



qatar

FINANCIAL CENTRE

**QFC TAX RULES**

# TAX RULES

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## **1. Application, purpose and interpretation**

### **1.1 Application**

The rules set out herein shall be referred to as the QFCA Tax Rules and are made pursuant to Article 103 (Power to Make Rules) of the QFCA Tax Regulations. These rules apply to every QFC Entity.

### **1.2 Purpose**

The purpose of these rules is to provide further detail in respect of the operation of the Tax Regulations. Accordingly, these rules should be read in conjunction with the Tax Regulations.

### **1.3 Interpretation**

1.3.1 These rules are to be interpreted in keeping with the spirit of the rules and with regard to the objective and purpose as well as the letter of the rules.

1.3.2 The object and purpose of any provision in these rules will be derived primarily from the wording of the provision itself and from the context both within the chapter of the rules in which it appears and other related provisions elsewhere in the rules.

1.3.3 Article 152 (Interpretation) applies to these rules as it applies to the Tax Regulations.

### **1.4 Defined terms**

In these rules defined terms are identified by the capitalisation of the initial letter of the word or phrase and have the same meaning as they have in the Tax Regulations.

### **1.5 The Tax Regulations**

In these rules all references to “Article” relate to the corresponding Article in the QFC Tax Regulations, referred to in these rules as the “Tax Regulations”.

## **2. Tax Identification Number**

2.1 The Tax Department shall allocate to each QFC Entity, by notice in writing, a unique number to be known as the Tax Identification Number (TIN).

2.2 The Tax Department may require a QFC Entity to show its TIN in any claim, notice, return, statement or other document used for the purposes of the Tax Regulations or these rules.

## **3. Secrecy**

3.1 Every Officer of the Tax Department shall-

- (A) regard and deal with all documents and information coming into his possession or knowledge in connection with the performance of his duties under the Tax Regulations and these rules as secret; and
- (B) not disclose such documents or information to a court, tribunal, or other person except as provided for in rules 3.2 and 3.3.

**3.2** An Officer of the Tax Department may disclose a document or information referred to in rule 3.1-

- (A) to the extent required in order to perform his duties under the Tax Regulations and these rules;
- (B) where required by a court or tribunal in relation to administrative review or proceedings with respect to a matter under the Tax Regulations or these rules;
- (C) where the disclosure is necessary for the purposes of any other fiscal law of the QFC or any QFCA Board's delegation or similar order;
- (D) for the purposes of disclosure by Qatar's competent authority to the competent authority of the government of another country with which Qatar has entered into an international agreement, to the extent permitted under that agreement; or
- (E) pursuant to a request made by a court, person or entity duly authorised to obtain the document or information in question by a judicial decision made in the State.

**3.3** Any person, court, tribunal, or authority receiving documents or information under rule 3.2 is required to keep them secret under the provisions of this rule, except to the minimum extent necessary to achieve the purposes for which the disclosure is permitted.

#### **4. Prescribed forms**

**4.1** The Tax Department may from time to time prescribe the form of any notice, return or other document required for the purposes of the administration of the Tax Regulations or these rules and where any form has been so prescribed such form of notice, return or document shall be used for such purposes.

**4.2** Notices, forms, demands or other documents issued or given by the Tax Department under the Tax Regulations or these rules shall be sufficiently authenticated if the name and title of the Director of Tax or the name and title of the Officer of the Tax Department authorised to act on its behalf is printed, stamped or written thereon.

## **5. Service of notice or documents**

- 5.1** Where, under the Tax Regulations or these rules, any notice or other document is required or authorised to be served on or given to any QFC Entity by the Tax Department, such notice or other document shall be sufficiently served-
- (A) by sending it by prepaid post or by courier to the Representative's usual or last known address;
  - (B) by leaving it at the Representative's usual or last known place of business; or
  - (C) by serving it personally on the Representative.
- 5.2** Any notice or document served by post or courier under this rule is taken to have been served on the second business day after it is posted or, in the case of service by courier, dispatched. Any notice left at an address, or served otherwise than by post or courier under this rule is taken to have been served on that day.
- 5.3** A notice or document issued under these rules is not invalid or defective if it is in substance and effect in conformity with the Tax Regulations and these rules.
- 5.4** Where a notice or document issued by the Tax Department under these rules contains a defect that does not involve a dispute as to the interpretation of the Tax Regulations and these rules, or facts involving a particular QFC Entity, the Tax Department may for the purposes of rectifying the defect, amend the notice or document.

## **6. Maintenance and preservation of records**

- 6.1** A QFC Entity which is required to file a return under Article 109 (Obligation to File a Return) for any Accounting Period must-
- (A) maintain such records as may be needed to enable it to file a correct and complete return for that Accounting Period; and
  - (B) preserve those records in accordance with this rule.
- 6.2** **The records for any Accounting Period must be preserved until the later date of-**
- (A) 6 years from the end of the Accounting Period; or
  - (B) the completion of any enquiry into the return under Part 20 (Enquiries) of the Tax Regulations, for the Accounting Period.
- 6.3** The records required to be maintained and preserved under this rule include records of-

- (A) all sums of money received or expended, all sales and purchases of goods and services and other transactions and the assets and liabilities of the QFC Entity. Such records shall be sufficient to show and explain all transactions by the QFC Entity and must be such as to disclose with reasonable accuracy the financial position of the QFC Entity at any time; and
- (B) supporting documents relating to the items mentioned in rule 6.3(A) including but not limited to accounts, books, deeds, contracts, vouchers and receipts.

**6.4** The duty to preserve records under this rule may be satisfied by the preservation of the information contained in them and where information is so preserved, a copy of any document forming part of the records is admissible in evidence in any proceedings before the Regulatory Tribunal to the same extent as the records themselves.

## **7. Rulings**

**7.1** An application for a ruling under Article 105 (Rulings) must contain the following information-

- (A) the name and TIN of the applicant;
- (B) full particulars of the arrangement in question;
- (C) copies of all relevant documents with the relevant parts or passages identified;
- (D) the applicant's opinion of the tax consequences of the arrangement, together with the reasons why it is considered those consequences prevail;
- (E) the applicant's explanation of the particular point(s) of difficulty giving rise to the ruling request;
- (F) details of the provisions of the Tax Regulations and these rules that the applicant considers are relevant to the application; and
- (G) particulars of any case law, or practice notes issued under Article 106 (Practice Notes), the applicant considers are relevant to the application.

**7.2** In the case of an application for a ruling on an arrangement already entered into, in addition to the information required by rule 7.1, the application must also contain the following information-

- (A) the date(s) that the transactions constituting the arrangement took place;
- (B) details of the particular aspect(s) of the transactions constituting the arrangement in respect of which a ruling is sought; and

- (C) a statement to the effect that, to the best of the applicant's knowledge and belief, the facts given are correct and all relevant facts have been disclosed.

**7.3** The fee payable by a QFC Entity applying for a ruling under Article 105 (Rulings) is QR 6,000 and must be paid in full before the Tax Department considers the application. If the Tax Department declines or fails to give a ruling they shall refund the fee.

## **8. Returns**

### **8.1 Extension of Filing Date or Accounting Period**

8.1.1 Where a QFC Entity, which is required to file a return for an Accounting Period under Article 109 (Obligation to File a Return), makes a written application to the Tax Department before the filing date given by Article 111(1) (Filing Date) (in these rules, the "Filing Date"), the Tax Department-

- (A) may, on such terms and conditions as they consider appropriate and where reasonable cause is shown, extend the Filing Date; and
- (B) shall serve the QFC Entity with written notice of their decision on the application.

8.1.2 The Tax Department may grant multiple extensions under rule 8.1.1 but the extensions shall not in total exceed 120 days from the Filing Date.

8.1.3 Where a QFC Entity, which is required to file a return for an Accounting Period under Article 109 (Obligation to File a Return), makes a written application to the Tax Department before the Filing Date, the Tax Department-

- (A) may, on such terms and conditions as they consider appropriate and where reasonable cause is shown, permit the extension of that QFC Entity's first Accounting Period under the Tax Regulations beyond the 12 month period provided by Article 17(2)(a) (Accounting Period); and
- (B) shall serve the QFC Entity with written notice of their decision on the application.

8.1.4 The extension granted under rule 8.1.3 shall not permit an Accounting Period of a QFC Entity to end beyond the expiration of 18 months from the beginning of the Accounting Period.

8.1.5 The granting of any extension to the Filing Date or an Accounting Period under this rule does not change the due and payable date, under Article 140(1) (Due and Payable Date), for tax due for that Accounting Period or under Article 146 (Due and Payable Date in Respect of an Overpayment of a Tax Credit) for the repayment of an

excessive tax credit paid under Part 16 (Credit for Tax Losses) of the Tax Regulations.

## **8.2 Determination of tax where no return filed**

8.2.1 If the Tax Department has insufficient information to determine an Accounting Period for a QFC Entity under Article 17 (Accounting Period) a determination of tax payable under Article 109(3) (Obligation to File a Return) may be made on the basis of an Accounting Period as determined by the Tax Department and specified in the notice issued under rule 8.2.3.

8.2.2 Where a determination of tax payable is made under this rule for an uncertain Accounting Period and the Tax Department, on further facts coming to their knowledge, see fit to revise the Accounting Period, the determination of tax payable shall have effect as if it were a determination for the revised Accounting Period.

8.2.3 A notice of determination of tax payable under Article 109(3) (Obligation to File a Return) must be served on the QFC Entity in respect of which it is made, stating the amount of the determination, the date of issue and the Accounting Period.

8.2.4 If a QFC Entity shows-

- (A) that there is no Accounting Period ending in or at the end of the period specified in the notice of determination;
- (B) that it has filed a return for the Accounting Period specified in the notice of determination; or
- (C) that no return is yet due for any such period,

then any determination of tax payable under this rule is of no effect.

8.2.5 The power to make a determination of tax payable under this rule includes the power to determine the amount of corporation tax payable, as mentioned in Article 112 (Self-Assessment), and any amount forming part of the calculation of that amount.

8.2.6 A determination of tax payable under this rule has effect for the purpose of collection and recovery of tax and charges on overdue tax as if it were a self-assessment by the QFC Entity.

8.2.7 Where proceedings have begun for the recovery of any tax charged by a determination of tax payable made under Article 109(3) (Obligation to File a Return) and, before the proceedings are concluded, the determination is superseded by a self-assessment under Article 109(4) (Obligation to File a Return) the proceedings may be continued as if they were proceedings for the recovery of unpaid tax charged by the self-assessment.



## **9. Claims to Group Relief and surrender of tax losses**

### **9.1 Claims**

- 9.1.1 A claim to Group Relief under Article 32 (Group Relief) must be made by being included in the Claimant Entity's return, filed under Article 109(Obligation to File a Return), for the Accounting Period for which the claim is made, and may be included in the return originally made or by amendment under Article 116 (Amended Returns).
- 9.1.2 A claim for Group Relief may not be amended, but must be withdrawn and replaced by another claim and a claim may only be withdrawn by the Claimant Entity amending its return under Article 116 (Amended Returns).
- 9.1.3 A claim for Group Relief must specify the amount of relief claimed and the name of the Surrendering Entity, and the amount specified must be an amount which is quantified at the time the claim is made.
- 9.1.4 A claim for Group Relief may be made for less than the amount available for surrender at the time the claim is made.
- 9.1.5 A claim for Group Relief requires the consent of the Surrendering Entity to be given by notice in writing to the Tax Department at or before the time the claim is made, otherwise the claim is ineffective.

### **9.2 Consent**

- 9.2.1 For a notice of consent by the Surrendering Entity, to be effective, it must include-
- (A) The name of the Surrendering Entity;
  - (B) The name of the Claimant Entity;
  - (C) The amount of the tax loss being surrendered; and
  - (D) The Accounting Period of the Surrendering Entity to which the surrender relates.
- 9.2.2 A notice of consent may not be amended, but may be withdrawn by notice to the Tax Department, and replaced by another notice of consent. Except where the consent is withdrawn under rule 9.5 the notice of withdrawal must, to be effective, be accompanied by a notice signifying the consent of the Claimant Entity to the withdrawal.
- 9.2.3 The Claimant Entity must, so far as it is able, amend its return for the Accounting Period for which the claim was made so as to reflect the withdrawal of consent.

### **9.3 Amendment of a return**

- 9.3.1 Where notice of consent by the Surrendering Entity is given after the Surrendering Entity has filed a return for the Accounting Period to which the surrender relates, the Surrendering Entity must at the same time amend its return so as to reflect the notice of consent.
- 9.3.2 Where notice of consent by the Surrendering Entity relates to a tax loss in respect of which relief has been given under Article 28 (Carry Forward of Tax Losses), the Surrendering Entity must at the same time amend its return for the Accounting Period or, if more than one, each of the Accounting Periods in respect of which relief for that tax loss has been given, so as to reflect the new notice of consent.
- 9.3.3 The time limits otherwise applicable to amendment of a return under the Tax Regulations do not prevent an amendment being made under rule 9.3.1 or 9.3.2.

### **9.4 Time limit for claims**

- 9.4.1 A claim for Group Relief may be made or withdrawn at any time up to whichever is the last of the following dates-
- (A) the first anniversary of the Filing Date for the return of the Claimant Entity for the Accounting Period of claim;
  - (B) if notice of enquiry is given into that return under Article 121 (Notice of Enquiry and Notice of Intention not to Enquire), 30 days after the enquiry is completed;
  - (C) if after such an enquiry the Tax Department amends the return under Article 124 (Completion of Enquiry), 30 days after the notice of amendment is issued;
  - (D) if an appeal is brought against such an amendment, 30 days after the date on which the appeal is finally determined,

or such longer time as the Tax Department may allow.

- 9.4.2 The time limits otherwise applicable under the Tax Regulations for an amendment of a return do not apply to an amendment to the extent that it makes or withdraws a claim for Group Relief within the time allowed in rule 9.4.1.

### **9.5 Amount available for surrender reduced**

- 9.5.1 This rule applies if, after the Surrendering Entity has given one or more notices of consent to surrender, the total amount available for surrender is reduced to less than the amount stated in the notice, or the total amounts stated in the notices, as being surrendered.
- 9.5.2 The Surrendering Entity must within 30 days withdraw the notice of consent, or as many of the notices as is necessary to bring the total

amount surrendered within the new total amount available for surrender, and may give one or more new notices of consent.

9.5.3 The Surrendering Entity must notify in writing the withdrawal of consent, and send a copy of any new notice of consent, to the Tax Department and each of the Claimant Entities affected.

9.5.4 If the Surrendering Entity fails to act in accordance with rule 9.5.2 the Tax Department may, by notice to the Surrendering Entity give such directions as they think fit as to which notice or notices are to be ineffective or are to have effect in a lesser amount. The Tax Department must at the same time send a copy of the notice to the Claimant Entity, or each Claimant Entity, affected by their action.

9.5.5 A Claimant Entity which receives-

(A) a notice of withdrawal of consent, or a copy of a new notice of consent, under rule 9.5.3; or

(B) a copy of a notice containing directions by the Tax Department under rule 9.5.4,

must, so far as it may do so, amend its return for the Accounting Period for which the claim is made so that it is consistent with the new position with regard to consent to surrender.

## **10. Claims to repayment of tax and rate of charges and compensation**

### **10.1 Repayment of tax**

A claim to repayment of tax shall be subject to the procedure and time limits for making claims under rule 13.

### **10.2 Rate of charges and compensation**

The rate of an additional charge levied in respect of late payment of tax under Article 143 (Late Payment of Tax Charge) or the rate of compensation paid in respect of repayment of tax under Article 144 (Compensation for Overpayment of Tax) may be set by the Director of Tax from time to time and any change to such rate must be published by the Tax Department by way of a public notice.

## **11. Appeals**

### **11.1 Standing over of tax payable**

11.1.1 On the making of an appeal under Article 133 (Appeal Procedure) the Tax Department shall, on the receipt of an application in writing by the QFC Entity, stand over in full or in part any tax in dispute until the appeal is finally determined.

11.1.2 Any tax stood over under rule 11.1.1 that becomes payable on final determination of an appeal shall bear an additional charge under Article 143 (Late Payment of Tax Charge) from the original due and payable date, as determined by Article 140(1) (Due and Payable Date).

11.1.3 This rule does not apply in respect of any appeal against an amendment to a self-assessment under Article 123 (Amendment of Self-Assessment During Enquiry to Prevent Loss of Tax).

## **12. Electronic filing of returns**

### **12.1 The basic rule**

12.1.1 The requirement under Article 109 (Obligation to File Return) to file a return shall be treated as fulfilled if the information is transmitted electronically and each of the conditions in rule 12.3 is met with respect to that transmission.

12.1.2 Where the requirement to file a return is met by electronic filing under rule 12.1.1 the requirement under Article 109(2) (Obligation to File Return) that the return be signed by the Representative and include a declaration to the effect that the return is to the best of his knowledge correct and complete shall not apply.

12.1.3 The time at which the requirement to file the return is fulfilled is the end of the day during which the last of the conditions in rule 12.3 is met.

12.1.4 In rule 12.1.1 “information” includes any self-assessment, partnership statement, particulars or claim.

### **12.2 Supporting documents**

12.2.1 This rule applies where information (“supporting documents”) is to be filed with a return under Article 115(1)(b) (Prescribed Form and Information to Accompany Return) and the requirement to file the return is fulfilled by electronic filing under rule 12.1.1.

12.2.2 The requirement to file supporting documents shall be treated as fulfilled if they are transmitted electronically and each of the conditions in rule 12.3 is met with respect to that transmission.

12.2.3 If supporting documents are not transmitted electronically the requirement under Article 115(1)(b) (Prescribed Form and Information to Accompany Return) shall have effect as a requirement to file the supporting documents on or before the day which is the last day for the filing of the return.

12.2.4 The time at which the requirement to file the supporting documents is fulfilled is the end of the day during which the last of the conditions in rule 12.3 is met.

### **12.3 The conditions**

- 12.3.1 The first condition is that the transmission must be made by the Representative of the QFC Entity filing the return, or by a person specifically authorised by the Tax Department to file electronically on behalf of that QFC Entity.
- 12.3.2 The second condition is that if the person who makes the transmission is notified by the Tax Department of any requirements as to the manner in which transmissions are to be made by him, the transmission complies with the requirements so notified.
- 12.3.3 In rule 12.3.2 the requirements referred to include in particular requirements as to the hardware (or type of hardware) or software (or type of software) to be used to make transmissions.
- 12.3.4 The third condition is that the transmission must signify, in a manner approved by the Tax Department, that before the transmission was made a hard copy of the information to be transmitted was made and authenticated in accordance with rule 12.4.
- 12.3.5 The fourth condition is that the information transmitted must be accepted by the Tax Department under a procedure selected for the purposes of this rule.

### **12.4 Hard copies**

- 12.4.1 A hard copy is made in accordance with rule 12.3.4 if it is made under arrangements designed to ensure that the information contained in the hard copy is the information in fact transmitted.
- 12.4.2 A hard copy is authenticated for the purposes of rule 12.3.4 if it is endorsed with a declaration by the Representative of the QFC Entity filing the return that the hard copy is to the best of his knowledge correct and complete and is signed by the Representative.
- 12.4.3 In this rule “hard copy” means, in relation to information held electronically, a printed out version of that information.

### **12.5 Status of information and proceedings**

- 12.5.1 Where information is transmitted electronically under this rule, the Tax Department have all the powers they would have if the information accepted had been contained in a return filed by post.
- 12.5.2 A hard copy made and authenticated in accordance with rule 12.3.4 shall be treated for the purposes of any proceedings as if it were a return filed in accordance with Article 109 (Obligation to File Return).
- 12.5.3 If no hard copy is shown to have been made and authenticated in accordance with rule 12.3.4 a hard copy certified by the Tax Department to be a true copy of the information transmitted shall be treated for the purpose of any proceedings as if it were a return filed in

accordance with Article 109 (Obligation to File Return), containing any declaration and signature which would have appeared on a hard copy made and authenticated in accordance with rule 12.4.2.

12.5.4 In rule 12.5 references to a return includes supporting documents.

## **13. Claims and Elections**

### **13.1 Procedure for making claims**

13.1.1 Where any provision of the Tax Regulations or these rules provides for relief to be given or any other thing to be done on the making of a claim, this rule shall unless otherwise provided, have effect in relation to the claim.

13.1.2 A claim for a relief or for repayment of tax shall be for an amount which is quantified at the time the claim is made.

13.1.3 A claim shall not at any time be made otherwise than being included in a return if it could, at that or any subsequent time, be made by being so included.

13.1.4 References in this rule to a claim being made in a return include references to a claim being so included by virtue of an amendment of the return under Article 116 (Amended Returns).

13.1.5 Where a claim has been made, whether by being included in a return or otherwise, and the claimant subsequently discovers that an error or mistake has been made in the claim, the claimant may make a supplementary claim within the time allowed for making the original claim.

### **13.2 Time limits**

13.2.1 Subject to any provision of the Tax Regulations or these rules prescribing a longer or shorter period no claim may be made more than 3 years after the end of the Accounting Period to which the claim relates.

13.2.2 A claim which could not have been allowed but for the making of an assessment under Article 128 (Discovery Assessments and Determinations) may be made at any time within one year of the date on which the assessment is made.

### **13.3 Claims not included in a return**

13.3.1 A claim not included in a return shall be in such form as the Tax Department may determine and shall provide for a declaration to the effect that all the particulars given in the form are correctly stated to the best of the information and belief of the person making the claim.

13.3.2 The form of a claim may require-

- (A) such information as is reasonably required for the purposes of determining whether, and if so the extent to which, the claim is correct; and
- (B) the delivery, with the claim, of such accounts, statements and documents relating to information contained in the claim, as are reasonably required for the purpose mentioned in paragraph 13.3.2(A).

13.3.3 Part 20 (Enquiries) of the Tax Regulations shall, with necessary modifications, apply to claims not included in a return.

#### **13.4 Late Elections**

A late election under Article 32(4) (Group Relief), Article 40 (Election to Treat as an Expense), Article 82 (Election for Special Exempt Status) or Article 88 (Election for the Application of the Concessionary Rate) may be accepted by the Director of Tax where he is satisfied, on receipt of a written application for the purpose, that there was a reasonable cause why the election could not be made in time and it was made thereafter without unreasonable delay.

#### **14. Reorganisations and reconstructions**

An application under Article 46 (Reorganisations and Reconstructions Carried out for Bona Fide Commercial Reasons) shall be made in the return for the Accounting Period during which the reorganisation or reconstruction occurred and must contain the following information-

- (A) full particulars of the transaction or transactions constituting the reorganisation or reconstruction;
- (B) the date that the transaction or transactions constituting the reorganisation or reconstruction took place;
- (C) copies of all relevant documents with the relevant parts or passages identified;
- (D) the applicant's opinion of the tax consequences of the reorganisation or reconstruction, together with the reasons why it is considered those consequences should not apply, and the tax neutral treatment of Article 46 (Reorganisations and Reconstructions Carried out for Bona Fide Commercial Reasons) apply instead;
- (E) the applicant's explanation of any particular point(s) of difficulty regarding the application; and
- (F) details of the provisions of the Tax Regulations and these rules the applicant considers are relevant to the application.

## **15. Reimbursable Tax Losses**

15.1.1 A QFC Entity is only entitled to make a claim under Article 96 (Payment of Reimbursable Tax Losses) for payment of a tax credit in respect of a Reimbursable Tax Loss for a Reimbursable Accounting Period if it falls within the list of QFC Entities entitled to benefit from Part 16 (Credit for Tax Losses) of the Tax Regulations published by the Tax Department by way of a public notice.

15.1.2 The amount of the tax credit to which a QFC Entity is entitled in respect of a Reimbursable Tax Loss for a Reimbursable Accounting Period under Part 16 (Credit for Tax Losses) of the Tax Regulations is –

- (A) 8% of the amount of the Reimbursable Tax Loss for the Reimbursable Accounting Period or such other amount as may be set by the Director of Tax from time to time and is published by the Tax Department by way of a public notice ; or
- (B) QR 200,000,  
whichever is lower.