

LAW OF THE REPUBLIC OF TAJIKISTAN

“ON THE INTRODUCTION OF AMENDMENTS AND ADDITIONS IN THE TAX CODE OF THE REPUBLIC OF TAJIKISTAN”

Article 1. The Tax Code of the Republic of Tajikistan, adopted by the Law of the Republic of Tajikistan dated September 17, 2012 (Akhbori Majlisi Oli of the Republic of Tajikistan, 2012, No. 9, Article 838; 2013, No. 12, Articles 889, 890; 2015, No. 3, Article 210, No. 11, Articles 965, 966; 2016, No. 3, Article 150; No. 11, Article 883; 2017, No. 1-2, Article 21, No. 5, Part 1, Article 280; 2018, No. 2, Article 66, Article 67; 2019, No. 7-8, Article 529; 2019, No. 4-5, Article .227, No. 6, Article 322, No. 7, Article 473; 2020, No. 1, Article 21, Article 22, No. 7-9, Article 614), shall be amended as below:

1. Article 12 shall be supplemented with Part 9 as follows:

- “9. The place for the provision of services by **foreign persons established** in Part 1 of Article 193¹ of this Code **shall not be a reason to establish** a permanent establishment in the Republic of Tajikistan.”

- Parts 9 and 10 shall be considered as Parts 10 and 11, respectively.

2. Article 17¹ shall be supplemented with Part 4 as follows:

- “4. “Taxpayer’s Office” for foreign persons registered with the tax authority shall be used for the purposes of obtaining documents (information) from the tax authority and providing information on electronic services set out in Part 1 of Article 193⁵ of this Code.”

3. Article 25 shall be supplemented with Part 11 as follows:

- “11. Foreign persons directly providing electronic services to individuals shall be subject to registration (de-registration) based on submission of applications and other documents in the form approved by the authorized state body.”

- Parts 11-21 shall be considered as Parts 12-22, respectively.

4. In Part 2 of Article 30, Bullet 1 of Part 13 of Article 51, Part 7 of Article 53, Part 2 of Article 157, Parts 4 and 5 of Article 260, and Part 3 of Article 323, the words “tax inspection,” “tax inspection,” “tax inspection” and “tax inspection,” respectively, shall be replaced by the words “tax department,” “tax department,” “tax department” and “tax department.”

5. Article 57 shall be supplemented with Part 2 as follows:

“2. Concerning the foreign persons providing electronic services in the Republic of Tajikistan per provisions of Chapter 31¹ of this Code, the head of the authorized state body shall require information on the transfer of funds to such foreign persons and other necessary information for tax purposes from credit institutions, the Communications Service under the Government of the Republic Tajikistan and its structures, other entities, and individuals within five working days. The procedure for obtaining information shall be determined by the authorized state

body in agreement with the National Bank of Tajikistan and the Communications Service under the Government of the Republic of Tajikistan.”

- Parts 2-5 shall be considered as Parts 3-6, respectively.

- In Parts 3 and 4, the number “2” shall be replaced by the number “3.”

6. In Part 2 of Article 84, the words “tax inspection of large taxpayers” shall be replaced by the words “tax department of large taxpayers with its inspections in the Gorno-Badakhshan Autonomous Region, regions, and the city of Dushanbe.”

7. Article 161 shall be supplemented with Part 5 as follows:

- “5. Foreign persons providing electronic services in the territory of the Republic of Tajikistan per provisions of Chapter 31¹ of this Code shall be required to submit an application in the form approved by the authorized state body.”

8. Part 6 of Article 162 shall be added with a third bullet to read as follows:

“- For the persons specified in Part 5 of Article 161 of this Code from the date of the beginning of the provision of electronic services.”

9. In Paragraph 5) of Part 1 of Article 176:

- Sub-paragraphs a), b) and d), after the words “other similar rights,” “other similar services” and “tourism services,” shall be supplemented with the words “(except for the services stated in Article 193⁵ of this Code);”

- In Sub-paragraph d), the period shall be replaced by the semicolon and be supplemented with Sub-paragraph e) as below:

“e) Electronic services as specified in Chapter 31¹ of this Code. For an individual who is a buyer of electronic services established by Article 193¹ of this Code, his/her place of residence shall be the territory of the Republic of Tajikistan if any of the following conditions are met:

- The place of residence of the buyer is the Republic of Tajikistan;

- The location of the credit institution or other organization in which the account used by the buyer for the payment of services is opened, or the operator of electronic funds through which the buyer pays for the services is located in the Republic of Tajikistan;

- The buyer's network address being used (used) in procurement of services is registered in the Republic of Tajikistan;

- The international country code of the telephone number used for procurement of services or payment for services is assigned to the Republic of Tajikistan.”

10. Part 2 of Article 177, after the words “functioning in the Republic of Tajikistan,” shall be supplemented with the words “unless otherwise provided by Article 193¹ of this Code.”

11. Article 186:

- In Part 1, the numbers “11, 13 and 14” shall be replaced by the numbers “9, 11, 12, 13 and 14.”
- Shall be supplemented with Part 14 as follows:
 - “14. Foreign persons which in connection with transactions referred to in Article 193⁵ of this Code shall be subject to registration in the Republic of Tajikistan as payers of value added tax shall not (prepare) issue invoices and not keep books set out in Part 5 of this Article.”
- Part 14 shall be counted as Part 15.

12. Chapter 31¹ shall be supplemented to read as follows:

«CHAPTER 31¹. FEATURES OF TAXATION OF ELECTRONIC SERVICES PROVIDED BY FOREIGN PERSONS

Article 193¹. Taxpayers

1. Foreign persons who provide electronic services directly **or through intermediaries** to individuals in the territory of the Republic of Tajikistan shall be recognized as taxpayers.

2. If electronic services are provided to legal entities, individual entrepreneurs of the Republic of Tajikistan and permanent institutions of foreign legal entities, these persons which are the buyers of such services shall be recognized as tax agents.

3. Foreign persons which are intermediaries providing electronic services and which are engaged in business activities for the arrangement of settlements involving individuals by virtue of contracts of assignment, commission, agency or other related contracts with foreign persons providing such services for the purposes of this Chapter shall be recognized as tax agents.

4. If electronic services are provided with participation in the settlement chain of several legal entities-intermediaries, the foreign person-intermediary directly engaged in settlements with individuals shall be recognized as a tax agent, regardless of the existence of a contract with the foreign person providing these services.

Article 193². Procedure for registration (de-registration) of foreign persons providing electronic services

Foreign persons (tax agents) who directly provide electronic services to individuals shall be subject to electronic registration (de-registration) based on the submission of applications and other documents in the form approved by the authorized state body. The application for registration (de-registration) of a foreign person shall be submitted to the authorized state body no later than 20 calendar days

from the date of the commencement (termination) of the provision of electronic services.

Article 193³. Taxation object, tax base, tax period, and the procedure for tax calculation

1. Incomes from the provision of electronic services shall be subject to taxation.

2. The tax base shall be defined as the cost of the provision of electronic services by foreign persons, excluding the amount of tax. When determining the tax base, the cost of electronic services in foreign currency shall be recalculated at the official exchange rate of the National Bank of Tajikistan on the day of transaction, which the full (partial) payment for the said services is received.

3. The tax period shall be a calendar quarter.

4. The tax base for each quarter shall be determined based on the time of receipt of payment (partial payment) for the services provided.

5. Foreign persons shall independently calculate and pay tax if the duty to pay tax is not imposed on the tax agent.

Article 193⁴. Procedure for submission of tax reports and payment of tax

1. Foreign persons (tax agents) shall submit the tax declaration in the form established by the authorized state body electronically through “Taxpayer’s Office.”

2. The tax declaration, documents (information) and other information shall be submitted no later than the 10th day of the month following the expired reporting period.

3. In the period when the “Taxpayer’s Office” cannot be used by foreign persons for the submission of documents (information) to the tax authority, the tax declaration shall be submitted no later than the date of payment via telecommunication channels.

4. The amount of tax shall be determined by applying the rate set out by Part 1 of Article 181 of this Code and shall be paid during the period of filing the tax declaration.

Article 193⁵. Electronic services

1. For the purposes of this Chapter, electronic services shall include services provided through the information and communication network, including the Internet (hereinafter referred to as the information and communication network), by automatic means using information technology.

2. Electronic services shall include:

– Granting of rights to use software for electronic computing machines (including computer games), databases through the information and communication network, including by providing remote access to them, as well as their updates and additional functionalities;

– Provision of advertising services in the information and communication network, including through using software for electronic computing machines or databases used in the information and communication network, as well as provision of advertising space in the information and communication network;

– Provision of services for placing offers for procurement (sale) of goods (works, services) and property rights in the information and communication network;

– Provision through the information and communication network of technical, organizational, informational and other capabilities using information technology and systems for networking and agreements (deals) between sellers and buyers (via real-time Internet trading platforms where potential buyers offer the price of goods (works, services) by means of an automated procedure, and the parties are notified of the sale by an automatically generated message);

– Provision and/or maintenance of economic activities, as well as support to the electronic resources of users, including websites and/or pages of websites, and access to them by other users of the information and communication network;

– Online gambling in bookmaker offices;

– Provision of access to information and communication networks, as well as enabling of users to change them;

– Storage and processing of information, on condition that the person who has provided the information has access to it through the information and communication network;

– Provision of real-time computing power for placing information in the information system;

– Provision of domain names, hosting services;

– Administration services of information systems and websites;

– Provision of automated services via the Internet when inputting data by the buyer, of automated services for retrieving, selecting, and sorting data on request and for making the said data available to users through information and telecommunications networks (in particular, real-time stock exchange reports, real-time automated translations);

– Granting of rights to the use of electronic books (publications) and other electronic publications, informational and educational materials, graphics, musical works with or without text, audio-visual works, including by providing remote access for viewing or listening on the Internet;

– Provision of search services and/or information to the customer on potential buyers;

– Provision of access to search engines on the Internet;

– Maintenance of statistics on websites.

3. Electronic services shall not include:

– Sale of goods (works, services) if, when ordered through the Internet , the goods (execution of works, provision of services) are delivered without using the Internet .

– Implementation (transfer of the use rights) of software programs for electronic computers (including computer games), databases on physical carriers.

– Provision of consulting services by e-mail.

– Rendering of services on providing access to the Internet.

Article 2. This Law shall enter into force one month after its official promulgation.

**President
of the Republic of Tajikistan**

**Dushanbe city
17th of December 2020
No 1744**