

Unofficial translation of the

AIRPORT TAXES AND FEES REGULATION 2017/R-11

This document consolidates the following:

Regulation/Tax Ruling Number	Description	Date of Issue	Summary of Amendments
2021/R-129	<i>First Amendment to the Airport Taxes and Fees Regulation</i>	29 Sept 2021	<ul style="list-style-type: none"> • Amend Section 3 (Registration for Airport Service Charge, Departure Tax and Airport Development Fee), Section 7 (Airport Taxes and Fees Return), Section 11 (Mandatory online filing of Airport Taxes and Fees Return and payment of tax), Section 13 (Person with diplomatic immunity), Section 15 (Children below the age of 2 years), Section 16 (Maldivians with dual nationality), Section 17 (Force majeure), Section 18 (Refunds in respect of Airport Taxes and Fees charged in violation of the Act), Section 20 (Record Keeping) and Section 21 (Fines). • Insert new Sections as 10-1 (Commencement of collection of Departure Tax), 12-1 (Travel classes), 12-2 (Travel class upgrades) and 12-3 (Travel class downgrades). • Repealed section 12 (c), (d), (e) and (f) (Amending tax returns).

DISCLAIMER OF LIABILITY

This is the unofficial translation of the original Regulation in Dhivehi. In the event of conflict between this translation and the Dhivehi version of this Regulation, the latter shall prevail. Therefore, it is advised that both the Dhivehi version of this Regulation and this translation be read concurrently.

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AIRPORT TAXES AND FEES REGULATION

1. Introduction and citation

(a) This Regulation was made pursuant to the authority granted to the Maldives Inland Revenue Authority under Section 13 of the Airport Taxes and Fees Act (Law Number 29/2016).

(b) This Regulation shall be cited as the “Airport Taxes and Fees Regulation”.

2. Objective

The objective of this Regulation is to establish policies and procedures with regard to the collection of taxes and fees from passengers who depart from the Maldives via an airport in the Maldives, pursuant to the Act.

CHAPTER 1: REGISTRATION

3. Registration for Airport Service Charge, Departure Tax and Airport Development Fee

(a) Airport operators and airlines operating scheduled flights to the Maldives, which have been issued with relevant permits by the Maldives Civil Aviation Authority as of the commencement of this Regulation shall be registered for Airport Service Charge and Airport Development Fee by MIRA from 8 December 2016, and the registration details shall be communicated to the respective entity by MIRA.

(a-1) Airport operators and airlines operating scheduled flights to the Maldives, which have been issued with relevant permits by the Maldives Civil Aviation Authority as of the commencement of the first amendment to the Airport Taxes and Fees Regulation shall be registered for Departure Tax by MIRA from 1 November 2021, and the registration details shall be communicated to the respective entity by MIRA.

(b) Airport operators and airlines operating scheduled flights to the Maldives, which are issued with relevant permits by the Maldives Civil Aviation Authority after the commencement of this Regulation shall be registered for Airport Service Charge and Airport Development Fee by MIRA from the date of issue of the relevant permit by the Maldives Civil Aviation Authority, and the registration details shall be communicated to the respective entity by MIRA.

- (b-1) Airport operators and airlines operating scheduled flights to the Maldives, which are issued with relevant permits by the Maldives Civil Aviation Authority after the commencement of the first amendment to the Airport Taxes and Fees Regulation shall be registered for Departure Tax by MIRA from the later of the following dates, and, the registration details shall be communicated to the respective entity by MIRA.
- (1) the date of issue of the relevant permit by the Maldives Civil Aviation Authority;
 - (2) 1 November 2021.
- (c) Airport operators and airlines operating scheduled flights to the Maldives shall be registered for Airport Service Charge, Departure Tax and Airport Development Fee in the name of the entity to which the relevant permit is issued by the Maldives Civil Aviation Authority, and each airport and airline shall be registered separately.
- (d) The Maldives Civil Aviation Authority shall inform MIRA in writing, when an Aerodrome Certificate is issued to an airport operator or when an airline is issued with a permit to operate scheduled flights to the Maldives, within 3 (three) days from the date the permit is issued.
- (e) Notwithstanding anything to the contrary in this Section, airport operators other than the operator of Velana International Airport shall not be registered for Airport Development Fee .

4. Appointment of agents

- (a) Airlines operating scheduled flights to the Maldives, which are registered with MIRA under Section 3 of this Regulation, may appoint an agent to represent the airline in submitting the return which is required to be submitted to MIRA under Section 5 of the Act and in making the payment which is required to be made to MIRA under Section 6 of the Act. The airline may so appoint only a general sales agent (GSA) or a passenger sales agent (PSA) of the airline registered with the Maldives Civil Aviation Authority.
- (b) An airline that wishes to appoint an agent pursuant to subsection (a) shall submit such request to MIRA in writing, together with written confirmation of acceptance of appointment from the agent.
- (c) If an airline that has appointed an agent pursuant to subsection (a) wishes to cancel the appointment, such request shall be submitted to MIRA in writing.
- (d) Notwithstanding the appointment of an agent by an airline pursuant to subsection (a), the responsibility for fulfilling the airline's obligations as prescribed in the Act shall remain with the airline.

5. TIN

Each airport and airline registered under this Regulation shall be allocated a Taxpayer Identification Number (TIN).

6. Deregistration

- (a) A deregistration application shall be made by the registered person to MIRA in writing, within 15 (fifteen) days from the cancellation, transfer or expiration of the permit issued by the Maldives Civil Aviation Authority to that person.
- (b) The Maldives Civil Aviation Authority shall notify MIRA in writing, when an Aerodrome Certificate issued to an airport operator or a permit issued to an airline operating scheduled flights to the Maldives expires or is cancelled, transferred or suspended, within 3 (three) days from the date of expiration, cancellation, transfer or suspension.
- (c) Notwithstanding subsection (a), airport operators and airlines registered for Airport Service Charge shall be deregistered from Airport Service Charge at the end of 31 December 2021.

CHAPTER 2: SUBMISSION OF TAX RETURN AND PAYMENT OF TAX

7. Airport Taxes and Fees Return

- (a) Registered persons shall compute their Airport Service Charge, Departure Tax and Airport Development Fee liability, and file tax returns with MIRA, in accordance with the Act and this Regulation.
- (b) Registered persons shall file a tax return for each calendar month by the 28th day of the subsequent month, using MIRA 530 (Airport Taxes and Fees Return) form, and pay the amount declared on the tax return, in accordance with Section 6 of the Act.
- (c) Registered persons shall file an Airport Taxes and Fees Return with MIRA in accordance with subsection (b), even if no passengers who are subject to Airport Service Charge or Departure Tax or Airport Development Fee departed from the Maldives during that month, for as long as the person is not deregistered in accordance with Section 6 of this Regulation.

8. Submission of Information Sheet

Registered persons shall submit an Information Sheet to MIRA together with the Airport Taxes and Fees Return referred to in Section 7(b) of this Regulation, in a format prescribed by MIRA. In the case of an airport operator, the Information Sheet shall include information about all flights that departed from the Maldives from that airport during the month, and in the case of an airline, the Information Sheet shall include information about the airline's flights that departed from the Maldives during the month.

9. Transitional arrangement

Registered persons shall file their Airport Taxes and Fees Return for December 2016 and January 2017, and pay the Airport Service Charge due for those months, by 28 February 2017. The return for December 2016 shall cover flights that departed from the Maldives between 8 December 2016 and 31 December 2016.

10. Commencement of collection of Airport Development Fee

- (a) Registered persons shall collect the Airport Development Fee from passengers departing from the Maldives on or after 1 May 2017 via Velana International Airport.
- (b) Airport Development Fee shall be collected from passengers who purchase their ticket or change their travel dates on or after 1 February 2017 for travel on or after 1 May 2017.
- (c) Notwithstanding anything to the contrary in this Regulation, Airport Development Fee shall be collected from passengers who purchase their tickets or change their travel dates on or after 1 November 2021 for travel on or after 1 January 2022, at the rates specified in Section 3(a)(2) of the Act.

10-1. Commencement of collection of Departure Tax

- (a) Registered persons shall collect Departure Tax from passengers departing from the Maldives via an airport in the Maldives on or after 1 January 2022.
- (b) Departure Tax shall be collected from passengers who purchase their tickets or change their travel dates on or after 1 November 2021 for travel on or after 1 January 2022.

11. Mandatory online filing of Airport Taxes and Fees Return and payment of tax

- (a) The Airport Taxes and Fees Return required to be filed pursuant to Section 7 of this Regulation and the Information Sheet required to be submitted pursuant to Section 8 of this Regulation shall be submitted to MIRA via MIRAconnect. All amounts payable in relation to Airport Service Charge, Departure Tax and Airport Development Fee

shall also be made through MIRAconnect or via direct transfer to the Public Bank Account at the Maldives Monetary Authority.

- (b) Notwithstanding subsection (a), the Commissioner General of Taxation shall have the discretion to accept Airport Taxes and Fees Returns filed and payments made otherwise, upon request of the registered person. Under such circumstances, tax returns filed with MIRA by the registered person shall be signed by a person notified to MIRA as a person authorized to sign tax returns on behalf of the registered person.

12. Amending tax returns

- (a) A registered person may amend an Airport Taxes and Fees Return submitted in accordance with Section 7 of this Regulation by filing an amended Airport Taxes and Fees Return within 12 (twelve) months from the due date for filing that return.
- (b) Where a registered person files an amended Airport Taxes and Fees Return pursuant to subsection (a), the registered person shall submit an explanation for the amendment and supporting documents, together with the amended return.
- (c) *(Repealed)*
- (d) *(Repealed)*
- (e) *(Repealed)*
- (f) *(Repealed)*
- (g) Where an amended return results in a payment of an amount in excess, such excess amount shall be refunded to the taxpayer by MIRA in the manner prescribed in the Tax Administration Regulation (Regulation number 2013/R-45).

12-1. Travel classes

- (a) For the purposes of the Act and this Regulation, a passenger's class of travel shall be determined conforming to the travel class declared in the submission made by the airline to the International Air Transport Association (IATA) for fare approval.
- (b) Notwithstanding subsection (a), the travel class of a passenger travelling on a charter flight shall be determined by the airport operator based on the documentation provided by the charterer to the airport operator to that effect.
- (c) Notwithstanding anything to the contrary in this Regulation, the travel class of a passenger travelling on a private jet shall be "private jet".
- (d) For the purposes of subsection (c), an aircraft departing from Maldives via an airport in the Maldives under the relevant permit issued by the Maldives Civil Aviation Authority for operation of a private jet, shall be deemed to be a private jet, irrespective of the type of aircraft used and the cabins available on that aircraft.

12-2. Travel class upgrades

- (a) Where a passenger is upgraded to a higher class of travel, whether or not the passenger's ticket is re-issued in respect of such upgrade, Departure Tax and Airport Development fee shall be charged to such passenger at the rates applicable to that higher class.
- (b) Subsection (a) shall not apply where a passenger is upgraded at the time of check-in, and the upgrade is not a result of a consideration made. For the purpose of this subsection, the meaning of "consideration" shall include redeeming of points gained by the passenger in a loyalty scheme.

12-3. Travel class downgrades

- (a) Where the travel class of a passenger is downgraded from a higher class in respect of which the passenger has paid Departure Tax and Airport Development Fee at the rates applicable to that higher class, to a lower class, either on the request of the passenger or otherwise, the passenger shall only be liable to Departure Tax and Airport Development Fee at the rates applicable to that lower class.
- (b) Where subsection (a) applies and the amount of tax charged from the passenger is more than the required amount, the registered person shall refund that amount to the passenger to the extent it exceeds the required amount, by the deadline for submission of the respective Airport Taxes and Fees Return to MIRA.
- (c) Where the amount is not refunded as specified in subsection (b), the amount shall be paid to MIRA pursuant to Section 8-1(b) of the Act.

CHAPTER 3: COLLECTION OF TAXES AND FEES

13. Persons with diplomatic immunity

- (a) Airport Service Charge, Departure Tax and Airport Development Fee shall not be collected from persons with diplomatic immunity who depart from the Maldives via an airport in the Maldives.
- (b) For the purposes of the Act and this Regulation, "persons with diplomatic immunity" refer to foreign nationals resident in the Maldives as members of a foreign diplomatic mission, who are entitled to the privileges and immunities specified in the Vienna Convention on Diplomatic Relations (1961), and to all passengers on flights which are granted "diplomatic clearance" by the Ministry of Foreign Affairs.

14. Collection of Airport Development Fee from transit passengers

Airport Development Fee shall not be collected from transit passengers on “direct transit” flights, i.e. those flights which transit at an airport in the Maldives and depart with the same flight number.

15. Children below the age of 2 years

- (a) Airport Service Charge and Departure Tax shall be collected from a child whose ticket originates from a point inside the Maldives, only if the child was 2 years or older on the date of departure from the Maldives.
- (b) Airport Service Charge and Departure Tax shall be collected from a child whose ticket originates from a point outside the Maldives, only if the child was 2 years or older on the date of departure from the point of origin.

16. Maldivians with dual nationality

The rate of Airport Service Charge, Departure Tax and Airport Development Fee applicable to a Maldivian national with dual nationality shall be based on the passport which is presented by the person at the time of check-in.

17. Force majeure

Airport Service Charge, Departure Tax and Airport Development Fee shall not be collected from passengers on flights which depart from an airport in the Maldives after landing in a force majeure situation (for example, due to a technical issue with the aircraft or due to extreme weather).

CHAPTER 4: MISCELLANEOUS PROVISIONS

18. Refunds in respect of Airport Taxes and Fees charged in violation of the Act

- (a) An Airport Taxes and Fees Return filed under Section 7 of this Regulation may be amended where a passenger is refunded pursuant to Sections 8-1(a) of the Act and Section 12-3(b) of this Regulation.
- (b) Subsection (a) shall be subject to Section 12 of this Regulation.
- (c) Where the amendment filed under subsection (a) gives rise to a credit amount, the credit amount shall be refunded to the registered person, in accordance with the Tax Administration Regulation (Regulation number 23/R-45).

19. Providing information to MIRA

Airport operators shall submit to MIRA on a monthly basis, information about flights of scheduled airlines that departed from the Maldives via that airport, in a format prescribed by MIRA.

20. Record keeping

In addition to the records required to be maintained in accordance with the Airport Taxes and Fees Act (Law Number 29/2016), the Tax Administration Act (Law Number 3/2010) and the Tax Administration Regulation (Regulation Number 2013/R-45), registered persons shall maintain sufficient records to enable MIRA to ascertain that the amount of tax declared is correct, including documentation relating to the upgrading and downgrading of travel classes.

21. Fines

Where a person required to register for Airport Service Charge, Departure Tax and Airport Development Fee does not register with MIRA, or where a person liable to submit an Airport Taxes and Fees Return does not submit it or submits it late, or does not pay Airport Service Charge, Departure Tax and Airport Development Fee by the specified deadline or pays it late, the person shall be subject to the penalties specified in the Tax Administration Act (Law Number 3/2010) and the Tax Administration Regulation (Regulation Number 2013/R-45).

22. This Regulation to be read together with other laws

This Regulation shall be read together with the Airport Taxes and Fees Act (Law Number 29/2016) and the Tax Administration Act (Law Number 3/2010) and regulations made pursuant to those Acts. Any word or expression not defined in this Regulation, unless the context otherwise requires, shall have the same meaning such word or expression has in those Acts.

23. Commencement of the Regulation

This Regulation shall have effect from the date of its publication in the Government Gazette of the Maldives.

24. Definitions

In this Regulation, unless otherwise specified:

- (a) "Act" refers to the Airport Taxes and Fees Act (Law Number 29/2016).

- (b) "Airlines operating scheduled flights to the Maldives" refers to airlines which are issued with the necessary permit by the Maldives Civil Aviation Authority to operate scheduled flights to the Maldives
- (c) "Airport Development Fee" refers to the fee imposed pursuant to Section 3 of the Act.
- (d) "Airport Service Charge" refers to the tax imposed pursuant to Section 2 of the Act.
- (d-1) "Departure Tax" refers to the tax imposed pursuant to Section 2-1 of the Act.
- (e) "MIRA" refers to the Maldives Inland Revenue Authority established pursuant to the Tax Administration Act (Law Number 3/2010).
- (f) "MIRAconnect" refers to MIRA's online platform for filing tax returns and making payments online.
- (g) "Registered person" refers to airport operators and airlines operating scheduled flights to the Maldives, which are required to be registered with MIRA in accordance with Section 3 of this Regulation.