  | 1999.3.24  | 2000.1.1                             |
| 57 | PORTUGAL     | 1998.4.21  | 2000.6.7   | 2001.1.1                             |
| 58 | ESTONIA      | 1998.5.12  | 1999.1.8   | 2000.1.1                             |
| 59 | LAOS         | 1999.1.25  | 1999.6.22  | 2000.1.1                             |
| 60 | SEYCHELLES   | 1999.8.26  | 1999.12.17 | 2000.1.1                             |
| 61 | PHILIPPINES  | 1999.11.18 | 2001.3.23  | 2002.1.1                             |
| 62 | IRELAND      | 2000.4.19  | 2000.12.29 | (China)2001.1.1<br>(Ireland)2001.4.6 |
| 63 | SOUTH AFRICA | 2000.4.25  | 2001.1.7   | 2002.1.1                             |
| 64 | BARBADOS     | 2000.5.15  | 2000.10.27 | 2001.1.1                             |
| 65 | MOLDOVA      | 2000.6.7   | 2001.5.26  | 2002.1.1                             |
| 66 | CUBA         | 2001.4.13  | 2003.10.17 | 2004.1.1                             |
| 67 | VENEZUELA    | 2001.4.17  | 2004.12.23 | 2005.1.1                             |
| 68 | KAZAKHSTAN   | 2001.9.12  | 2003.7.27  | 2004.1.1                             |
| 69 | INDONESIA    | 2001.11.7  | 2003.8.25  | 2004.1.1                             |
| 70 | OMAN         | 2002.3.25  | 2002.7.20  | 2003.1.1                             |
| 71 | TUNIS        | 2002.4.16  | 2003.9.23  | 2004.1.1                             |

|    |                        |           |            |                 |
|----|------------------------|-----------|------------|-----------------|
| 72 | IRAN                   | 2002.4.20 | 2003.8.14  | 2004.1.1        |
| 73 | BAHRAIN                | 2002.5.16 | 2002.8.8   | 2003.1.1        |
| 74 | GREECE                 | 2002.6.3  | 2005.11.1  | 2006.1.1        |
| 75 | KYRGYZSTAN             | 2002.6.24 | 2003.3.29  | 2004.1.1        |
| 76 | MOROCCO                | 2002.8.27 | 2006.8.16  | 2007.1.1        |
| 77 | SRILANKA               | 2003.8.11 | 2005.5.22  | 2006.1.1        |
| 78 | TRINIDAD AND<br>TOBAGO | 2003.9.18 | 2005.5.22  | 2005.6.1006.1.1 |
| 79 | ALBANIA                | 2004.9.13 | 2005.7.28  | 2006.1.1        |
| 80 | BRUNEI                 | 2004.9.21 | 2006.12.29 | 2007.1.1        |
| 81 | AZERBAIJAN             | 2005.3.17 | 2005.8.17  | 2006.1.1        |
| 82 | GEORGIA                | 2005.6.22 | 2005.11.10 | 2006.1.1        |
| 83 | MEXICO                 | 2005.9.12 | 2006.3.1   | 2007.1.1        |
| 84 | SAUDI ARABIA           | 2006.1.23 | 2006.9.1   | 2007.1.1        |
| 85 | ALGERIA                | 2006.11.6 | 2007.7.27  | 2008.1.1        |
| 86 | SINGAPORE              | 2007.7.11 | 2007.9.18  | 2008.1.1        |

**(HONG KONG, SAR) (MACAU, SAR)**

| <i>Serial No.</i> | <i>Region</i> | <i>Signed on</i> | <i>Effective from</i> | <i>Applicable since</i>          |
|-------------------|---------------|------------------|-----------------------|----------------------------------|
| 1                 | HKSAR         | 2006.8.21        | 2006.12.8             | (Mainland): 200<br>(HKSAR): 2007 |
| 2                 | MCSAR         | 2003.12.27       | 2003.12.30            | 2004.1.1                         |

**Arrangement on the Taxation on International Transport Revenue  
(Air Transport)**

- |   |  |  |
|---|--|--|
| 1. Mutual taxation on enterprise revenue      | Taxes levied not exceeding 1.5% of the total revenue: the Philippines  | Double Taxation Avoidance Agreement (or arrangement) |
| 2. Mutual exemption of enterprise revenue tax | All the countries (regions) which have concluded taxation agreements with China, except those listed in item 1 | Double Taxation Avoidance Agreement (or arrangement) |



|  |   |  |
|--|---|--|
|  | Zimbabwe, Turkmenistan, Syria, Peru, Madagascar, Lebanon, Afghanistan, Zaire, Brunei  | Taxation clauses in air services agreement   |
| 3. Mutual exemption of personal income tax | Zimbabwe, Vietnam, Mongolia, Laos, Kuwait, Bangladesh, Oman, Brunei, Ukraine, Kazakhstan, Maldives, Uzbekistan, Turkmenistan, Former Soviet Union, Lebanon, Kyrgyzstan, Belarus                             | Taxation clauses in air services agreement   |
|  | Republic of Korea   | Protocol to taxation agreement   |
|  | France, United Kingdom, Bahrain   | Special bilateral agreement on mutual tax exemption for international transport            |
| 4. Mutual exemption of indirect tax        | Japan, Denmark, Singapore, UAE, Republic of Korea, India, Mauritius, Slovenia, Israel, Ukraine, Jamaica, Malaysia (Protocol of 2000), Hong Kong, Macau  | Double Taxation Avoidance Agreement (or arrangement)                                       |
|  | Zimbabwe, Vietnam, Uzbekistan, United States, Ukraine, Turkmenistan, Syria, Romania, Peru, Oman, New Zealand, Madagascar, Lebanon, Kyrgyzstan, Kuwait, Kazakhstan, Israel, Canada, Brunei, Belgium, Belarus | Taxation clauses in air services agreement   |
|  | United States, France, Thailand, Turkey, Luxemburg, Netherland, Finland, Singapore, Sri Lanka, Bahrain  | Agreement or exchange of letter on mutual exemption of international transport revenue tax |



**CHINA (HONG KONG SAR)**

**Clause 1**            Implemented.

**Clause 2**            The Government of the Hong Kong Special Administrative Region has concluded with a number of countries an avoidance of double taxation article for inclusion in our Air Services Agreements, or stand-alone agreement on avoidance of double taxation with respect to taxes on income from aircraft operation. Negotiations are also under way with some other aviation partners.

**Clause 3**            Implemented except for the Air Passenger Departure Tax payable by every passenger departing Hong Kong by air unless exempted.

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**CHINA (MACAU SAR)**

Macau will try its best to formulate and implement policy that is compliant with the principles laid out in the Council Resolution.

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## COLOMBIA

The Colombian Civil Aviation Authority fully agrees that the increase in taxation could have an impact on the growth and development of air transport. It feels that decisions regarding such questions, which are of great importance to any State, should be made based on the knowledge and capacity States deem applicable to matters of taxation, and in compliance with individual fiscal policies.

Only careful study of the matter by each State will ensure that an additional financial burden on air transport will not result in unfavourable discrimination against international civil aviation in relation to other modes of transport. The tax structure deemed appropriate by each State should be based on this principle.

As an ICAO Member State, Colombia accepts the policies established in Doc 8632 (2000) which deal with the taxation of: 1) fuel, lubricants and other supplies; 2) income of international air transport enterprises and aircraft and other movable property; and 3) the sale and use of international air transport.

The following, inter alia, is reflective of the measures adopted by our national government further to these policies:

- 1) The tax burden of the aviation industry is generally similar to that of the other sectors of the national economy.
  - 2) Aviation fuel used to supply international air transport services is not taxed because it is considered an export.
  - 3) All international air carrier revenue is considered mixed income and is taxed at a rate of 33 per cent on taxable income.
  - 4) As regards passengers, in general, a value-added tax (VAT) of 16 per cent is applied on the sale of tickets. However, on international RT flights this is applied only on 50 per cent of the ticket price (eight per cent).
  - 5) International cargo transport is exempted from the VAT.
  - 6) In order to avoid multiple taxation, an agreement to eliminate duplicate taxation was established with the Government of Panama.
  - 7) The Convention on International Interests in Mobile Equipment and the Aircraft Protocol thereto (UNIDROIT) were formalized.
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**CUBA**

Cuba is in agreement with the Council Resolution concerning the matter referred to in ICAO's policies on taxation in the field of international air transport. Said Resolution is in harmony with the provisions of the Cuban legislation in force.

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**CYPRUS**

- Clause 2 a) i)** With respect to the taxation of income of international air transport enterprises and taxation of aircraft and other movable property, under the provisions of article 18 of the Income Tax Law, profits or benefits arising from a business of operating aircraft, carried on by a person not resident in Cyprus for tax purposes, are exempt from tax provided that the Minister of Finance is satisfied that an equivalent exemption is granted by the country in which such person is resident to persons that are resident in Cyprus.
- Clause 2 c)** In accordance with the Agreements for the Avoidance of Double Taxation concluded between and other States, profits from the operation of aircrafts in the international traffic are taxable only in the Contracting State in which the effective management of the enterprise is situated.
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**CZECH REPUBLIC**

- Clause 1** According to the Act no. 353/2003 coll. on Excise Taxes, mineral oils used as a propellant in international air transport and for aero work are exempted from excise tax with the exception of mineral oils used for private recreational flying which arises from Directive 2003/96/ES restructuring the taxation of energy products and electricity supplies.
- Clause 2** Income taxes in international air transport are proceed from the Czech Tax Law namely Act no. 586/1992 coll. on Income Taxes. The Ministry of Finance agrees with the principle of reciprocity based on tax collection only in the state where an enterprise has its head office, which arises from conducting agreements on abolition of double taxation.
- Income taxes from operating aircrafts in international transport as well as income taxes from income of employees in air transport proceed from bilateral agreements on abolition of double taxation. The Czech Republic has conducted agreements with 75 states. These agreements also deal with taxation and exclusion of international double taxation of income from stealing aircrafts operated in international transport or moveable property used to operate these aircrafts.
- According to Act no. 235/2004 coll. on Value Added Tax (VAT), the following is exempted from tax together with the claim of tax deduction:
- delivery, adjustments, repair, maintenance or charter of aircrafts, including charter of aircrafts with a crew, which are used by airlines and operate transport of people and goods among member states and third countries;
  - delivery, repair, maintenance or charter of equipment which is installed or used in these aircrafts.
- The delivery of goods used for supplementation of the above-mentioned aircrafts is also exempted from tax together with the claim of tax deduction.
- Some parts, usual aircraft equipment and other items used only in connection with operating or repair, maintenance and operation of an aircraft are exempted provided that they are used solely on board of the aircraft and exported again.
- According to bilateral agreements, aircrafts of Contracting States are exempted from customs, taxes and other duties imposed by national authorities.
- Clause 3** According to the Act no. 235/2004 coll. on Value Added Tax, transport of people and luggage including services relating directly to transport among member states of the EU and among member states and third countries are exempted from VAT. Tax deduction can be also claimed in the event that the transport is provided by a person registered in other member states or by a foreign person obligated to pay VAT.
- Clause 4** The Czech Republic fully complies with this Resolution.



**ECUADOR**

**Clause 1** Ecuador complies with clauses 1 a), b), c) and d). As to clause 1 e), tax is levied on the value of each gallon of aviation fuel and lubricants used within Ecuador by any aircraft engaged in international and domestic commercial service (Art. 28 of the Civil Aviation Act), as established in order to finance the costs of facilities and services.

**Clause 2** Ecuador has a regulation making all enterprises and individuals subject to annual "Income Tax" which must be paid to the Ministry of Finance.

**Clause 3** In Ecuador, no tax is levied on operators' gross revenues or sales.

Sales of international air passenger tickets issued in Ecuador are taxed at 10 per cent of their value. This amount is collected by the Ministry of Finance.

Any change which takes place will be notified to the Organization.

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**EGYPT**

**General Comments**

It is necessary to abide by ICAO's policies on taxation in the field of international air transport in accordance with Article 24 of the Chicago Convention.

Airport and aeronautical services fees collected by Egypt are appropriate in view of the cost associated with the extension of these services and are consistent with ICAO recommendations; they are also reasonable compared to fees levied by other countries.

**Clause 1** Egypt does not levy taxes on fuel, lubricants and other consumer technical supplies in accordance with Article 24 of the Chicago Convention and with the provisions of bilateral agreements between Egypt and those countries.

**Clause 2** As for taxes on the revenues of airlines, Egypt concludes bilateral agreements with various countries in order to provide against double taxation on the revenues and sales of airlines, on a reciprocal basis.

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## ESTONIA

### General Comments

In its general taxation policies Estonia agrees to the ICAO policies and has considered its position in national law making. The most recent amendments to Estonia's tax laws have been intending to make laws compatible with those applied by the European Union (EU).

**Clause 1** Concerning taxes on fuel, lubricants and other consumable technical supplies, Estonia does not pose duties on fuel imported in the tanks of the aircraft. Also, if the supplies are brought into the custom zone but not beyond it to the country, the duties are not charged either.

The following table presents an overview of import duties applied by Estonia:

| <i>Product</i>  | <i>Rate of import duty</i> |
|---|----------------------------|
| Electrical traffic regulating equipment                   | 15 per cent                |
| Mechanical airport and air traffic equipment              | 10 per cent                |
| Transport equipment used in airports for cargo relocation | 15 per cent                |
| Aircrafts, helicopters                                    | 15 per cent                |

Source for the table is Estonia's Law on tariffs (Journal of Official Documents RT1/1997, 78, 1321).

Please note that the Law allows the government to sign favourable bilateral treaties with other countries to support international trade. The preferential treatment will no longer be in force after Estonia joins the World Trade Organization. The government hopes to do so before the end of 1999.

**Clause 2** Estonia has signed bilateral contracts with its major air traffic partners to avoid double taxation on the income of international companies. These countries include Finland, Sweden, Denmark, Norway, Germany, the United States of America, Latvia, Lithuania, United Kingdom, Canada and several other countries. Those agreements are bilateral and vary to some extent. No property taxes are applied by Estonia. Airlines registered in the country are subject to a 26 per cent corporate tax. However, there is a strong political will to lower the corporate tax rate.

**Clause 3** Airline tickets are not subject to the 18 per cent sales tax (VAT) that is applied on most products including domestic airline tickets. The law on Value Added Tax was published in the Journal of Official Documents RT I/1993, 60, 847 for the first time in 1993. According to a 1997 amendment to the law, VAT is not to be paid on the import of aircraft that are only utilized in international transport.



**ETHIOPIA**

**Clause 1**            The Government of Ethiopia exempts lubricants and other consumable technical supplies from customs and other duties when used in international air transport in accordance with Article 24 of the Chicago Convention and with the provisions of bilateral agreements between Ethiopia and those countries.

**Clause 3**            As for taxes on the revenues of airlines, Ethiopia concludes bilateral agreements with many countries in order to provide avoidance of double taxation on the revenues and sales of airlines, on a reciprocal basis.

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**FIJI**

Fiji's Income Tax and Value Added Tax Legislations are compatible with ICAO's policies on taxation regarding international carriage of passengers and goods.

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**FINLAND**

- Clause 1**            This clause has been implemented in Finland for commercial air transport based on the EU Energy Tax Directive and the EU Value Added Tax Directive. The exemptions from energy and value added taxes do not apply to non-commercial general aviation and do not require reciprocal treatment by other states.
- Clause 2**            Finland has concluded a number of bilateral agreements to avoid double taxation on the income of international companies.
- Clause 3**            Services relating to international air transport are exempted from value added tax based on the EU Value Added Tax Directive and national implementing legislation.
-



**FRANCE**

Tax exemptions for fuel and other energy products are standard, with the exception of private pleasure flying. This exemption likewise applies to any VAT that could be charged on these products. Furthermore, the airlines whose primary activity is international air transport are granted a full exemption from VAT on transactions for delivery, processing, repair and maintenance, chartering and leasing of these companies' aircraft.

The provisions designed to avoid double taxation of airlines' income and capital are normally enshrined in general bilateral agreements concluded by France in the specific field of double taxation, and or they are set out in special agreements.

With respect to sales tax on airline tickets for international transport, France applies the principle of VAT (value-added-tax) exemption. It has, however, introduced specific taxes per enplaned passenger, both international and domestic. The income from these taxes finances public action in the economic regulation, safety and security of air transport.

France considers it important to contribute to the implementation of the Millennium Goals in the areas of health and economic development. Since 2006, it has been charging a solidarity contribution per domestic and international passenger.

France continues to support international action to tackle the effects of aviation on climate change through the application of market-based measures. France is of the opinion that it would be preferable for such measures to be taken at the global level. In the absence of appropriate global action, however, regional action is an important first step.

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**GERMANY**

Although the resolution[s] may not comply with the policy of its Government on a long-term basis, Germany follows this [these] resolution[s] at present as far as it matches with the policy and law of the European Union. The Government of Germany may decide[d] to introduce also in international commercial air transport a tax on the consumption of fuel and lubricants as well as a taxation on the sale and use of international passenger air transport.

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**GREECE**

Greece indicated no change to its position on the Supplement.

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## GUATEMALA

### 1. Fuel, Lubricants and Equipment

National legislation, on the basis of the bilateral air transport agreements signed and on the basis of reciprocity, establishes exemption for the following: aircraft engaged in international services, their equipment, spare parts, fuel and lubricant reserves, supplies, and on-board publicity and promotional material. This exemption applies so long as the aforementioned equipment and reserves remain on board the aircraft or until the export of said equipment and reserves.

Likewise, such equipment and material are exempt where they enter the country via the airline in question and are intended for on-board use. Said equipment and material shall be unloaded in national territory only under customs supervision and only until their re-export, until which time they shall be placed in the special handling zone and shall be free from taxation.

### 2. General Taxes

There are general taxes on commercial activity, such as income tax (ISR) and value-added tax (VAT), which apply not only to airlines, but to other businesses as well.

### 3. Funds Transfer

In accordance with bilateral air transport agreements, airlines are free to transfer to their respective territories excess revenue over expenditure. This transfer is not taxable.

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**HUNGARY**

**Clauses 1 and 2** In Hungary these kinds of preferences are given within the framework of the bilateral Air Services Agreements:

- aviation turbine fuel is subject to consumption tax, however, depending on the consumption, airlines are exempted from excise duty. The supply of aviation turbine fuel of aircraft used by airlines operating for reward exclusively or chiefly on international routes is exempted from value added tax.
- de-icing, hydraulic and cooling liquids, as well as technical expendable means are free of tax.

The above listed fuel and lubricants, as well as technical expendable means are also free of customs and duties.

Exemptions refer exclusively to materials and technical expendable means which are destined for use of operation of aircraft. Exemption from value added tax refers to fuel, materials and technical expendable means which are destined for use of operation of aircraft operating exclusively or chiefly on international routes.

**Clause 3** Under this regulation airlines should be exempt from all kinds of taxes. For the time being we are not in a position to take into account and enforce the said regulation (moreover within the foreseeable future we can't introduce the regulation in our country).

The regulation is not acceptable to us on the one hand because of the narrow material-financial circumstances of our national economy, its relatively low economic potential; on the other hand, to an airline as an entrepreneurship, the same conditions of economics and law of economy should apply which determine the circumstances of the economic system and activity of entrepreneurs in general.

The airline is significantly favoured within the framework of the exemptions detailed in Clauses 1 and 2, the exemptions by which undertakings operating in the field of air transport have an advantage.

Hungary has altogether 65 conventions relating to the avoidance of double taxation on income or on income and on capital.

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**ICELAND****General Comments**

Iceland supports in general ICAO's policies on taxation in the field of air transport. However, the Government of Iceland may decide to introduce taxes levied on air transport. e.g. regarding market based measures to limit environmental impact of international civil aviation derived from the commitments in the European Economic Area Agreement.

- Clause 1**            Implemented, however Icelandic law on value added tax permits taxes and levies on non-commercial general aviation.
- Clause 2**            Iceland currently has 33 Double Taxation Agreements in force with other countries.
- Clause 3**            Services relating to international air transport are exempted from value added tax based on national implementing legislations. Taxes on air transport relating to protection of Natural sensitive areas cannot be ruled out as a possibility in the future.
- Clause 4**            Supported.
-



**INDIA**

**General Comment**

India supports the resolution adopted at the 36th Session of the Assembly.

**Clause 1** The fuel and lubricants filled into receptacles forming part of any aircraft registered in any country (other than India) which is a party to the Convention on International Civil Aviation signed at Chicago on 7th December 1944 or which has entered into an Air Services Agreement with India and operating a scheduled or non-scheduled international air service to or from India, are exempt from the levy of all taxes and duties in India.

**Clause 2** A list of countries with whom Double Taxation Avoidance Agreement has been concluded is enclosed.

**Clause 3** There is no tax on air cargo shipments or on air tickets. But a departure tax called Foreign Travel Tax is levied on every passenger leaving India by flight.

## ATTACHMENT

INDIA'S DOUBLE TAXATION AVOIDANCE AGREEMENTS NOTIFIED  
(AS OF 16 SEPTEMBER 1996)

| No. | Name of the Country         | Effective from Assessment Year |
|-----|-----------------------------|--------------------------------|
| 1.  | Australia                   | 1993-1994                      |
| 2.  | Austria                     | 1963-1964                      |
| 3.  | Bangladesh                  | 1993-1994                      |
| 4.  | Belgium                     | 1975-1976 / 1976-1977          |
| 5.  | Belgium (S. Protocol)       | 1988-1989 / 1989-1990          |
| 6.  | Brazil                      | 1994-1995                      |
| 7.  | Bulgaria                    | 1998-1999                      |
| 8.  | Canada                      | 1987-1988                      |
| 9.  | China                       | 1996-1997                      |
| 10. | Cyprus                      | 1994-1995                      |
| 11. | Czechoslovakia              | 1986-1987                      |
| 12. | Denmark                     | 1990-1991 / 1991-1992          |
| 13. | Finland                     | 1985-1986                      |
| 14. | France (Revised)            | 1996-1997                      |
| 15. | Federal Republic of Germany | 1958-1959                      |
| 16. | F.R.G. (Protocol)           | 1984-1985                      |
| 17. | German Democratic Republic  | 1985-1986                      |
| 18. | Greece                      | 1984-1985                      |
| 19. | Hungary                     | 1989-1990                      |
| 20. | Indonesia                   | 1989-1990                      |
| 21. | Israel                      | 1995-1996 / 1997-1998          |
| 22. | Italy                       | 1978-1979                      |
| 23. | Italy (Revised)             | 1997-1998                      |
| 24. | Japan (Revised)             | 1991-1992                      |
| 25. | Kenya                       | 1985-1986                      |
| 26. | Libya                       | 1983-1984 / 1984-1985          |
| 27. | Malaysia                    | 1973-1974                      |
| 28. | Malta                       | 1997-1998                      |
| 29. | Mongolia                    | 1995-1996                      |
| 30. | Mauritius                   | 1983-1984                      |
| 31. | Nepal                       | 1990-1991                      |
| 32. | Netherlands                 | 1990-1991                      |
| 33. | New Zealand                 | 1988-1989                      |
| 34. | Norway                      | 1988-1989                      |
| 35. | Philippines                 | 1998-1999                      |
| 36. | Poland                      | 1991-1992                      |
| 37. | Romania                     | 1989-1990                      |
| 38. | Singapore (Revised)         | 1995-1996                      |
| 39. | Spain                       | 1997-1998                      |
| 40. | South Korea                 | 1985-1986                      |
| 41. | Sri Lanka (Revised)         | 1981-1982                      |
| 42. | Sweden (Revised)            | 1990-1991                      |
| 43. | Switzerland                 | 1996-1997                      |
| 44. | Syria                       | 1983-1984                      |
| 45. | Tanzania                    | 1982-1983 / 1983-1984          |



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| <b>No.</b> | <b>Name of the Country</b>          | <b>Effective from Assessment Year</b> |
|------------|-------------------------------------|---------------------------------------|
| 46.        | Thailand                            | 1987–1988 / 1988–1989                 |
| 47.        | United Arab Emirates                | 1995–1996                             |
| 48.        | United Arab Republic                | 1969–1970 / 1970–1971                 |
| 49.        | United Kingdom (Revised)            | 1995–1996                             |
| 50.        | United States of America            | 1992–1993                             |
| 51.        | U.S.S.R. (Now applicable to Russia) | 1991–1992                             |
| 52.        | Vietnam                             | 1997–1998                             |
| 53.        | Zambia                              | 1979–1980                             |

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**INDONESIA****General comments**

Indonesia has no objection to ICAO's guidance in respect to policies on taxation in the field of international air transport.

**Clause 1** In line with the Bilateral Air Service Agreements between Indonesia and its counter parts, based on the principal of reciprocity, aircraft operated on international services by the airline(s) designated by the counterparts, shall be exempt from all custom duties, inspection fees and other duties or taxes on arriving in the territory of the counterparts, providing such equipment and supplies shall remain on board the aircraft up to such time as they are re-exported.

**Clause 2** Indonesia has concluded a number of bilateral agreements on double taxation, so that multiple taxation, *inter alia*, in the field of civil aviation is to be avoided.

**Clause 3** Indonesia does not levy taxes on the sale and use of international air transport.

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**IRAN (ISLAMIC REPUBLIC OF)**

The Islamic Republic of Iran is in full agreement with the proposals provided they are done on a basis of reciprocity.

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**IRELAND**

**Clause 2** With respect to the taxation of income of international air transport enterprises and taxation of aircraft and other moveable property:

Ireland currently has 65 Double Taxation Conventions with other countries, of which 59 are in effect.

In accordance with Article 8 of the OECD Model Tax Convention on Income and Capital, it is Ireland's policy to include provisions in its Double Taxation Conventions which exempt from direct taxation in Ireland profits derived from the operation of aircraft in international traffic.

**Clause 3** With respect to taxes on the sale and use of international air transport: each Contracting State shall reduce to the fullest practicable extent and make plans to eliminate as soon as its economic conditions permit all forms of taxation on the sale or use of international transport by air, including taxes on gross receipts of operators and taxes levied directly on passengers or shippers.

Ireland introduced a single rate Air Travel Tax of €3 with effect from 1 March 2011 replacing two previous rates in respect of each passenger departing on a flight from an Irish airport for both domestic and international destinations. The revenue from this tax accrues directly to the Irish Exchequer.

The following exemptions will apply in the case of:

- an aircraft capable of carrying fewer than 20 passengers;
- flights from airports where the number of departures of passengers in the previous calendar year was less than 50 000;
- members of the aircraft crew (including any relief crew);
- a child under the age of two who does not occupy a seat on the aircraft;
- a disabled person, and one person accompanying the disabled person for the purposes of providing care and assistance; and
- transit and transfer passengers.





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**ITALY**

- Clause 1** The Italian policies on taxation in the field of air transport are consistent with ICAO's policies on taxation of international air transport and, in particular, with the principles set out in the Council Resolution in Doc 8632.
- Clause 1 a) to c)** The exemption referred to in this clause is granted as a rule.
- As regards passenger and cargo planes, the exemption in respect of fuel, lubricants and other consumable technical supplies taken on board for consumption during the flight is granted on the basis of special provisions included in bilateral agreements on air transport.
- Where no special agreement exists, the above mentioned exemption is granted on the basis of actual reciprocity.
- Clause 1 c)** The exemptions outlined above do not apply to pleasure aircraft. As for pleasure aircraft, the exemption in respect of fuel and lubricants (not in respect of other consumable technical supplies) is granted only to aircraft departing from Italy to non-European Union Member countries.
- Clause 1 d)** The exemptions are those covered in this clause.
- Clause 1 e)** Under the law in force in Italy there are no taxes on air transport levied by the local taxing Authority.
- Clause 2**
- Clauses 2 a) and b)** Italy follows the principles stated in these clauses, which are given practical effect through the agreements mentioned under Clause 2 c) below.
- Clause 2 c)** The provisions aimed at avoiding double taxation of the income and capital of airlines are normally included in general bilateral agreements signed by Italy in the specific field of double taxation or are the subject of special agreements.
- Clause 3** International air transport of goods and passengers is exempt from taxation on the sale or use (e.g. VAT, stamp tax etc.).
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**JORDAN**

No taxes are imposed by Jordan in the field of international air transport. It is guided in this connection by ICAO Doc 8632 and all other ICAO documents, Annexes and resolutions.

The Jordanian policy is based on the principle of reciprocal exemption from taxation on international air transport revenues. In so doing, Jordan seeks to reach agreements on reciprocal tax exemptions on airline incomes with other countries. The objective is to reduce the financial burden on airlines operating in this field.

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## KENYA

Several States do not adhere to the ICAO policies on taxation and as a result they continue to regard air transport as a source of funding for various purposes. In Kenya we have had several cases as explained below:

**Withholding tax on income earned offshore.** The national carrier, Kenya Airways has been subjected to withholding tax on expenses incurred offshore, for instance commission to travel agents outside Kenya, professional fees incurred outside Kenya and paid outside Kenya among others.

**Taxation of international travel income.** The national carrier, Kenya Airways has been charged tax in a number of countries of operation in Africa. Where there are tax exemptions in the bilateral air service agreements, such exemptions are not honored.

The solution lies in countries honouring what the agreements entered between them.

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## KUWAIT

The State of Kuwait is committed to the implementation of the provisions and decisions regarding policies that govern taxation in the field of air transport. These include the following:

- 1) No local taxes are currently imposed on the purchase of fuels, lubricants and technical and consumer supplies used by **foreign** aircraft. Such exemption is stipulated in the bilateral agreements that are concluded with various countries.
  - 2) Reciprocal exemption from taxation on airline revenues and profits is provided for either in bilateral agreements (if so agreed to by the other party) or in special agreements between the competent authorities in both countries.
  - 3) No taxes are currently received by Kuwait on sales of air transport services.
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**LEBANON**

Lebanon reaffirmed its position of not resorting to levying high taxes and charges in the field of air transport, and advised its acceptance of the resolution contained in Doc 8632. Concerning taxation of fuel, lubricants and other supplies, Lebanon complies with the provisions of Article 24 of the Chicago Convention, in all its bilateral agreements, on the basis of reciprocity.

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**LESOTHO**

Lesotho does conform with the ICAO consolidated resolution and commentary.

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**LITHUANIA****Clauses 1 to 3**

According to the Law on Value Added Tax of the Republic of Lithuania a zero-rate of VAT shall be applied to the supply or hiring of aircraft or charter in the case of supply or hiring of the aircraft to taxable persons who receive more than a half of their annual income from transporting passengers and/or cargo on international routes or supply or other services for reward; as well as maintenance and repairs of the above-mentioned aircrafts (except for aircrafts intended for personal needs), if this service is provided to the above-mentioned taxable persons.

According to the Law on Value Added Tax of the Republic of Lithuania, a zero-rate of VAT shall be charged on the supply of conventional and requisite equipment to the above-mentioned aircraft, maintenance and repairs of the installed equipment, supply of spare parts for the above-mentioned aircraft.

A zero-rate of VAT shall be applied to the supply of goods for the provisioning of aircraft to taxable persons who receive more than a half of their annual income from transporting passengers and/or cargo on international routes.

Goods within the meaning of the Law on Value Added Tax of the Republic of Lithuania shall be goods (food products, etc.) intended for use by passengers and/or crew members on board the above-specified aircraft, also as fuel (engine fuel) and lubricants.

According to the Law on Excise Duty of the Republic of Lithuania there is a case when excise goods are exempted from the Excise Duty if they are supplied for the fuelling and provisioning of passenger and/or cargo aircrafts on international routes. In addition to the cases of exemption, the following shall be subject to exemption from excise duty: engine fuels supplied for use as fuel for the purpose of air navigation (including aircraft fuel used in the field of the manufacture, development, testing, maintenance and servicing of aircraft), except for aircraft fuel supplied to aircrafts used for private pleasure flying. The aircraft shall be deemed used for private pleasure flying when the aircraft is used by its owner or other person (through hire or through any other means) for other than commercial purposes.

It should be noted that according to Lithuanian zero-rate of VAT and the exemption from the Excise Duty shall not be applicable where an aircraft is used for personal needs. (According to the European Union *acquis*).

Therefore, we would like to propose the exclusion of private flights from Clause 1 of the ICAO Council Resolution.

Considering Clause 2 of the ICAO Council Resolution, we would like to inform you that the Government of the Republic of Lithuania has 46 agreements for the avoidance of double taxation with Governments of Ireland, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Czech Republic, Denmark, United Kingdom, Estonia, Greece, Georgia, Iceland, Spain, Italy, Israel, U.S.A., Canada, Kazakhstan, China, Korea, Croatia, Latvia, Poland, Luxembourg, Macedonia, Malta, Moldova, Norway, Netherlands, Portugal, France, Romania, Russian Federation, Singapore, Slovakia, Slovenia, Finland, Sweden, Switzerland, Turkey, Ukraine, Uzbekistan, Hungary, Germany (based on OECD Model Convention). In accordance with the above-mentioned agreements there are no objections to Clause 2 paragraph a) of the ICAO Council Resolution.

Considering Section 11 of the Commentary on the Council Resolution, it should be noted that in the agreements contracted by Lithuania, the taxation rights granted to the Contracting State are not associated with the location of a company's administrative body, but rather with the place of its

juridical registration.

Enterprises, including airlines, registered in the Republic of Lithuania are subject to Corporate Income Tax of 20 per cent rate.

Considering Clause 3 of the ICAO Council Resolution, we would like to inform you that according to the agreement of the Avoidance of Double Taxation, there are no inconsistencies with Clause 3 of the ICAO Council Resolution.

It should be noted that the Property Tax for the aircraft or other movable property, related to aircrafts used international air service is not applied.

Regarding the above information, the Ministry of Transport and Communications of the Republic of Lithuania supports ICAO Council Resolution on Taxation of International Air Transport.

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**MADAGASCAR**

- Clauses 1**            Madagascar does not levy any taxes on fuel loaded for direct international flights. Moreover, petroleum products, spare parts, material equipment and aeronautical servicing material intended for use by military or civilian aircraft performing long-haul flights and cross-border air traffic are exempt from taxes and duties on entry.
- Clause 2**            In its air services agreements with other countries and subject to reciprocity, Madagascar is adopting the clause to avoid the double taxation of revenue earned by an air carrier from the operation of international air services. The bilateral tax agreements signed with other countries that seek to avoid double taxation prevail over this specific provision in air agreements where they exist. Madagascar has signed such tax agreements with France and Mauritius.
- Clause 3**            The transport by air of people and goods abroad or from abroad is exempt from VAT. Services provided by operators or companies that consist of representation or consignment, and not air transport, are taxable. Fees are charged to cover the costs related to the use of airport infrastructure and services provided by the civil aviation authority.
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**MALDIVES**

**Clauses 1 and 2** Maldives does not levy taxes on fuel, lubricant and other consumable technical supplies, and fully complies with Article 24 of the Convention on International Civil Aviation.

**Clause 3** Air transport enterprises of other Contracting States can be exempted from tax on income derived in the Maldives from the operation of aircraft in international air transport on the basis of Double Tax Agreements (DTA).

**Clause 4** In accordance with the Maldives Good and Services Tax (GST) Law, sale of international air transport tickets is exempt from tax.

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**MALI****General comments**

With respect to taxation, Mali complies with the provisions set out by the International Civil Aviation Organization.

**Clause 1** Mali exempts these products from customs duties and all other taxes within the limits established by Article 24 of the Convention. A clause to this effect has been included in the bilateral Agreements concluded with the other countries in the framework of air services.

**Clause 2** The Bilateral Agreements concluded by Mali contain a clause pertaining to the exemption of the revenues of the air transport enterprises designated by the parties, provided that no Double Taxation Avoidance Agreement providing for such an exemption exists between Mali and the country concerned.

Aircraft used in international service and the other items intended for use in the operation or maintenance of aircraft are exempted in the same manner as fuel, lubricant and spare parts in accordance with the provisions of Article 24 of the Convention.

Charges for the use of airports, other air navigation facilities and technical services are set for the designated air transport enterprises from the States which have concluded an Agreement with Mali, under the same conditions as the charges set for aircraft of the national companies providing similar international service, and in such a manner as to comply with the provisions of Article 15 of the Convention. They are fair and equitable.

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**MALTA**

**Clause 1**

**Clause 1 a) i), ii)** Council Resolution of 24 February 1999 on taxation of fuel, lubricants and other consumable technical supplies at the point of arrival and departure is fully complied with.

**Clause 1 a) iii)** This Council Resolution of 24 February 1999 on taxation of fuel, lubricants and other consumable technical supplies at points of arrival/departure in the same State is not applicable to Malta where only one international airport is available for use.

**Clause 2**

Council Resolution of 24 February 1999 on taxation of income of international air transport enterprises and on taxation of aircraft and other moveable property associated with the operation of aircraft in international air transportation is also complied with. Malta has concluded a number of air service agreements which contain a clause stating that profits from the operator of aircraft shall be only taxable in the State where the effective management of the enterprise is situated.

**Clause 3**

Council Resolution of 24 February 1999 on taxes related to the sale or use of international air transportation is fully complied with.

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**MAURITANIA**

**General Comments**

With respect to taxation in the field of air transport, Mauritania applies Article 24 of the Chicago Convention.

**Clause 1**            With respect to the taxation of fuel and the engineers used for technical purposes, Mauritania applies the clauses of Article 24 of the Chicago Convention.

**Clause 2**            Income is not subject to double taxation.

**Clause 3**            Airport service charges are paid to the airport manager for the public services provided by these airport services.

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## MEXICO

### Clause 1

In Mexico, the fuel throughput charge, the Value Added Tax (VAT) and the air navigation services charge, collected as a fee per litre of fuel provided, are the only charges that fall under these sections, according to ICAO definitions. Unlike the VAT, the fuel throughput charge and the air navigation services charge are designed to recover costs incurred in the provision of those services, bringing them under the exceptions established by ICAO itself. Fuels, therefore, do not need to be exempted from this charge.

With regard to VAT, in accordance with Article 1 subparagraph I of the Value Added Tax Law, Mexico levies a 16% value added tax on individuals and legal entities selling goods on national territory, regardless of their nationality. It should be noted that, in the case of businesses resident in the country that sell goods or provide services considered to be for export by the terms of Article 29 of the VAT Law, the applicable rate is 0%.

However, because the VAT is a general tax applied to all goods and services sold or provided in the country, it is not possible to single out any one sector of the economy for preferential treatment (in this case, the aviation sector).

For its part, the Customs Law allows entry to or exit from Mexican territory free of foreign trade tax of all merchandise destined for use in maintaining the aircraft of national airlines that provide international services and are established in accordance with the relevant laws. Furthermore, regulations under that law stipulate that fuel shall be provided to aircraft free of foreign trade tax, except for the restrictions established under international conventions.

### Clause 2

At the present time, Mexico is developing an extensive network of conventions to avoid double taxation of income. Some of these conventions are in force and others are under negotiation.

At the present time, our fiscal policy in this area stipulates that income derived from international air transport, and income from associated activities, is taxable only in the State of residence of the international air carrier, as per the terms of bilateral tax agreements. Contrary to the suggestion by ICAO, Mexico has introduced this policy in its recent agreements as a decisive factor in determining which country such income is to be taxed in. It is important to note that, in the past several years, tax agreements entered into by Mexico have only covered federal income taxes.

At the present time, the Secretariat of Finance and Public Credit is approaching many states with a view to concluding bilateral agreements to avoid double taxation in a number of areas, including air transport. As a result, the above-mentioned Secretariat has even asked that the Directorate General of Civil Aeronautics of the Secretariat of Communications and Transport not include clauses to avoid double taxation in its bilateral air transport agreements, so as to prevent duplication of rules in this area.

Furthermore, under Title II of the Income Tax Law, concessionaires are liable for taxes without exception on the sum of all income in cash, goods, credit or any other form received in the fiscal year. In addition, concessionaires resident in Mexico or residing abroad but permanently based in Mexico must also pay the single rate business tax [*impuesto empresarial a tasa única, IETU*] on their income, with only limited deductions. This tax may be offset by the income tax [*impuesto sobre el rendimiento, ISR*] paid for that fiscal year. Thus, the IETU is payable only insofar as it exceeds the income tax. Concerning the property tax, under Article 7 of the Law on General Communication and Transportation Routes [*Ley de Vías Generales de Comunicación*], airports may not be taxed because they are considered as federal public property. Consequently, if the operation or management of an airport is granted as a concession, the concessionaire has no

obligation to pay land tax on the property.

### Clause 3

In Mexico, the Airport Use Fee and the VAT fall into this category, since they apply at the time that an air transport ticket is sold. Nevertheless, the Airport Use Fee is an exception because the income from this source is to be used to cover the costs of maintaining the passenger service areas in airports. This type of charge, therefore, cannot be eliminated according to ICAO's own policies.

With regard to the VAT, the comments presented under Clause 1 apply, except for international air transport, for which only part of the service is deemed to be provided on our territory. Following this criteria, under Article 16 of the Law concerning VAT, only 25 per cent of the service is deemed to be provided on Mexican territory when the travel commences there.

The remainder of the price of passenger air transport services is taxed in accordance with Article 29 subparagraph VI of the VAT Law. That is, for the purposes of the law, 75% of the services provided are considered to be for export and as such are taxable at a rate of 0% of the value (75% being the remainder of the price). The 25% of the service that is not considered to be for export is taxed at a rate of 16%. As for the international air shipment of goods by enterprises resident in Mexico, under Article 29 subparagraph V of the law, that service is taxed at rate of 0% and, because only 25% percent of the service is considered to be provided on national territory, that rate should apply to 25% of the service. The remaining 75% of the value of the service is not taxable under the Law on the Value Added Tax.

The Airport User Fee [*Tarifa de Uso de Aeropuertos, TUA*] is charged to individuals who, as passengers, depart on flights from international airports under the authority of the Airports and Auxiliary Services Department (ASA).

Finally, the Mexican Government's Model Convention on Air Transport contains clauses on the taxation of international air transport that have been approved by our tax authorities, so all bilateral air transport agreements that Mexico has concluded with other countries contain clauses intended to prevent undue taxation of international air transport.

These clauses are subject to bilateral negotiations. Nevertheless, any policy or decision that involves amending them must be submitted to the appropriate taxation authority.

### Justification

- a) In **Clause 1** paragraph 2, there is reference to a tax rate of 15%. This rate was increased by one percentage point to 16% on 1 January 2010 following the *Decree Modifying, Adding and Removing Provisions of the Income Tax Law, the Cash Deposit Tax Law, the Value Added Tax Law, and the Federal Tax Code*, published in the *Official Gazette* of 7 December 2009, and the *Decree Permitting Certain Bonds to be Denominated in Investment Units* [the official currency of Mexico, *unidades de inversión*] and *Amending and Adding Provisions to the Federal Tax Code and the Income Tax Law*, published on 1 April 1995.

The term 'individuals' [*personas reales*] has been replaced by the term 'legal entities' [*personas morales*] because the latter is the term used in the Value Added Tax Law in Mexico.

In addition, clarification is given to indicate that, under the Value Added Tax Law, goods sold and services provided for export are taxed at a rate of 0%.

- b) **Clause 2** paragraph 2 has been re-worded to make clear that, by the terms of tax agreements

recently entered into by Mexico, it is the country of residence of the international transport enterprises which shall tax the income of those enterprises. A statement has been incorporated to the effect that Mexican policy has been to include only federal taxes in the tax agreements.

The last paragraph refers to the single rate business tax (IETU), which was introduced in 2008 as a minimum tax that was integrated into the income tax (ISR).

- c) **Clause 3** paragraph 3 specifies that a portion of 75% of services relating to international passenger travel is considered to be for export by the terms of Article 29 subparagraph VI of the Value Added Tax Law, and is therefore taxed at a rate of 0%. The paragraph also clarifies the fact that the portion of those services not considered to be for export is taxed at a rate of 16%.

This paragraph also refers to the treatment under the VAT Law of the international air shipment of goods by enterprises resident in Mexico.

In respect of paragraph 4, there is currently no airport use duty, except for the Airport User Fee (TUA). Provisions relating to Articles 200 and 205 of the Federal Law on Charges have been removed, since those articles refer to duties on port and docking activities in a maritime context that have no bearing on air navigation.

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## MOROCCO

As part of its policy on the exemption of customs duties and on taxation, the Kingdom of Morocco has adopted the following articles:

### Exemption of customs duties and taxes

1. Aircraft used for services approved by the air transport enterprises designated by one Contracting Party as well as their aircraft equipment, their fuel and lubricant reserves, and their stores (including food, beverages and tobacco) are, upon entry to the territory of another Contracting Party, exempted from all customs duties, inspection fees and other similar duties or taxes provided that the equipment, reserves and stores remain on board the aircraft until they are re-exported or used during the portion of the route operated above said territory.
2. On the basis of paragraph 3 of the present Article, the following are likewise exempt from customs duties and inspection fees and similar duties or taxes, with the exception of charges or taxes corresponding to services rendered:
  - a) stores loaded on the territory of one of the Contracting Parties within the limits set by the aviation authorities of said Contracting Party and intended for use on board outbound aircraft providing a service approved by the other Contracting Party;
  - b) spare parts imported on the territory of one of the Contracting Parties for the maintenance or repair of aircraft used by the services approved by the air transport enterprise designated by the other Contracting Party;
  - c) fuel and lubricants intended for fueling arriving, in transit, or departing aircraft that are used for the services approved by the air transport authority designated by the other Contracting Party, even if these supplies are to be used on the portion of the route operated above the territory of the Contracting Party on which they were loaded;
3. The materials and supplies indicated in sub-paragraphs a), b) and c) of paragraph 2 of the present Article shall be subject to control by the customs authorities of both Contracting Parties.
4. Baggage and goods in direct transit are exempt from customs duties and other similar taxes provided that they are subject to customs control or monitoring.
5. Standard aircraft equipment and materials and supplies on board the aircraft of an enterprise designated by one of the Contracting Parties may not be unloaded on the territory of the other Contracting Party without the consent of the customs authorities of said other Contracting Party, and said customs authorities may require that said equipment, materials and supplies be subjected to monitoring by customs until they are re-exported or otherwise used in accordance with customs regulations.

### Place of taxation

The income from international traffic operations earned by an enterprise designated by one Contracting Party shall be taxable only in the State where the headquarters of the enterprise in question are physically located.



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**MYANMAR****General Comments**

Myanmar supports the resolution adopted at the 37th Session of the Assembly.

- Clause 1** Myanmar, whether its national or local taxing authority has no practice to levy customs and other duties on fuel, lubricants and other consumable technical supplies of an aircraft registered in one Contracting State or leased or chartered by any operator, is engaged in international air transport. This practice has already been imposed in all Bilateral Air Services Agreements in which Myanmar is a Contracting Party as a provision to comply reciprocally.
- Clause 2** Myanmar is endeavouring to extend reciprocally for the exemption from taxation on the income of air transport enterprises of other Contracting States. Myanmar has concluded the “Agreement of the Avoidance of Double Taxation and Prevention Fiscal Evasion with respect of Taxes on Income” with some countries bilaterally. Myanmar has no practice to levy any taxes on aircraft and other moveable property associated with the operation of aircraft in international air transport.
- Clause 3** For the time being, Myanmar is not exercising for imposing taxes on the sale. Myanmar will endeavour to extend this practice as possible as it can. Myanmar has no practice to levy for use of international air transport.
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**NETHERLANDS****Clause 1**

**Clause 1 a)** This clause is implemented in the Netherlands for air transport other than private pleasure flying;

**Clause 1 d)** The expression “customs or other duties” as defined in clause d) is acceptable (“other consumable technical supplies” only as far as practicable); and

**Clause 1 e)** No local duties and taxes are levied on fuel, lubricants and other consumable technical supplies.

**Clause 2**

**Clause 2 a)** The Netherlands grants to air transport enterprises of other States engaged in international air transport and not established in the Netherlands:

- i) exemption, on the basis of reciprocity, from income tax in any form on income derived in the Netherlands from the operation of aircraft in international air transport;
- ii) in the case of corporations, exemption from property taxes, capital levies or other similar taxes, on aircraft and other movable property pertaining to the operation of aircraft in international air transport;

**Clause 3**

The turnover tax on aircraft to be operated as a public conveyance mainly in international traffic and on goods designed as supplies of these outgoing aircraft, as well as the turnover tax on the service rendered in connection with these aircraft and goods is nil.

The turnover tax on the transportation of passengers by aircraft is nil if the destination or port of embarkment is situated outside the Netherlands.

With the exception of transport within the European Union, the turnover tax on the international transport of cargo by an air charter or carrier is nil.

**Clause 4**

As stated above, the Netherlands respects the existing exemption of international aviation from taxes. However, the Netherlands is in favor of the introduction of market-based options, e.g. excise duty on kerosine, value added tax, environmental charges — to reduce or to limit the environmental impact of aviation.

The Netherlands will continue its efforts to promote the introduction of possible market based options at the international level, preferably in the framework of ICAO.

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**NEW ZEALAND**

**Clause 1** New Zealand complies with the resolving clauses.

**Clause 2 a)** An airline of another State will be liable to income tax on its income sourced from New Zealand, unless:

(i) a Double Tax Agreement (DTA) operates to prevent New Zealand taxing the New Zealand sourced income of a foreign airline; or

(ii) the Commissioner of Inland Revenue has exempted the airline from income tax in New Zealand.

A DTA overrides New Zealand taxation legislation where the two are inconsistent. New Zealand has 35 DTAs in force and they all contain an Article dealing with shipping and air transport. The Article typically provides that the profits of an airline from international transport can only be taxed in the country of residence of the airline. To the extent that a foreign airline can undertake domestic transport (i.e. the carriage of passengers or cargo within New Zealand), New Zealand DTA policy since 1995 has been to ensure that New Zealand remains able to tax the income from that domestic transportation.

In the absence of a DTA, the Commissioner of Inland Revenue may exempt from income tax certain income of a foreign airline (generally, income from the carriage outside New Zealand of cargo or passengers emplaned at an airport in New Zealand, whether or not that aircraft calls at another airport in New Zealand before leaving New Zealand) where the Commissioner is satisfied that the country in which the airline is resident will give a like exemption to a New Zealand resident airline.

These exemptions do not apply to Goods and Services Tax or other New Zealand taxes or levies to which a foreign airline may be liable.

**Clause 2 a) ii)** New Zealand does not impose property taxes, capital levies or other similar taxes. Some capital gains are taxed as income under ordinary income tax rules. To the extent that such capital gains relate to aircraft or other moveable property associated with the operation of aircraft in international air transport, the exemptions referred under clause 2 a) above will apply.

**Clause 2 c)** There is no provision in New Zealand law for an Air Services Agreement to give an exemption from tax. New Zealand negotiates DTAs as appropriate. Additionally, the Commissioner of Inland Revenue may exempt from income tax the New Zealand derived income of a foreign airline where the Commissioner is satisfied that the other country will give a like exemption to a New Zealand resident airline.

**Clause 3** New Zealand does not impose taxes such as taxes on the gross receipts of operators or taxes levied directly on passengers or shippers.



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**NIGERIA**

- Clause 1**      **Taxation of fuel, lubricants and other consumable technical supplies:** The Government of Nigeria exempts from Customs and other duties fuel, lubricants and other consumable technical supplies on board an aircraft when they are not offloaded from the aircraft. The exemption is also granted upon departure and this is regardless of the type of operation performed.
- Clause 2**      **Taxation of income of international air transport enterprises and aircraft and other moveable property:** In Nigeria, the income of international air transport enterprises domiciled/operating in the country are exempted from various forms of taxation either through local or national agencies of government, so as to avoid duplication or multiplicity of charges depending on the provision of Bilateral Air Services Agreement. The exemptions granted are on a reciprocal basis. The government of Nigeria also grants exemption to property (Movable) and aircraft owned by such international air transport enterprises as mandated by these Conventions.
- Clause 3**      **Taxes on the sale and use of international air transport:** The Government of Nigeria does not levy taxes on the sale or use of international air transport.
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**NORWAY**

**Clauses 1 and 2** There are no national or local taxes being imposed within Norway on the acquisition of fuel, lubricants or consumable technical supplies for use by aircraft in international air transport.

However, Norway questions the reasons for the tax exemption concerning fuel in the Resolution. Tax policy in respect of environmental protection may be a reason for introducing taxes on fuel for the use by aircrafts in general. For domestic flights, a tax on fuel is applicable in Norway (effect from 1 January 1999). The revenue from this tax accrues direct to the Norwegian Exchequer.

**Clause 3** Companies are not subject to capital tax in Norway.

The Norwegian Tax Act allows for exemption, under conditions of reciprocity, of the profits which a foreign enterprise derives in Norway from the operation of aircraft in international traffic, as well as from the operation of aircraft between Norwegian locations only.

Norway has entered into general tax treaties with more than 80 countries. With several other countries Norway has entered into a limited tax treaty applicable to enterprises which operates aircraft in international traffic. In the great majority of these tax treaties, Norway has included a provision stipulating that the profits from operation of aircraft in international traffic shall be taxable only in the state where the enterprise is resident, or, alternatively, where the enterprise has its place of effective management. This also applies to capital gains arising from the alienation of aircraft.

**Clause 4** No taxes are levied for the passenger's use of air transport, neither within Norway or on international flights (such a tax was abolished from 1 April 2002).

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**OMAN**

- Clause 1**            With regard to Clause 1 concerning taxation of fuel, lubricants, and other consumable technical supplies and aircraft spare parts, all airlines are exempt from taxation in all cases as referred to in Doc 8632 on the basis of the Chicago Convention and Bilateral Agreements concluded by the Sultanate. There are no other taxes imposed on the above-mentioned items.
- Clause 2**            With regard to Clause 2 concerning taxation of airline revenues, the competent authorities in the Sultanate conclude double taxation agreements with the countries that so request. The Sultanate has signed an appreciable number of these agreements. There is also a collective agreement among the Arab countries for mutual exemptions from taxes on the activities and equipment of air transport. Accordingly, the competent authorities exempt the airlines of member States in this Agreement from taxes on their profits from sales. The Ministry of Communications and the other competent authorities seek to grant such exemptions on the basis of reciprocity to encourage air transport activities to and from the Sultanate.
- Clause 3**            With regard to Clause 3 concerning taxation of the sale and use of international air transport, we have no taxation on the operators or passengers or shippers apart from the fees that are imposed in return for a specific service and these are set at reasonable rates corresponding with the level of the services rendered.
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**PAKISTAN**

**Clause 1** Clause 1 a) is concurred to the extent of exemption from custom duties subject to the condition that concessions envisaged therein are based on the principles of reciprocity and would be implemented through a bilateral agreement.

**Clause 2** As regards to Clause 2 concerning taxation of income from international operation of aircraft, airlines are governed through bilateral tax treaties which generally are directed towards reciprocal tax exemption.

**Clause 3** This resolution is in conflict with the settled principle in that sovereign States can levy taxes and use them for such purposes as such States may decide. These rights cannot be abridged by resolution like the one under reference and no State can be expected to collect and spend tax in accordance with the wishes of or schemes laid out by any foreign agency like ICAO. It may also be mentioned that the resolution is incapable of implementation inasmuch as that no line can possibly be drawn as to where the use of international air transport starts or ends and how must the application objectives of taxes collected could be realized. We may also like to add that taxes are levied on the income from air transport business having its source in the taxing country. For the convenience of the taxpayer as well as that of business, the measure of determining the quantum of income is the gross receipts which may then be taxed at an appropriately reduced rate. This is a practice followed worldwide. However, where States agree through bilateral treaties to avoid double taxation, this income may either be taxed at reduced rates or totally exempted from tax on a reciprocal basis.

Airport tax collected from departing passengers is directly credited to the civil aviation authority.

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**PANAMA**

**Clauses 1 to 3** Panama's position is the same as that in Clauses 1 to 3 of Doc 8632. Panama's legislation provides for exemption of all taxation on fuel, oils, lubricants, equipment and spare parts which airlines keep for their own consumption, even if these items are nationalized.

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**PARAGUAY****Clause 1**

**Clauses 1 a) and b)** In the texts of the bilateral agreements between Paraguay other countries, policies are established in accordance with the terms of the resolution referenced;

**Clauses 1 d) and e)** Sales of fuel and lubricants are subject to the Selective Consumption Tax levied by the tax authority, on a reciprocal basis.

**Clauses 2 a) and b)** The State of Paraguay levies a direct tax on all revenue of Paraguayan origin resulting from the conduct of commercial, industrial or service activities, except those of a private nature. *Revenue of Paraguayan origin* means revenue from activities carried out in the Republic of Paraguay, regardless of the nationality or domicile of those taking part. The basic rate for the tax is currently 10%, as per the tax code.

**Clause 3** In the Republic of Paraguay, fares for international plane tickets carry a value added tax (VAT) of 2.5 per cent, and domestic fares are taxed at 10 per cent by the tax authorities.

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**PERU**

Since Peru is presently in the process of reactivating its economy, it will continue to apply its tariff policy in all fields of economic activity until stabilization is achieved.

As a result, Peru shall inform ICAO at the proper time when the conditions of its economy make it possible to apply ICAO's Policies on Taxation in the Field of International Air Transport contained in Doc 8632.

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**POLAND**

Poland is a member of the European Union. Therefore national and EU laws are applicable.

- Clause 1**            This clause is implemented in Poland for air traffic other than private leisure flights.
- Clause 2**            This clause is implemented in Poland. Foreign air transport enterprises may enjoy exemption from income taxes on the basis of agreements on double taxation (to-date Poland has concluded such agreements with 84 States).
- Clause 3**            Services related to international air transport are exempted from value added tax based on the EU Value Added Tax Directive and national implementing legislation.
- Clause 4**            As stated above, Poland respects and supports existing ICAO exemption scheme on international civil aviation from taxation.
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**PORTUGAL**

**Clause 1** In respect to taxation of fuel, lubricants and other consumable technical supplies:

Value Added Tax (Decree-Law n° 394-B/84, of 26 December as amended) — Import of consumable goods, consumed or kept onboard aircraft used on international air navigation are exempt from VAT. Export of consumable goods used on aircraft operated by airlines mainly engaged in the carriage of international traffic are also exempted. Consumable goods are understood as being: fuels, lubricants, and other consumable technical supplies destined to the functioning of aircraft and other technical equipment placed onboard.

Special taxes (Decree-Law n° 566/99, of 22 December as amended) — the supply of oil products and energy products used in air navigation, except for private leisure aviation, are not subject to the tax. Aircraft and helicopters used in commercial flights, for the transportation of passengers or cargo, against remuneration or hire or in the interest of public authorities are exempted.

The Council Directive 2003/96/EC on taxation of energy products and electricity gave EC Member States the option to agree among each other to waive the exemption from taxation of aviation fuel used on intra-Community air routes. EC Members shall avoid inserting in Air Services Agreements any provision that may limit this option.

Nevertheless, the majority of bilateral air services agreements concluded by Portugal contemplate equal treatment as regards customs duties, inspection fees or other national duties and charges on fuel, lubricant oils, and consumable technical supplies kept or taken on board aircraft engaged in international, scheduled and non-scheduled air services.

Charges are related to the cost of the services provided for civil aviation and are collected by airport authorities. There is also a charge on aircraft refuelling.

The revenue from such charges is directly allocated to civil aviation, namely in financing airport activities.

**Clause 2** In respect to the taxation of income of international air transport enterprises and taxation of aircraft and other moveable property – Portugal has over 65 bilateral agreements in place to avoid double taxation (see table in attachment). Airlines of these countries operating to Portuguese territory with an established office are exempted from taxation on the income derived from their activity, on the basis of reciprocity, since payment of such taxes is limited to their domestic domicile.

In case of absence of an agreement to avoid double taxation it is generally understood that airlines are exempted from taxes on income, as it is usually considered that delegations are a mere extension of their enterprises. The special aircraft tax (Single Circulation Tax – Decree-Law n° 22-A/2007, of 29 June 2007) is only imposed on the owner of privately used aircraft resident in Portugal.

**Clause 3** In respect of taxes on the sale and use of international transport, Portuguese legislation on Value Added Tax (Decree-Law n° 394-B/84, of 26 December as amended, Art. 14, paragraph r.) provides for full exemption of international passenger carried by air.

**Clause 4** In respect of actions to be taken as regards this resolution, the Portuguese authorities consider that

fiscal exemption can be a useful instrument to further the development of air transport. However, it should be reasonably compatible with the fiscal national policy that serves the interests of the community in general. In the field of taxation, Portugal is also a party to the options taken at EU's level.

#### CONVENTIONS TO AVOID DOUBLE TAXATION CONCLUDED BY PORTUGAL

| COUNTRY        | LEGAL DIPLOMA   | ENTRY INTO FORCE       |
|----------------|---|------------------------|
| Algeria        | AR 22/06, 23 March  | 01.05.2006             |
| Austria        | DL n° 70/71, 8 March  | 28.02.1972             |
| Belgium        | DL 619/70, 15 December. Additional Convention (AR 82/00, 14 December) | 19.02.1971, 05.04.2001 |
| Brazil         | AR 33/01, 27 April  | 15.10.2001             |
| Bulgaria       | AR 14/96, 11 April  | 18.07.1996             |
| Cape Verde     | AR 63/00, 12 July   | 15.12.2000             |
| Canada         | AR 81/00, 6 December  | 24.10.2001             |
| Czech Republic | AR 26/97, 9 May   | 01.10.1997             |
| Chile          | AR 28/06, 6 April   | 25.08.2008             |
| China          | AR 28/00, 30 March  | 08.06.2000             |
| Cuba           | AR 49/01, 13 July   | 28.12.2005             |
| Denmark        | AR 6/02, 23 February  | 24.05.2002             |
| Estonia        | AR 47/04, 8 July  | 23.07.2004             |
| Finland        | DL 494/70, 23 October   | 14.07.1971             |
| France         | DL 105/71, 26 March   | 18.11.1972             |
| Germany        | L 12/82, 03 June  | 08.10.1982             |
| Greece         | AR 25/02, 4 April   | 13.08.2002             |
| Guinea-Bissau  | AR 55/09, 30 July   | n.a.                   |
| Hungary        | AR 4/99, 28 January   | 08.05.2000             |
| India          | AR 20/00, 6 March   | 05.04.2000             |
| Indonesia      | AR 64/06, 6 December  | 11.05.2007             |
| Ireland        | AR 29/94, 24 June. Additional Protocol AQR 62/06.6 December           | 18.12.2006             |
| Italy          | L 10/82, 1 June   | 15.01.1983             |
| South Korea    | AR 25/97, 8 May   | 21.12.1997             |
| Kuwait         | AR 44/2011, 18 March  | n.a.                   |
| Latvia         | AR 12/03, 28 February   | 07.03.2003             |

| COUNTRY        | LEGAL DIPLOMA   | ENTRY INTO FORCE         |
|----------------|---|--------------------------|
| Lithuania      | AR 10/03, 25 February                                   | 26.02.2003               |
| Luxembourg     | AR 56/00, 30 June                                       | 30.12.2000               |
| Macau          | AR 80-A/99, 16 December                                 | 01.01.1999               |
| Malta          | AR 11/02, 25 February                                   | 05.04.2002               |
| Mexico         | AR 84/00, 15 December                                   | 09.01.2001               |
| Moldova        | AR 106/2010, 2 September                                | 18.10.2010               |
| Morocco        | AR 69-A/98, 23 December                                 | 27.06.2000               |
| Mozambique     | AR 36/92, 30 December, Additional Convention (AR 36/09) | 01.01.1994<br>07.06.2009 |
| Netherlands    | AR 62/00, 12 July                                       | 11.08.2000               |
| Norway         | DL 504/70, 27 October                                   | 01.10.1971               |
| Pakistan       | AR 66/03, 2 August                                      | 04.06.2007               |
| Poland         | AR 57/97, 9 September                                   | 04.02.1998               |
| Romania        | AR 56/99, 10 July                                       | 14.07.1999               |
| Russia         | AR 10/02, 25 February                                   | 11.12.2002               |
| Singapore      | AR 85/00, 15 December                                   | 16.03.2001               |
| Slovakia       | AR 49/04, 13 July                                       | 02.11.2004               |
| Slovenia       | AR 48/04, 10 July                                       | 13.08.2004               |
| South Africa   | AR 53/08, 22 September                                  | 22.10.2008               |
| Spain          | AR 6/95, 28 January                                     | 28.06.1995               |
| Sweden         | AR 20/03, 11 March                                      | 19.12.2003               |
| Switzerland    | DL 716/74, 12 December                                  | 17.12.1975               |
| Tunisia        | AR 33/00, 31 March                                      | 21.08.2000               |
| Turkey         | AR 13/06, 21 February                                   | 18.12.2006               |
| United States  | AR 39/95, 12 October                                    | 01.01.1996               |
| United Kingdom | DL 48/97, 24 July                                       | 20.01.1969               |
| Ukraine        | AR 15/02, 8 March                                       | 11.03.2002               |
| Uruguay        | AR 77/2011, 5 April                                     | n.a.                     |
| Venezuela      | AR 68/97, 5 December                                    | 08.01.1998               |

Note: AR – Resolution from the Republic's Assembly  
DL – Decree-Law  
L – Law





**REPUBLIC OF KOREA**

**Clause 1**           Acceptable.

**Clause 2**

**Clause 2 a) i)**       In accordance with the agreements on the avoidance of double taxation, the “residence principle” is generally applied to the taxation on the income of air transport enterprises from the operation of aircraft in international air transport.

**Clause 2 a) ii)**     Property taxes on aircraft and other movable property can be exempted on a reciprocal basis.

**Clause 3**           Value Added Tax on the sales or use of international transport can be exempted on a reciprocal basis.

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**REPUBLIC OF MOLDOVA**

The information contained in the Doc 8632 reflects the position of the Republic of Moldova with respect to ICAO's Policies on Taxation in the Field of International Air Transport.

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**ROMANIA**

Romania indicated no change to its position on the Supplement.

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## **RUSSIAN FEDERATION**

Russian Federation taxation matters, including those in the field of international air transport, are regulated by the corresponding legislation, as well as by agreements between Russia and other States and by bilateral intergovernmental agreements on international air services.

All the agreements provide for the application, on a reciprocal basis and under corresponding conditions, of full or partial exemption of individual types of income and property from taxation in one of the States, as well as procedures for the elimination of double taxation of income and property.

In developing the tax legislation of the Russian Federation and corresponding agreements with other States, account is taken of the generally accepted principles and norms of international law and Russia's international treaties, including ICAO's Policies on Taxation in the Field of Air Transport.

According to the treaty practice of the Russian Federation, the article on exemption of customs duties must be included in bilateral air services agreements.

With respect to the exemption from taxation of air transport enterprises, the practice in the Russian Federation consists of including provisions for tax exemptions (attached hereto) in air services agreements or for avoidance of double taxation of income in individual international agreements.

**PROVISIONS FOR EXEMPTION FROM CUSTOMS DUTIES AND TAXES**

1. Aircraft engaged in the operation of air services designated by the air transport enterprises of one Contracting State Party, as well as the organic equipment, spare parts, fuel stores, lubricants and aircraft supplies (including food, drink and tobacco products) on board such aircraft shall, upon entry into the territory of another Contracting State Party, be exempt from customs duties, taxes and other similar fees and charges provided that such equipment, spare parts, stores and supplies remain on board the aircraft until shipped back.
2. The following shall also be exempt from customs duties, taxes and other similar fees and charges:
  - a) aircraft supplies brought on board in the territory of one Contracting State Party within the limits established by the competent authorities of that Contracting State Party, and intended for use on board an aircraft engaged in the operation of air services designated by the air transport enterprises of another Contracting State Party;
  - b) equipment and spare parts brought into the territory of one Contracting State Party for the maintenance or repair of an aircraft engaged in the operation of air services designated by the air transport enterprises of another Contracting State Party;
  - c) fuel and lubricants intended for use by aircraft engaged in the operation of air services designated by the air transport enterprises of one Contracting State Party, even if these supplies are used on a route segment which lies within the territory of another Contracting State Party, in which they were taken on board.
  - d) requisite documents and forms used by the designated air transport enterprises of another Contracting Party and containing their logos, including tickets and air waybills delivered or to be delivered by the designated air transport enterprises of one Contracting State Party to the territory of another Contracting State Party involved in the operation of designated air services.
3. Use of supplies, stores and spare parts, as well as the afore-mentioned documents, for purposes other than those referred to in paragraph 2 above, is prohibited. The items referred to in paragraph 2 above may be subject to customs control or monitoring by customs authorities until such time as they are shipped back or reassigned in accordance with customs regulations.
4. Airborne equipment, as well as supplies, stores and spare parts found on board an aircraft engaged in the operation of air services designated by one Contracting State Party, may only be offloaded in the territory of another Contracting State Party if the customs authorities of the latter Contracting State Party so agree. In that case, they will be under the control of the customs authorities until such time as they are shipped back or reassigned in accordance with the customs regulations of said Contracting State Party.
5. Baggage and cargo in direct transit shall be exempt from customs duties, taxes and charges.
6. Charges for services provided, customs formalities and storage are levied in accordance with the legislation of the Contracting State Parties.

With respect to the exemption from taxation of air transport enterprises, the practice in the Russian Federation consists of including provisions for tax exemptions in air services agreements or for avoidance of double taxation of income in individual international agreements.



**PROVISIONS FOR AVOIDANCE OF DOUBLE TAXATION**

1. Each Contracting Party shall, in the territory of its own State, exempt the designated air transport enterprise of another Contracting Party from any taxes and levies on income and profits collected from the designated air transport enterprises from the operation of established air services.
  2. Each Contracting Party shall, in the territory of its own State, exempt the designated air transport enterprise of another Contracting Party from any taxes and charges on its assets.
  3. The employees of a designated air transport enterprise who are citizens of one Contracting Party, shall be exempt from all income tax on their salary.
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**RWANDA**

- Clause 1** In line with the provisions of Bilateral Air Service Agreements concluded between Rwanda and other countries, Rwanda, on reciprocal basis, does not levy taxes on fuel, lubricants and other consumer technical supplies. The exemption is also extended to all aircraft engaged in international air transport not covered by Bilateral Air Service Agreements.
- Clause 2** Bilateral Air Service Agreements concluded between Rwanda and other countries provide for avoidance of double taxation on the revenues and sales of airlines on a reciprocal basis.
- Clause 3** Rwanda levies no taxes on the sale or use of international air transport.
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**SAMOA**

Samoa indicated no change to its position on the Supplement.

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**SEYCHELLES****Clause 1**

**Clause 1 a) i), ii)** Regulation 177 allows an officer to “seal” aircraft stores on arrival. These stores are exempt from customs duty or any other taxes unless diverted to home consumption.

**Clause 1 a) iii)** Not applicable, only one international airport. A small aircraft departing for foreign territory would not be charged for local fuel consumption.

**Clause 2**

Section 69 of the Business Tax Act refers to direct taxation on the turnover of goods, passengers, etc., that is paid within Seychelles at a rate of 5 per cent. The Section refers to shipowners of charters; however, it is extended to airline companies as well.

Agreements would be reached regarding taxation with any airline company who would wish to establish themselves here in Seychelles as regards capital equipment, consumables and operating materials.

**Clause 3**

Fees collected from departing passengers (passenger service fees) are directly credited to the Civil Aviation Division.

Under the Investment Promotions Act, companies (including airline companies and freight forwarders) would be entitled to import exemptions on capital equipment, consumables and raw materials. Corporate tax relief is also available when accepted by the Minister responsible for Finance.

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**SINGAPORE**

- Clause 1** Customs duties on lubricant and jet fuel have been suspended since 1 April 1994. Even before 1 April 1994, duty exemption was available under the Customs Duties (Exemption) Order 1990 for any jet fuel, lubricants and other consumable technical supplies taken on board any aircraft as air stores. Similar relief is also available under the goods and services tax (GST) legislation. Hence we are able to comply with the resolutions/recommendations under Clause 1.
- Clause 2** Issues pertaining to reciprocal exemption from taxation would be more appropriately dealt with under a bilateral agreement for the avoidance of double taxation (DTA) or an agreement for reciprocal tax exemption rather than under the ICAO policy document. Singapore has in force 69 DTAs and 6 reciprocal agreements which provide for full or partial income tax exemption on profits derived from the operation of aircraft in international traffic. In general, our DTAs and reciprocal agreements provide for gains from the alienation of aircraft operated in international traffic or moveable property pertaining to the operation of such aircraft to be taxable only in the country of residence or place of effective management of the operator. However, they do not cover property taxes and capital levies or similar taxes on property.
- Clause 3** Any reduction or elimination of taxes related to the sale or use of international air transport would be given only to the extent provided under our relevant domestic laws. Under our domestic laws, the supply of services comprising the transport of passengers or goods and the letting on hire of aircraft are zero-rated supplies for goods and services tax (GST) purposes.
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**SLOVAKIA**

**Clause 1** Principles of this Resolution are included in bilateral air transport agreements Slovakia complies with this Resolution dealing with taxation of fuel, lubricants and other technical supplies. Also the rule of reciprocity is invoked. Slovakia endeavours for wider application — the definitive decision could be made by the Ministry of Finance in line with the policy and law of the European Union.

**Clause 2** Principles of this Resolution are included in bilateral air transport agreements.

Taxation of the income of international air transport enterprises, aircraft and other movable property associated with the operation of aircraft in international air transport is covered by bilateral agreements to avoid double taxation. The Ministry of Finance is in charge for these specific kinds of agreements.

**Clause 3** Slovakia fully complies with this Resolution.

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**SLOVENIA**

- Clause 1** In Slovenia this clause is implemented for international air transport. No reciprocity is required and no additional national or local duties and taxes are imposed.
- Exemption on excises and VAT does not apply for use in international air traffic for private purposes.
- Clause 2** In Slovenia the provisions of the agreements for the avoidance of double taxation with respect to taxes on income and on capital and the provisions of other international agreements are directly applied for taxpayers who are resident in the States with which the agreement has been concluded, if such agreement defines the issue of taxation or regulates it in a different manner than it is in a national tax legislation.
- Clause 2 a)** Slovenia has so far concluded a significant number of bilateral agreements on the avoidance of double taxation (there are 48 agreements to be in force in 2012), so that multiple taxation inter alia in the field of civil aviation is to be avoided.
- Clause 3** In Slovenia international air transport is exempt from value added tax.
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**SOUTH AFRICA**

This matter relating to taxation is under broader discussion with the industry stakeholders. South Africa will note its position once all information is on hand.

It must be noted though, that the Constitution of South Africa, 1993 (Act No. 200 of 1993) makes provision for the imposition of certain taxes by the provinces. It can therefore not, at this stage, be confirmed that such taxes will comply with the Resolution.

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**SPAIN****Clause 1****Value Added Tax**

As regards air transport taxes and the Value Added Tax, the regulations governing the VAT in Spain contain the measures necessary to implement the principles contained in Clause 1 of the ICAO document in question (Doc 8632), insofar as this tax is concerned (See Law 37/1992, Articles 18, 22, 24, 26, and 27).

**Special taxes**

The following facts are with regards to special taxes in the field of air transport:

1. The lubricating oils used for aircraft in international air transport are not subject to the tax that Spain levies on hydrocarbons, since such oils are not included in the scope of the tax (Article 46, para. 1 of Law 38/1992 on special taxes, dated 28 December).
2. Fuels (avgas and kerosene) to be used in air navigation (international or domestic), except for private recreational aviation, are exempt from the Tax on Hydrocarbons (Article 51, para. 2a) of Law 38/1992 on special taxes, dated 28 December).

For this purpose, Spanish legislation defines private recreational aviation as the use of an aircraft which is not public property by its owner (or by a person permitted to use it under a rental agreement or some other arrangement) for non-commercial purposes, and especially for purposes other than the carriage of passengers or cargo or the provision of services for remuneration.

**Customs duties**

With regard to customs duties on fuels, lubricants and other similar technical supplies:

1. EEC Regulation 918/83 on customs exemptions states in Article 133 that “the provisions of this Regulation shall not prevent member States from granting: ... 1 g) exemptions granted within the framework of agreements concluded on a reciprocal basis with third countries parties to the Convention on International Civil Aviation (Chicago 1944) for the application of Recommended Practices 4.42 and 4.44 of Annex 9 to that Convention.”
2. Clause 1 a) i) in Doc 8632, which contains the Resolution of the ICAO Council, refers to exemption from customs duties on fuel, lubricants and other consumable technical supplies that are in the aircraft upon arrival in the customs territory of another State, provided that no quantity is unloaded. This issue, which was included in basic form in Article 24a) of the Chicago Convention, has been extended to cover other technical supplies such as those mentioned above, although the provisions of Article 24 of the Convention are broadened in that there is no obligation that such supplies still be aboard the aircraft upon departure from the customs territory.

Spain has not expressed any reservation with regard to para. 4.42 of Annex 9 to the Convention on International Civil Aviation as regards supplies and, as a result, there will be no difficulty in applying, Clause 1 a) i) of the above-mentioned document.

With regard to Clause 1 a) ii) in the above-mentioned Clause 1, if the aircraft leaves the State for another customs territory in the same State or any other State, there are no customs duties since the supplies are domestic.

With reference to fuels, the following should be noted:

Article 8.7 of EEC Directive 92/81 establishes that:

“No later than 31 December 1977 the Council shall review the exemptions provided for in paragraphs 1 (b) [(Art. 8.1.b) exemption for commercial aviation fuel] and 2 (b), on the basis of a report by the Commission and taking account of the external costs entailed in such means of transport and the implications for the environment and shall decide unanimously, on a proposal from the Commission, whether to abolish or modify those exemptions.”

In this context, some Member States of the European Union have already stated their position in favour of the abolition of this exemption for environmental reasons. The Spanish position in this regard still has to be established by the various Ministries involved.

In addition, with regard to Clause 1 a) iii), when an aircraft makes successive stops at two or more airports within the same customs territory, the supplies carried on board are domestic and are not subject to customs duties.

The Value Added Tax and special taxes are governed by the Spanish legislation in force (Laws 37/1992 and 38/1992, Articles 22.6 and 9, paragraph f). The laws on VAT and special taxes could be applied to other laws such as the law regulating the IGIC and APIC in the Canaries and the law regulating the production and import tax in Ceuta and Melilla.

**Clause 2**

With regard to Clause 2 concerning taxation of the revenues of international air transport enterprises, Spain has signed 35 agreements to avoid double international taxation in the area of taxes on revenue and property. These agreements contain an article concerning the profits from the international operation of aircraft, providing that such profits can only be taxed in the State of the Operator. Most refer to the State in which the firm has its effective headquarters; the others refer to the State of residence of the firm.

In the case of States with which there is no agreement to avoid double international taxation of revenue and property, there are air navigation agreements that are also intended to limit the taxation of profits to the State of the Operator, as well as unilateral agreements that base the exemption of non-resident operators on reciprocity and are applied by means of Orders.

The Attachment contains a list of the double taxation agreements ratified by Spain to date, as well as the agreements and ministerial orders currently in force.

**Clause 3**

As regards the principles contained in this Section, Spanish regulations provide for full exemption of international passenger transport by air from the Value Added Tax (Law 37/1992, Art. 22, para. thirteen).

## ATTACHMENT

COUNTRIES WITH WHICH SPAIN HAS AGREEMENTS ON  
DOUBLE TAXATION OF INCOME AND PROPERTY

*Note.— In the following list, BOE stands for Boletín Oficial del Estado and O.M. stands for Orden Ministerial (Ministerial Order).*

|                |  |
|----------------|--|
| FRANCE         | 27-6-73 (BOE 7-5-75) O.M. 28-4-78 (BOE 6-9-78)<br>Agreement Comp. 6-12-77 (BOE 30-4-79). |
| SWEDEN         | 16-6-76 (BOE 22-1-77) O.M. 27-7-77 (BOE 9-8-77) O.M. 18-2-80 (BOE 1-3-80).               |
| NORWAY         | 25-4-63 (BOE 17-7-64).   |
| SWITZERLAND    | 26-4-66 (BOE 3-3-67). O.M. 20-11-68 (BOE 26-11-68).                                      |
| AUSTRIA        | 20-12-66 (BOE 6-1-68). O.M. 26-3-71 (BOE 29-4-71).                                       |
| GERMANY        | 5-12-66 (BOE 8-4-68) O.M. 10-11-75 (BOE 4-12-75). O.M. 30-12-77 (BOE 17-1-78).           |
| FINLAND        | 15-11-67 (BOE 11-12-68).   |
| BELGIUM        | 24-9-70 (BOE 27-10-72) O.M. 27-2-73 (BOE 26-3-73).                                       |
| NETHERLANDS    | 16-6-71 (BOE 16-10-72) O.M. 31-1-75 (BOE 13-2-75).                                       |
| DENMARK        | 3-7-72 (BOE 28-1-74) O.M. 4-12-78 (BOE 5-1-79).  |
| JAPAN          | 13-2-74 (BOE 2-12-74).   |
| BRAZIL         | 14-11-74 (BOE 31-12-75).   |
| UNITED KINGDOM | 21-10-75 (BOE 18-11-76) O.M. 22-9-77 (BOE 11-10-77).                                     |
| ROMANIA        | 24-5-79 (BOE 2-10-80).   |
| ITALY          | 8-9-77 (BOE 22-12-80).   |
| CANADA         | 23-11-76 (BOE 6-2-81).   |
| CZECHOSLOVAKIA | 8-5-80 (BOE 14-7-81).  |
| POLAND         | 15-11-79 (BOE 15-6-82).  |
| MOROCCO        | 10-7-78 (BOE 22-5-85).   |
| USSR           | 1-3-85 (BOE 22-9-86).  |
| TUNISIA        | 2-7-82 (BOE 3-3-87).   |
| LUXEMBOURG     | 3-6-86 (BOE 4-8-87).   |
| HUNGARY        | 9-7-84 (BOE 24-11-87).   |
| UNITED STATES  | 22-2-90 (BOE 22-12-90).  |

|                   |                         |
|-------------------|-------------------------|
| BULGARIA          | 6-3-90 (BOE 12-7-91).   |
| CHINA             | 22-11-90 (BOE 25-6-92). |
| AUSTRALIA         | 24-3-92 (BOE 29-12-92). |
| ECUADOR           | 20-5-91 (BOE 5-5-93).   |
| ARGENTINA         | 21-7-92 (BOE 9-9-94).   |
| MEXICO            | 24-7-92 (BOE 27-10-94). |
| INDIA             | (BOE 7-2-95).           |
| IRELAND           | (BOE 27-12-94).         |
| PHILIPPINES       | (BOE 15-12-94).         |
| REPUBLIC OF KOREA | (BOE 15-12-94).         |
| PORTUGAL          | (BOE 7-11-95).          |

**MINISTERIAL ORDERS GOVERNING THE EXEMPTION OF  
AIRLINES OF THE FOLLOWING COUNTRIES**

|              | <b>DATE OF ORDER</b>   | <b>DATE OF BOE</b> | <b>AIRLINE AND CERTIFICATE</b>  |
|--------------|--|--------------------|---|
| CUBA         | 20.2.68  | 2.3.68             | EMPRESA CONSOLIDADA<br>CUBANA DE AVIACION (16.4.68)                       |
| UAR          | 20.12.68   | 31.12.68           | UNITED ARAB AIRLINES (21.1.69)  |
| PERU         | 2.7.69   | 9.7.69             | AEROLINEAS PERUANAS, S.A.<br>(10.7.69)                                    |
| CONGO        | 22.12.71   | 2.2.72             | AIR CONGO (3.2.72)  |
| SOUTH AFRICA | 18.2.72  | 25.2.72            |   |
| LEBANON      | 31.1.76  | 25.2.75            | MIDDLE EAST AIRLINES.<br>AIR LIBAN. S.A.L. (MEA) (11.3.75)                |
| NIGERIA      | 26.1.76  | 9.2.76             |   |
| KUWAIT       | 27.6.78  | 2.8.78             |   |
| URUGUAY      | 7.2.66<br>7.2.83   | 17.2.66<br>14.2.83 | PRIMERAS LINEAS URUGUAYAS<br>DE NAVEGACION AEREA<br>(P.L.U.N.A.) (6.4.83) |
| ISRAEL       | 5.2.85   | 30.3.85            | EL AL ISRAEL AIRLINES (9.4.86)  |
| GREECE       | 6.5.85   | 25.5.85            | OLYMPIC AIRWAYS, S.A. (10.6.85)   |
| PARAGUAY     | 24.4.87  | 9.5.87             | LINEAS AEREAS PARAGUAYAS<br>(LAP) (11.5.87)                               |
| SEYCHELLES   | 6.5.91   | 10.6.91            | AIR MARKETING<br>REPRESENTATIVES, S.A. (AMR)<br>(4.7.91)                  |
| PANAMA       | 19.10.94   | 10.11.94           |   |
| COLOMBIA     | There is no reciprocity order, but there is an additional protocol (exchange of notes of 5.9.66) to the Air Agreement of 11.12.51 which has the same effect. |                    | AEROLINEAS NACIONALES DE<br>COLUMBIA (AVIANCA) (18.4.68)                  |

**AGREEMENTS ON DOUBLE TAXATION OF MARINE AND AIR NAVIGATION**

|              |          |                |
|--------------|----------|----------------|
| SOUTH AFRICA | 16.10.73 | (BOE 19.12.73) |
| IRELAND      | 25.2.75  | (BOE 16.4.77)  |
| CHILE        | 28.12.76 | (BOE 11.7.78)  |
| VENEZUELA    | 6.3.86   | (BOE 1.2.89)   |

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**SWEDEN**

In light of the discussions in various fora about market based measures as tools in the limiting of the impact of international civil aviation on climate change, our opinion is that taxes levied on the uplift of lift or levied on air transport should not be ruled out as possible future measures.

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## SWITZERLAND

### General Comment

The Swiss Confederation generally supports and applies ICAO's policies on taxation in the field of air transport as set out in Doc 8632. Notwithstanding the Council's resolution, the Swiss Confederation is in favour of market-based measures aimed at reducing or limiting the environmental impact of aviation.

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**THAILAND**

- Clause 1** Thailand complies with the revised sections of the document dealing with taxation of fuel, lubricants and other consumable technical supplies.
- Clause 2** Concerning taxation of income and aircraft, the Value Added Tax system, based on the principle of reciprocity, is applied in Thailand.
- Clause 3** Regarding taxes on the sale or use of air transport, Thailand complies with the principles of this Resolution by applying Value Added Tax system, based on zero tax rate.
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**THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

**Clause 1** According to Article 32 from the *Law on Excise* (Official Gazette of the Republic of Macedonia No. 32/01) “mineral oils used in air traffic except when used in a plane for private purposes shall be exempt from excise tax”.

**Clause 3** In accordance to the Article 23 from *the Law on Value Added Tax* (Official Gazette of RM No. 44/99, ...114/2007) international transportation of passengers shall be exempted from Value Added Tax – tax exemptions in the country not entitled to tax credit deduction. Also, according to the Article 24 international air transport of passengers shall be exempted from Value Added Tax – tax exemption in the country entitled tax credit deduction and such tax exemption shall be applied to airlines with headquarter abroad only when there is a reciprocity.

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**TUNISIA**

The consolidated resolution is in accordance with Tunisia's relevant fiscal policy.

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**TURKEY**

In order to support Civil Aviation in our country, services provided to aircraft are exempted from Value Added Tax in accordance with item 13.b of Law 3065 relating to VAT. These services also include air navigation services.

On the other hand, item 13.e of the related Law states that, “taxpayers and administration with a general budget who are either themselves or through someone else engaged with construction, extension and reconstruction works of ports, airports and railway lines which are linked to the airports, will benefit from this exemption regarding the delivery of merchandise and the construction commitments related to these works. The Turkish Tax Regulation issues no other exemption regarding taxation in the field of Domestic and International Air Transportation.

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**UNITED ARAB EMIRATES**

The United Arab Emirates is fully in compliance with ICAO's policies on taxation in Doc 8632.

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**UNITED KINGDOM**

- Clause 1** There are no national or local taxes imposed within the United Kingdom on fuel, lubricants or consumable technical supplies contained on board or taken on board for use by aircraft in international air transport, other than on aircraft engaged in private pleasure flying.
- Clause 2** The United Kingdom has implemented more than 100 agreements with other States which effectively implement Clause 2 in respect of the United Kingdom and those States. The United Kingdom is always willing to consider holding bilateral discussions with a view to concluding further such agreements covering the profits of international air transport.
- Clause 3** The United Kingdom has operated an Air Passenger Duty (APD) since 1 November 1994. The duty is payable in respect of each chargeable passenger departing on a chargeable flight from a United Kingdom airport for both domestic and international destinations. The revenues from the duty accrue direct to the United Kingdom Exchequer. In 2008, changes to the APD system increased the number of distance bands to four. In 2011, to make the tax fairer, the Government announced that the duty would be extended to cover business aviation flights for the first time, effective from 1 April 2013. From 1 November 2011, APD on direct long-haul routes from airports in Northern Ireland was cut to the lower short-haul rate, and the Government launched a parallel process to devolve aspects of APD to the Northern Ireland Assembly.
- Clause 4** The United Kingdom is strongly in favour of market-based measures, which are distinct from charges or taxes and are the most economically efficient way to reduce emissions. Notwithstanding the Resolution, the United Kingdom is in favour of fiscal measures and charges to reduce or to limit the environmental impact of aviation. These options include, but are not limited to, excise duty on kerosene; value added tax; and environmental charges.
- The United Kingdom continues to actively support international action to address aviation's climate change effects, in particular through the application of market-based measures. The United Kingdom considers that it would be preferable for such action to be taken at a global level.
- However, in the absence of appropriate global action, regional action represents an important first step. The United Kingdom also considers that where countries choose to apply aviation duties, international rules should not prevent ICAO members from structuring duties in ways that incentivize more efficient and less polluting flights.
- To note, the United Kingdom is also responsible for a number of overseas territories and dependencies, which may apply taxes and/or charges according to their particular local circumstances.
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**UNITED REPUBLIC OF TANZANIA**

Aviation fuel and lubricants do **not attract any taxes**. However, there are duties, levies, fees and charges that are payable as follows:

**Table 1: JET A-1 FUEL**

| S/N | Type of Payment               | Level of Payment  |
|-----|-------------------------------|-------------------|
| 1   | Inspection fees at local Port | USD/T 0.09        |
| 2   | Destination Inspection Fees   | 1.2% of CIF       |
| 3   | Regulatory Charges            | USD/T 0.25        |
| 4   | Tanzania Bureau of Standards  | 0.2% of CIF       |
| 5   | Local inspection              | USD/T0.18         |
| 6   | Wharfage                      | USD/T0.18         |
| 7   | Other Charges                 | 1.6% of CIF + VAT |

**Table 2: AVGAS100L FUEL**

| S/N | Type of Payment             | Level of Payment |
|-----|-----------------------------|------------------|
| 1   | Destination Inspection Fees | 0.1% of CIF      |
| 2   | Wharfage Charges            | 1.6% of CIF+VAT  |

**Table 3: AVIATION LUBRICANTS**

| S/N | Type of Payment             | Level of Payment |
|-----|-----------------------------|------------------|
| 1   | Destination Inspection Fees | 0.1% of CIF      |
| 2   | Import Duty                 | 25% of CIF       |
| 3   | Handling and Wharfage Cost  | 1.6% of CIF+VAT  |

The above mentioned duties, levies, fees and charges are normally passed on to consumers.





## UNITED STATES

- Clause 1** With respect to taxes on fuel, lubricants or other consumable technical supplies
- Clause 1 a) i)** This clause is implemented in the United States.
- Clause 1 a) ii)** Subject to the comments in clauses b), c) and e) below, this section is implemented in the United States for federal taxes on aviation fuels, lubricants and other consumable technical supplies taken on board aircraft for consumption during flight.
- Clause 1 a) iii)** Subject to reciprocity, exemptions apply with respect to flights between points within the United States when part of an international flight.
- Clause 1 b) and c)** Exemptions, credits or refunds of Federal fuel taxes and customs duties are granted with regard to supplies for (i) military aircraft of any country; and (ii) civil aircraft engaged in foreign trade with the United States, or in trade between the United States and any of its possessions. However, in the case of civil aircraft registered in a foreign country, these exemptions, credits or refunds are granted only if the foreign country allows, or will allow, substantially reciprocal privileges in respect of U.S. registered aircraft. The United States does not anticipate the expansion of these exemptions to foreign civil aircraft other than those engaged in foreign trade with the United States.
- Clause 1 d)** See answer to b) and c) above and e) below.
- Clause 1 e)** This clause is implemented in the United States with respect to the purchase of bonded or foreign trade zone (FTZ) fuel at many international airports. Several States of the United States already exempt fuel used on international flights from State excise taxation. Except for situations involving the purchase of bonded or FTZ fuel, various States of the United States collect taxes on fuel taken on board. In some of these States, the tax revenues are allocated to civil aviation use. While the United States is sympathetic with the objective of eliminating local taxes for such fuel, under the Federal structure of the U.S. Government, and in light of the decisions of the United States Supreme Court in *Wardair Canada v. Florida Dept of Revenue*, 477 U.S. 1, 106 S.Ct. 2369, 91 L. Ed. 2d 1 (1986); *see also, Intel. Containers Intern. Corp. v. Huddleston*, 113 S.Ct. 1095 (1993), the United States does not anticipate that international air transport will be exempted from these State taxes in the immediate future (with the exception of purchases of bonded or FTZ fuel).
- Local sales and excise taxes on fuel at public (federally supported) airports are permitted only to the extent such taxes are “expended for capital or operating costs of --(A) the airport; (B) the local airport system; or (C) other local facilities owned or operated by the airport owner or operator and directly and substantially related to the actual air transportation of passengers or property” (*i.e.* a “user charge”). (49 U.S.C. 47107 (b))
- Clause 2** With respect to the taxation of income of international air transport enterprises and taxation of aircraft and other moveable property
- Clause 2 a) i)** The United States is in accord with the principles set forth in this Clause and, in accordance with its existing laws, has for a long period of time followed the practice of granting on a reciprocal basis the exemptions provided for in this Clause. The reciprocal exemption is confirmed through a bilateral agreement with the other country or by means of an administrative ruling. Some of the exemptions apply reciprocally only to aircraft registered in the other country.
- Clause 2 a) ii)** No Federal property tax applies to property of an air transport enterprise. Some State or local

Governments within the United States may, however, impose a tax on certain movable personal property of such enterprise (not including commercial aircraft).

**Clause 2 b)** The bilateral agreements referred to under Clauses 2 a) and c) are applicable only to Federal taxes. Federal law specifically precludes State taxation of U.S. and foreign air carriers on the basis of "Gross Receipts" (see 49 U.S.C. 4011(b)).

**Clause 2 c)** Reciprocal income tax exemptions are in effect with more than 65 countries, however, the income exempted may vary based on the degree of reciprocity available through the other country's law. In some cases, where reciprocal exemption is provided in a pre-1987 tax treaty, it is limited to aircraft documented under the laws of the country of the residence of the operator or lessor. Reciprocal exemptions provided under U.S. law (beginning in 1987) and recent tax treaties are available to residents of the other country without regard to where the aircraft is documented.

**Clause 3** With respect to taxes on the sale and use of international air transport (Information below is current as of January 1, 2012)

All taxes or charges imposed on the sale of international air transport, or use of international air transport facilities and services, are dedicated for, or do not exceed, the costs of airport, air navigation and aviation security facilities and services. These charges include:

- \* A \$12.00 tax for any international air transportation beginning or ending in the United States. The \$12.00 tax is indexed for inflation (for example, the rate for 2012 is \$16.70). For air transportation between the continental United States and a 225 mile zone in Canada or Mexico, a 7.5 per cent ticket tax applies if the payment was made within the United States, while the \$12.00 applies if the payment was made outside the United States. These taxes go into the Airport and Airway Trust Fund.
- \* A \$5.50 passenger charge for customs inspections; a \$7.00 passenger charge for immigration inspections; and a \$5.00 passenger, and \$70.50 aircraft, charge for animal, plant and health inspections (APHIS). These charges are dedicated toward the costs of these services.
- \* A tax on fuels for non-commercial aviation of 19.4 cents per gallon for aviation gasoline, and 21.9 cents per gallon for kerosene for use in aviation. 4.3 cents of this amount goes into the general fund. 0.1 cent of this amount goes into the Leaking Underground Storage Tanks (LUST) fund. The balance goes into the Airport and Airway Trust Fund, which is dedicated to aviation purposes.
- \* A September 11 Security Fee of \$2.50 per passenger enplanement (up to \$5 per one-way trip and \$10 per roundtrip), and an Aviation Security Infrastructure Fee that varies by carrier, assist in covering aviation security costs incurred by the Transportation Security Administration.
- \* The Federal Aviation Administration charges overflight fees to operators of aircraft that fly in U.S.-controlled airspace, but neither take off nor land in the United States. There is one fee made up of an en route and oceanic component:
 

|           |                 |         |
|-----------|-----------------|---------|
| • Enroute | October 1, 2011 | \$38.44 |
|           | October 1, 2012 | \$43.82 |
|           | October 1, 2013 | \$49.95 |
|           | October 1, 2014 | \$56.86 |

Per 100 nautical miles (nm), Great Circle Distance (GCD), from point of entry into to point of

exist from US. –controlled airspace.

|           |                 |         |
|-----------|-----------------|---------|
| • Oceanic | October 1, 2011 | \$17.22 |
|           | October 1, 2012 | \$18.60 |
|           | October 1, 2013 | \$20.09 |
|           | October 1, 2014 | \$21.63 |

Per 100 nm. GCD

In addition to these Federal taxes and charges, State or local commercial airport operators may, with the approval of the Federal Aviation Administration, implement a maximum \$4.50 passenger facility charge (PFC) dedicated to specific airport capital improvements, with a maximum \$9.00 charge (two airports) for any one-way itinerary, regardless of the number of airports utilized. Such PFC's are not taxes.



**URUGUAY**

Uruguay indicated no change to its position on the Supplement.

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**UZBEKISTAN****Clause 1**

- Clause 1 a)** Supplies carried on board an aircraft arriving in Uzbekistan are not considered imported and they are exempt from customs duties if they are not unloaded from the aircraft. Supplies unloaded temporarily are not subject to customs duties.
- Clause 1 b)** The exemptions mentioned above with respect to Clause 1 a) are also granted upon departure.
- Clause 1 c)** The provisions of Clause 1 and Clause 2 apply regardless of the type of operation performed.
- Clause 1 d)** The expression “customs duties” includes import and export duties.

**Clause 2**

- Clause 2) a) i)** On the basis of reciprocity, Uzbekistan grants air transport enterprises of other Contracting States exemption from taxation on income derived in its territory from the operation of aircraft in international air transport.
- Clause 2 a) ii)** Uzbekistan grants exemption from property taxes, capital levies and other similar taxes on aircraft in international air transport.
- Clause 2 b)** In accordance with Clauses a) i) and ii), tax exemption is granted in accordance with the appropriate provisions included in bilateral air services agreements or on the basis of bilateral agreements relating to double taxation.

Uzbekistan has concluded the above-mentioned agreements with the following States:

**Bilateral air service agreements**

Each of these agreements contains a provision on airline tax exemption. They have been concluded between Uzbekistan and China, Republic of Korea, Austria, Viet Nam, Norway, Denmark, Sweden, Kuwait.

**Bilateral agreements**

Agreements on the avoidance of double taxation have been concluded between Uzbekistan and Belarus, Ukraine, India, United Kingdom, Thailand, Russian Federation, Republic of Moldova, Pakistan, Poland.

- Clause 2 c)** In its policy, the Government of Uzbekistan strives to conclude agreements with other States which are prepared to act on the basis of reciprocity.
- Clause 3** Passengers departing from Uzbekistan on international flights pay a passenger service charge of U.S.\$ 10.





**VENEZUELA (BOLIVARIAN REPUBLIC OF)**

A number of different government bodies of the Bolivarian Republic of Venezuela such as the People's Ministry of Tourism and the People's Ministry of Science and Technology levy a tax of one percent of the gross income of national air transport companies, in support of tourism and technology development policies.

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