

VAT brief | Financial services

October 2018 | Manama | Kingdom of Bahrain



Saudi Arabia and the UAE implemented VAT on 1 January 2018. Bahrain has confirmed implementation on 1 January 2019, with the other GCC countries expected to follow over the next 12 months. Business leaders should now be more aware than ever that we have entered a new tax era. Key decision makers in the UAE, Saudi Arabia and Bahrain need to ensure their processes and systems are - and remain - VAT-compliant, while their counterparts in the other GCC states need to start preparing now for the implementation of VAT.

What is VAT?

- VAT is a tax on consumption.
- The GCC countries have agreed a standard VAT rate of five percent.
- The supply of goods and services can be exempt, zero-rated or standard-rated (five percent), or out of scope.
- The mandatory registration threshold is the equivalent of US\$100,000 - as set out in the GCC VAT treaty. The voluntary registration threshold is the equivalent of US\$50,000.
- Registered businesses account for VAT on the price charged for the goods or services they supply and pay it to the tax authority on a regular basis.
- Registered businesses should (where the supplies they make are either standard- or zero-rated or out of scope with recovery) be able to recover the VAT they have incurred in the course of making those supplies.
- Registered businesses that make supplies that are exempt from VAT cannot recover the VAT they have incurred in the course of making those supplies.
- Registered businesses may not be able to recover the VAT they have incurred on certain purchases that are deemed to have a private element.
- Registered businesses that make supplies that are predominantly zero-rated are likely to be in a VAT refund position.
- Businesses that make both exempt and taxable supplies can only recover a proportion of their input VAT.

How does VAT affect the financial services sector?

- Under the GCC framework, each GCC country can choose to exempt financial services.
- The UAE, Saudi Arabia and Bahrain have exempted margin-based financial services (such as interest revenues, or the margins made from currency exchange) from VAT.
- A number of other 'business as usual' activities have also been exempted from VAT, including:
 - The issue, transfer or receipt of, or any dealing with, money, any security for money, or any note or order for the payment of money
 - The provision of any credit or credit guarantee
 - The operation of any current, deposit or savings account
 - Financial instruments such as derivatives, options swaps, credit default swaps and futures
- For Bahrain, the full extent of the financial services exemption will only be known once the VAT regulations are released. The law currently only distinguishes between implicit margins and explicit fees or commissions.
- Fee-based services such as bank fees or commissions are subject to VAT at five percent.



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- Financial institutions will be unable to recover VAT incurred in the course of making exempt supplies, with non-recoverable VAT on expenses becoming a cost to the business.
- Not all expenses can be directly attributed to taxable or exempt business activities. As a result, VAT rules provide for apportionment calculations, annual wash-up (or balancing) adjustments and tracking rules for capital assets – adding complexity to VAT profiles.
- The UAE requires an annual 'fair and reasonable' assessment of the proportional recovery achieved.
- Financial institutions will want to maximise the recovery of input tax, requiring them to carefully consider any purchases and how best to maximise input VAT they can recover.
- Financial institutions may ultimately decide to pass on additional costs by increasing fees, but will need to be wary of regulatory constraints and the impact pricing may have on their competitiveness or market share.
- The introduction of VAT may create a significant commercial opportunity for banks as their clients are likely to have substantial new working capital requirements.

What should banks and other financial service providers be doing now?

- Review all supply activities to determine VAT treatments and the scope of any exemptions.
- Consider the impact that non-recoverable VAT will have on costs and whether these additional business costs will be reflected in pricing structures.
- Assess whether the VAT apportionment method is fair and reasonable or whether recovery can be improved by use of other methods.
- Examine any long-term contracts spanning the date of implementation and determine whether VAT can - or should - be charged to customers.

Important note

The information in this document is based on translations of the draft Bahrain VAT law, the VAT laws and regulations of the UAE and Saudi Arabia, the GCC VAT framework and general VAT principles. It is provided for information purposes only. As the draft Bahrain VAT law has been recently released and is still being reviewed in detail, any comments on this law are preliminary in nature and are likely to change. Any omissions or errors are inadvertent. This document should not be relied upon in making any decisions. You should seek appropriate professional advice from a tax advisor before making any decision relating to your particular circumstances.