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Tax guide 2018

Foreign nationals
coming to Azerbaijan

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Deloitte is pleased to provide you with this brief overview of the Azerbaijani personal tax and compliance procedures. For your convenience, this guide is presented as a list of FAQs

Welcome to Azerbaijan!

With the Azerbaijani tax system undergoing constant rapid development, we recommend that you use this brochure for general guidance purposes only. Azerbaijan currently has three taxation regimes — a statutory regime, a PSA regime, and an HGA regime. Since most PSAs in Azerbaijan are similar, we will be referring to the Azeri-Chirag-Guneshli PSA throughout this brochure. We will provide you with information on these three taxation regimes in turn (for each question, answer 1 will be related to the statutory taxation regime, answer 2 to the PSA taxation regime, and answer 3 to the HGA taxation regime). Please contact us to discuss your specific situation.

Abbreviations

PSA	Production Sharing Agreement
HGA	Host Government Agreement
AZN	Azerbaijan Manat
USD	U.S. Dollar
PIT	Personal Income Tax
VAT	Value Added Tax
SIC	Social Insurance Contributions
SSPF	State Social Protection Fund
DTT	Double Tax Treaty

Arrival, Registration and Work Permits

Question

Do I have to notify the tax authorities on my arrival/ departure?

Answer

1. No, there is no such requirement. However, if you are engaged in entrepreneurial activity in Azerbaijan and are planning to leave the country, you must file a final tax return within 30 days of ceasing your activities.
2. No, there are no such requirements with regard to PSAs.
3. No, there are no such requirements with regard to HGAs.

Question

Do I need to register with the Azerbaijan state authorities upon arrival?

Answer

1. Yes. Registration with the State Migration Service at the place of sojourn, must be performed within ten days of your arrival in Azerbaijan. This requirement is applicable only if you intend to stay for more than ten days in Azerbaijan. You or the host party may file an application (together with your passport) to the State Migration Service via post, email or in person.
2. Yes, the above rules also apply under PSAs.
3. Yes, the above rules also apply under HGAs.

Question

Do I require a visa to enter Azerbaijan? If so, where do I obtain it?

Answer

1. If you are planning to visit Azerbaijan, you must obtain a visa if there is a visa regime applicable between Azerbaijan and your country of residency. Visa can be obtained at Azerbaijan embassies and consulates in your country of residency or other designated countries.
2. The same rules apply with regard to PSAs.
3. The same rules apply with regard to HGAs.

Question

Do I require a work permit to work in Azerbaijan? If so, how do I obtain a permit, for how long is it valid, and what is the timeframe and cost of obtaining it?

Answer

1. Yes, foreign individuals wishing to work in Azerbaijan must obtain a work permit from the State Migration Service of the Republic of Azerbaijan through their employers. A work permit is issued for a term of up to one year and may be extended for unlimited number of times each being not more than one year.

However, you do not require a work permit if you are:

- a permanent resident of Azerbaijan
- married to an Azerbaijani citizen, provided your spouse is registered at his/her place of residence
- engaged in entrepreneurial activity
- employed in a managerial position at an organisation established under an international agreement
- employed at a diplomatic representative office or an international organisation
- the head or deputy head of a branch or representative office of a foreign legal entity in Azerbaijan
- the head or deputy head of a local legal entity with foreign shareholder

- assigned to a business trip for up to 90 days during a year, etc.

A work permit is issued upon your employer's application to the State Migration Service. The timeframe for obtaining a work permit is 20 working days after submission of the complete application package. The state fee payable for a work permit and for any extension of the term of the permit is AZN 350 for up to three months, AZN 600 for up to six months, AZN 1,000 for one year.

2. The same conditions apply with regard to PSAs while prior to submission of the application to the State Migration Service endorsement of the State Oil Company of Azerbaijan Republic need to be obtained.
3. The same conditions apply with regard to HGAs. while prior to submission of the application to the State Migration Service endorsement of the State Oil Company of Azerbaijan Republic need to be obtained.

Question

Do I require a temporary residence permit? If so, how do I obtain one and for how long is it valid?

Answer

1. Your work permit serves as the basis for obtaining a temporary residence permit. Temporary residence permits are initially issued for up to one year based on the submitted application and may subsequently be extended by no more than two years at a time. The timeframe for obtaining a temporary residence permit is 20 working days after submission of the complete application package.

In order to qualify for a temporary residence permit as a private entrepreneur, foreign nationals engaged in entrepreneurial activity must have at least five full time or 10 part time employees hired under legally-binding employment agreements. At least 80% of these employees must be Azerbaijani citizens.

2. The same rules apply with regard to PSAs.
3. The same rules apply with regard to HGAs

Question

Do I need a local contract?

Answer

1. Yes, if you are locally employed at an Azerbaijani entity, or if you are employed at a branch or representative office of a foreign legal entity in Azerbaijan and have not concluded an employment agreement with the head office of that foreign legal entity.
2. The same rules apply with regard to PSAs.
3. The same rules apply with regard to HGAs.



Tax Residency Status, Taxes and Tax Rates

Question

What are the tax residency rules in Azerbaijan?

Answer

- You are considered an Azerbaijani tax resident if you have been physically present in Azerbaijan for a period of more than 182 days cumulatively in a calendar year (regardless of nationality).
- Under PSAs there are three tax residency rules for expatriate employees:
 - An expatriate employee spending more than 30 consecutive days in a calendar year in Azerbaijan for ordinary business purposes becomes a tax resident. Income earned after the 30th day is taxable in Azerbaijan.
 - Individuals spending less than consecutive days but more than 90 cumulative days in Azerbaijan in a calendar year also become tax residents. Income earned after the 90th day becomes taxable.
 - Individuals on rotation and expatriates whose primary place of employment is in Azerbaijan are also considered as tax residents if they spend more than 90 cumulative days in Azerbaijan in a calendar year. These individuals are taxed from the first day of their presence in Azerbaijan.

Question

To what taxes will my income be subject? What rates will apply?

Answer

- Tax residents are generally taxed at the rates detailed in the table below. These rates are applied to their worldwide income paid in cash and/or in-kind:

Monthly Taxable Income	Tax Rates
Up to AZN 2,500	14%
Over AZN 2,500	AZN 350 + 25% of the amount exceeding AZN 2,500

Annual Taxable Income	Tax Rates
Up to AZN 30,000	14%
Over AZN 30,000	AZN 4,200+ 25% of the amount exceeding AZN 30,000

Income of AZN 173 is exempt from taxation if the monthly income is below AZN 2,076, and income of AZN 1,860 is exempt if the annual income is below AZN 30,000.

All individuals engaged in entrepreneurial activity will be taxed at fixed rate of 20%.

Income of sole entrepreneurs operating in the industrial parks

is exempt from taxation. Moreover, 50% exemption on personal income tax is considered for individuals who get investment promotion certificate.

If you conduct business activity in Azerbaijan, are not a VAT payer and the volume of your taxable operations does not exceed AZN 200,000 in any consecutive 12-month period, you have the right to register as a simplified taxpayer.

If your income exceeds the above threshold, you will be obligated to register for VAT purposes.

The minimum amount of taxable operations that enables individual entrepreneurs to become simplified taxpayers is set as AZN 200,000 in any consecutive 12-month period.

Simplified tax is calculated from the revenue received from supply of goods, services and work at the rates of 4% for Baku and 2% for other Azerbaijan regions.

Persons engaged in trading and catering activities whose taxable turnover exceeds AZN 200,000 at any month within

consecutive twelve months are entitled to register as simplified taxpayers at the rates of 6% and 8% respectively.

Sole entrepreneurs' cash withdrawal from their bank accounts is subject to 1% of simplified tax, which shall be withheld by local banks, branch offices of foreign banks in the Republic of Azerbaijan, and national operators of postal services.

Income from the sale of residential and non-residential property, including property acquired from persons engaged in construction, is subject to a simplified tax at a rate of AZN 15 per square meter multiplied by the location zone rate, which varies from 0.5 to 4.0. The rate for non-residential buildings is 1.5 regardless of location.

2. The same PIT rates apply under PSAs to Azerbaijani tax residents' income earned as a direct result of their employment in Azerbaijan.
3. The same PIT rates apply under HGAs after you become a tax resident.

Question

Do I pay tax in Azerbaijan if I qualify as a non-resident for tax purposes?

Answer

1. Yes. If you have been physically present in Azerbaijan for a period of less than 183 days in a calendar year, you will qualify as a non-resident for tax purposes and will be taxed at the above rates on your Azerbaijani-sourced employment income. Non-residents are taxed on their income obtained from other Azerbaijan sources as follows:
 - A. dividends — 10%
 - B. interest, including loan interest paid in connection with financial leasing transactions — 10%
 - C. royalties and rent — 14%
 - D. international freight or communication — 6%
 - E. insurance and re-insurance fees — 4%
 - F. other Azerbaijani-sourced income — 10%
 - G. payments to countries with preferential taxation —10%.

Azerbaijani-sourced income includes income related to duties performed or services rendered in Azerbaijan and income from property located in Azerbaijan, irrespective of where it is paid.

2. No.
3. No.

Question

Is there any special tax exemption rules? If yes to which industries they are applicable?

Answer

1. Yes. Azerbaijani government offers Investment promotion certificate which grants exemption from several type of taxes for 7 years in those industries that are considered as high priority industry lines. Exemptions include corporate and personal income taxes, VAT, property tax, land tax.
2. No.
3. No.

Filing Requirements

Question

Do I need to file a tax return in Azerbaijan?

Answer

1. No, provided your only income is from employment, which is subject to withholding tax, deducted by the entity or individual from which you receive income

However, if you are engaged in entrepreneurial activity in Azerbaijan you have to file either a PIT return or a simplified tax return.

VAT payers must file VAT returns on a monthly basis.

2. No. However, an employer is responsible for filing a return to the tax authorities regarding all Azerbaijan PIT payments made during the calendar quarter in respect of tax resident foreign employees.
3. No. However, an employer is responsible for filing a return to the tax authorities in regard of all Azerbaijan PIT payments made during the calendar quarter in respect of tax resident foreign employees.

Question

What is the tax year in Azerbaijan?

Answer

1. The tax year is a calendar year.
2. Under PSAs the tax year is also a calendar year.
3. Similarly, under HGAs the tax year is a calendar year.



Question

When do I have to file a tax return?

Answer

1. If your employer is registered as a VAT payer or simplified taxpayer, then they are responsible for filing a return to the tax authorities in regard of PIT payments made during a calendar year in respect of its tax resident foreign employees by the 31st of January following the calendar year. Otherwise, your employer is responsible for filing quarterly PIT returns by the 20th day of the month following the calendar quarter.

Individual entrepreneurs are obliged to file a PIT return on the 31st of March of the year following the tax year at the place of tax registration (residence). This deadline can be extended by up to three months upon filing an application, provided that the amount of tax due is paid.

The deadline for filing a simplified tax return is the 20th of the month following the end of the calendar quarter.

If you cease your entrepreneurial activity during the tax year, you are required to file a tax return within 30 days.

VAT payers must file VAT returns no later than the 20th of the month following the end of the calendar month.

2. Your employer is responsible for filing a return to the tax authorities in regard of PIT payments made during the calendar quarter in respect of its tax resident foreign employees by the 20th of the month following the end of the calendar quarter. In addition, the employer must provide the Ministry of Taxes with a summary of all Azerbaijani PIT payments made during the calendar year in respect of its tax resident foreign employees in the form of an addendum to the PIT return for the fourth quarter.

3. Similarly, under HGAs, your employer is responsible for filing a return to the tax authorities in regard of PIT payments made during the calendar quarter in respect of its tax resident foreign employees by the 20th of the month following the end of the calendar quarter.

In addition, an employer must provide the Ministry of Taxes with a summary of all Azerbaijani PIT payments made during the calendar year in respect of its tax resident foreign employees before 1 April of the following calendar year.

Question

Is there any requirement for filing advance tax returns in Azerbaijan?

Answer

1. No, unless you are an entrepreneur subject to PIT. If you are, you may be required to file quarterly advance tax calculations by the 15th day of the month following the calendar quarter.
2. No.
3. No.

Question

Can joint returns be filed (taxpayer and spouse)?

Answer

1. No.
2. No.
3. No.

Question

In what currency should I report my taxable income?

Answer

1. All income received should be reported in AZN.
2. Your employer should report your taxable income in AZN or USD.
3. Your employer should report your taxable income in AZN or USD.

Question

Are there penalties for late filing of tax returns?

Answer

1. Yes, penalties may be charged in the amount of up to AZN 40.
2. The same penalty applies to taxpayers working under the PSA regime.
3. The same penalty applies to taxpayers working under the HGA regime.

Tax Payments

Question

How is tax paid in Azerbaijan?

Answer

1. PIT can be paid either via withholding at source when the paying entity is obligated to do so, or personally if you are obligated to file a tax return.

Payers of simplified tax and VAT are obliged to pay tax personally.

2. Under PSAs, PIT is paid via withholding at source by the employer.
3. Under HGAs, PIT is paid via withholding at source by the employer.



Question

If I have to pay tax personally, how do I do this?

Answer

1. If your only income is from employment in Azerbaijan, your employer is responsible for withholding income tax and remitting it to the State Budget.

However, if you receive income from entrepreneurial activity and you are a PIT payer, the income tax due for the current year should be paid in advance to the State Budget by only a wire transfer from your personal bank account by the 15th of the month following each quarter. It should be noted that the amount of advance payments should not be less than 75% of the total income tax due for that specific tax year. The final payment should be made before filing the annual income tax return, i.e. before 31 March of the following year.

If you are a simplified tax payer you are obliged to make tax payment no later than 20th of the month following the end of the calendar quarter.

If you generate income from the sale of residential and non-residential property, the simplified tax shall be withheld and paid by notary.

If you are a VAT payer you should make tax payment no later than the 20th of the month following the end of the calendar month.

2. No, you do not have to pay any PIT personally.
3. No, you do not have to pay any PIT personally.

Question

In what currency do I pay tax?

Answer

1. Azerbaijani PIT should be paid in AZN.
2. Under PSAs, an employer may pay the Azerbaijan PIT of its tax resident foreign employees in AZN or USD.
3. Under HGAs, an employer may pay the Azerbaijan PIT of its tax resident foreign employees in AZN or USD.

Question

Can my employer make tax payments on my behalf?

Answer

1. Yes, your employer must remit the taxes to the State Budget on your behalf.
2. Employers are required to make these payments on your behalf in accordance with PSAs.
3. Employers are required to make these payments on your behalf in accordance with HGAs.

Question

Are there any penalties for late payment of tax?

Answer

1. Yes, late payment interest is charged at 0.1 % of the tax payable for each day of delay.
2. Under PSAs, an employer should pay interest at a rate of LIBOR + 4% per annum for each day of delay of the tax payment.
3. Under HGAs, an employer should pay interest at a rate of LIBOR + 3.5% per annum for each day of delay of the tax payment.

Taxable Income

Question

What aspects of my remuneration are taxable?

Answer

1. Employment income, including:
 - Salary
 - Bonuses
 - Other in-kind benefits.

Income from investments, including:

- Dividends
- Interest
- Rent
- Royalties
- Capital gains
- Miscellaneous:
 - Inheritance
 - Gifts
 - Winnings from sports gambling

Income from entrepreneurial activity, including income from:

- Supply of goods
- Provision of services
- Performance of work.

2. Under PSAs, almost all income of foreign employees earned in Azerbaijan is taxable, including wages, salaries, bonuses, personal travel costs, education expenses for family members, etc.
3. Similarly, in accordance with HGAs, almost all income of foreign employees earned in Azerbaijan is taxable, including wages, salaries, bonuses, personal travel costs, education expenses for family members, etc.



Question

What income can I exclude or deduct from taxable income?

Answer

1. There are several types of income that are exempt from tax in Azerbaijan. These include:
 - Gifts, financial aid and inheritance received from family members
 - Alimony
 - Sale of immovable property where a taxpayer has registered and resided during at least five years
 - Compensation fees for damages
 - Certain business-related expenses
 - Annual interest income paid to individuals by a local bank or a branch of a foreign bank in Azerbaijan for seven years beginning from 1 February 2016.
2. According to PSAs, income such as housing allowance, meals, transportation expenses are not taxable provided that they are well supported (e.g. by rental agreement, checks, invoices, etc.).
3. Similarly, according to HGAs, in determining Azerbaijan taxable income, foreign employees are entitled to apply the exemptions provided by the Tax Code as detailed in the answer above.

Deductions include all expenses incurred within income-generating activities, with specific exceptions provided for by the law

Social Insurance Contributions

Question

Do I pay SIC in Azerbaijan while I am on assignment or engaged in entrepreneurial activity? How are SIC paid?

Answer

1. Yes. SIC are charged at a rate of 3% of your Azerbaijani-sourced income. In addition, employers are required to pay SIC at a rate of 22% of the gross income of employees. Your employer is responsible for remitting 3% and 22% SIC on the day of salary payment but no later than 1 of the month following the calendar month to which the SIC is related.

Individual entrepreneurs carrying out operations in trade and construction are obligated to pay 50% of the office minimum monthly salary set in Azerbaijan, i.e. AZN 65; in other fields they are obligated to pay 20% of the minimum monthly salary, i.e. AZN 26 by multiplying locational rates.

2. Foreign employees of contractors and foreign subcontractors operating under PSAs are exempt from SIC.
3. Foreign employees of contractors and foreign subcontractors operating under HGAs are exempt from SIC.

Question

Does my employer pay SIC? If yes, what is the applicable SIC rate?

Answer

1. Yes. SIC applies at a rate of 22% of gross income.
2. No.
3. No.

Question

Do I need to file a report to the SSPF in Azerbaijan? If yes, when do I have to file the report?

Answer

1. If your only income is from employment, your employer is responsible for filing a report to the SSPF in regard of SIC paid during a calendar quarter in respect of its foreign employees by the 20th of the month following the end of the calendar quarter.

If you are an entrepreneur it will be your responsibility to file a report to the SSPF by the 20th of the month following the end of the calendar quarter.

2. No.
3. No.

Unemployment Insurance

Question

Is the unemployment insurance a mandatory social contribution? How are unemployment insurance contributions paid?

Answer

1. Employees as insured parties, employers as insurers and the SSPF as an intermediary government entity managing the process of the unemployment insurance are subjects of the Law "On unemployment insurance" dated 30 June 2017 which is effective starting from 1st of January, 2018.

Unemployment insurance contributions are mandatory and charged at a rate of 0.5% of your Azerbaijani-sourced income. In addition, employers are required to pay unemployment insurance contributions at a rate of 0.5% of the gross income of employees. Your employer is responsible for remitting 0.5% as your portion and 0.5% as its portion on the day of salary payment but no later than 15th of the month following the calendar month to which the unemployment insurance contribution is related.

2. Foreign employees of contractors and foreign subcontractors operating under PSAs are exempt from any contributions of Azerbaijan state social insurance and other payments of a similar nature.
3. Foreign employees of contractors and foreign subcontractors operating under HGAs are exempt from any contributions of Azerbaijan state social insurance and other payments of a similar nature.

Question

How the reporting of the unemployment insurance is made?

Answer

1. Your employer is responsible for filing a report to the SSPF with regard to the unemployment insurance paid during a calendar quarter in respect of its foreign employees by the 20th of the month following the end of the calendar quarter.
2. No.
3. No.

Double Tax Treaties

Question

Is it possible for an expatriate to be exempt from Azerbaijani income taxes?

Answer

1. You should find out if your home country has concluded a DTT with Azerbaijan. Some DTTs contain provisions providing exemption from Azerbaijani tax for certain types of income.
2. The same should be considered if you fall under the PSA taxation regime.
3. The same should be considered if you fall under the HGA taxation regime.

Question

How can I claim a DTT exemption?

Answer

1. In order to claim the exemption, you need to file a tax return and an application for the exemption. You should also be prepared to provide the Azerbaijani tax authorities with an official confirmation from the tax authorities of your country of residence. In addition, the Azerbaijani tax authorities may request confirmation of the taxes paid in the home country. Both documents must be issued by the tax authorities of the country of tax residency. Obtaining DTT relief in Azerbaijan has historically been a complicated and time-consuming process.
2. The same procedures apply if you fall under the PSA taxation regime.
3. The same procedures apply if you fall under the HGA taxation regime.

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Notes

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Notes



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