

REGULATION NO. 2000/5

ON THE ESTABLISHMENT OF A HOTEL, FOOD AND BEVERAGE SERVICE TAX

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo and UNMIK Regulation No. 1999/16 of 6 November 1999 on the Central Fiscal Authority of Kosovo and Other Related Matters,

For the purpose of establishing a hotel, food and beverage service tax,

Hereby promulgates the following:

Section 1
Definitions

For purposes of the present regulation:

"Hotel" means any establishment in Kosovo that, for the purpose of realizing a profit, rents sleeping accommodation and related services to persons who occupy such accommodation as transient guests. "Transient guests" shall mean persons whose tenure in such accommodation is not in excess of six months.

1.2 "Food or beverage establishment" means any establishment in Kosovo with seating capacity (whether indoor or outdoor or a combination of both) where food and/or beverages are served to customers for consumption at that place or elsewhere in exchange for payment in cash or in kind for the purpose of realizing profit.

Section 2
Hotel, Food and Beverage Service Tax

Each hotel or food or beverage establishment that has gross receipts in excess of 15,000 DM in any calendar month shall be subject to the Hotel, Food and Beverage Service Tax (the "service tax") for that month and for each succeeding month in that calendar year. The criteria to establish whether the gross receipts of a hotel or food or beverage establishment exceed the threshold shall be set forth in an administrative instruction issued by the Head of the Central Fiscal Authority.

Section 3
Service Tax Rate

The rate of service tax payable under the present regulation is ten percent (10%) of gross receipts for each calendar month.

Section 4
Record Keeping

Each hotel and food or beverage establishment subject to the service tax in any calendar month shall keep written records for that month and for each succeeding month in that calendar year, in accordance with administrative instructions issued by the Head of the Central Fiscal Authority.

Section 5
Tax Declarations and Payment

Each hotel and food or beverage establishment subject to the service tax shall make a tax declaration and pay the service tax due within 15 days after the last day of the calendar month for which the service tax is due. The Head of the Central Fiscal Authority shall issue administrative instructions that shall include information required for the purposes of making the tax declaration, the method of calculating the service tax due, and the procedures for payment of the service tax.

Section 6
Inspection of Records

Tax officials authorized by the Director of the Tax Administration may inspect all written records and other evidence relating to hotels and food or beverage establishments in order to determine compliance with the present regulation.

Section 7
Allocation of Revenues

The revenues derived from the service tax shall be deposited in the Kosovo Consolidated Fund.

Section 8
Violations and Penalties

Any hotel or food or beverage establishment that commits a tax violation as defined in an administrative direction issued by the Special Representative of the Secretary-General shall be liable for penalties imposed pursuant to that administrative direction.

Section 9
Appeals

Any hotel or food or beverage establishment contending that an official determination made under the present regulation is incorrect may appeal such determination in accordance with procedures set forth in an administrative direction issued by the Special Representative of the Secretary-General.

Section 10
Implementation

The Special Representative of the Secretary-General may issue administrative directions in connection with the implementation of the present regulation.

Section 11
Applicable Law

The present regulation shall supersede any provision in the applicable law relating to hotel, food or beverage service taxes which is inconsistent with it.

Section 12
Entry into Force

This regulation shall enter into force on 1 February 2000.

Bernard Kouchner
Special Representative of the Secretary-General