

**MINISTRY OF FINANCE  
CUSTOMS AND EXCISE DIVISION**

**NOTICE TO IMPORTERS**

**NO. 23 OF 2016**

**SUBJECT: AMENDMENTS TO THE MISCELLANEOUS TAXES ACT,  
CHAP. 77:01**

The attention of all importers is drawn to The Provisional Collection of Taxes Order, 2016, made by the President under Section 3 of the Provisional Collection of Taxes Act, Chap. 74:01 and published as Legal Notice No. 163 of 2016.

The Order amends the Miscellaneous Taxes Act, Chap. 77:01 by:

1. Inserting after Part XIV, **Part XV- Online Purchase Tax (OPT)**; and
2. Deleting and substituting Part II in the Sixth Schedule.

1).The effects of the insertion of Part XV are as follows:

- a. The OPT is a tax which is applied to goods that have been **purchased** by means of an **electronic transaction, imported** into Trinidad and Tobago by **air transportation**, consigned to a **consumer** and **entered from a transit shed**.  
**(All conditions must be met for the application of the OPT).**

**“consumer”** means any person who enters or intends to enter into an electronic transaction with a supplier as the **end user** of the goods or services offered by the supplier (Electronic Transaction Act No. 6 of 2011).

**“electronic transaction”** includes the single communication or outcome of multiple communications involved in the sale or purchase of goods and services conducted over computer-mediated networks or information systems, where the goods and services may be ordered through such networks or systems but the payment and ultimate delivery of the goods and services may occur without the use of such networks or systems (Electronic Transaction Act No. 6 of 2011).

- b. The OPT shall be applied at a **rate of 7%** of the **Customs Value (CIF)** of such goods, **upon entry and paid to the Comptroller of Customs and Excise.**

e.g. An item of clothing is imported with a Customs Value of TT\$500.00.

Tariff Heading Number 6204.49.00 Customs Value (CIF) \$500.00  
Import Customs Duty (ICD) (500.00 x 20%) = \$100.00  
On- Line Purchase Tax (OPT) (500.00 x 7%) = \$35.00  
Value Added Tax (VAT) (500.00 + 100.00 + 35.00) x 12.5% = \$79.36  
Total Taxes Payable (100.00 + 35.00 + 79.36) = \$214.36

- c. Importers are advised that the following codes are assigned to the OPT on the CBCS:
- i. In the case of **Other Payment** transactions being paid through the cashier, **Code 013** is to be selected to effect the payment of the OPT; and
  - ii. In the case of **IMS4** declarations, where the OPT is applicable, Officers are directed to Box 28- Terms of Payment - to select in the drop down menu option **27- On Line Payment**, to effect the payment of the OPT.
  - iii. In the case where a consumer imports goods with a Customs Value of **\$20,000.00 and above**, a Broker/Declarant is required to **enter the goods using the form eC82**. The same option prescribed in ii above would apply to effect the payment of the OPT.

Importers are asked to note the following:

1. The determination of the ‘Customs Value’ of any good is **not** limited to the **Cost, Insurance and Freight** but **may include other components** as considered in the Sixth Schedule to the Customs Act, Chap. 78:01.
2. The OPT is applicable to goods that satisfy the requirements as set out in 1.a above, even though they may be ‘Free’ from Customs Duty and Value Added Tax.
3. Goods being imported by ‘Diplomats’ are to be entered in accordance with the procedures set out in Circular No. 19 of 2016.
4. The OPT may be remitted or refunded in accordance with Section 9 of the Customs Act, Chap. 78: 01 and in accordance with existing procedures.

2). **Part II of the Sixth Schedule to the Miscellaneous Taxes Act, Chap. 77:01** is deleted and substituted as enumerated in the table below. The effect of this amendment is to **increase** the “tobacco tax” applied to the goods set out in the table of **Non- Common Market Origin imported** into Trinidad and Tobago.

**Tobacco Tax to be applied to products of Non- Caricom Origin**

Tariff Heading Number	Description of Goods	Rate of Tobacco Tax
<b>24.02</b>	<b>Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes.</b>	
2402.10.00	-Cigars, cheroots and cigarillos, containing tobacco	\$30.16 per kg
2402.20.00	- Cigarettes containing tobacco	\$4.38 per pack of 20 and so in proportion when not so packed
2402.90.00	- Other	\$4.38 per pack of 20 and so in proportion when not so packed
<b>24.03</b>	<b>Other manufactured tobacco and manufactured tobacco substitutes; “homogenized” or “reconstituted” tobacco; tobacco extracts and essences.</b>	
	- Smoking tobacco, whether or not containing tobacco substitutes in any proportion:	
2403.11.00	-- Water pipe tobacco specified in Subheading Note 1 to Chapter 24 of the CET	\$57.25 per kg
2403.19.00	-- Other	\$57.25 per kg

These measures will take effect from 20<sup>th</sup> October, 2016.

Legal Notice No. 163 of 2016 may be viewed via

<http://www.news.gov.tt/archive//E-Gazette/Gazette%202016/Legal%20Notice/Legal%20Notice%20No.%20163%20of%202016.pdf>

Importers are to be guided accordingly.

Comptroller of Customs and Excise (Ag.)  
Dated: 28/10/16