



**POLICY ON REFUND OF EXCISE TAX ON FUEL FOR DIPLOMATS, CONSULAR
POSTS, INTERNATIONAL ORGANISATIONS AND OTHER ENTITLED
INDIVIDUALS AND ORGANISATIONS**

November 2019

Part I – Preliminary

1.1 Purpose

The purpose of the *Policy on Refund of Excise Tax on Fuel for Diplomats, Consular Posts, International Organisations and Other Entitled Individuals and Organisations* is to provide the procedures and conditions under which Diplomatic Missions, International Organisations, Consular Offices¹ and other entitled individuals and organisations qualifying for refund of excise tax on fuel.

This Policy is guided by the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, 1980, which is based upon Seychelles' binding international obligations under the following instruments: *Vienna Convention on Diplomatic Relations*, 1961; *Vienna Convention on Consular Relations*, 1963; *Convention on the Privileges and Immunities of the United Nations*, 1946; *Convention on the Privileges and Immunities of the Specialized Agencies*, 1948; and the *Convention on Special Missions*, 1985.

1.2 Scope

This Policy shall apply to individuals and organisations that are entitled to refunds of excise tax on fuel and shall include any other person that may acquire such rights in accordance with the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, 1980.

1.3 Definitions

For the purposes of the present Policy, the following terms shall be defined as:

- a) “**Administrative and Technical Staff**” means members of the staff of a Diplomatic Mission that are employed in the administrative and technical service of the mission and who are not citizens of Seychelles;
- b) “**Career Consul**” means a person who is a full-time paid employee of the sending State, including the head of a consular post, with the capacity to exercise consular functions on behalf of the sending State. For the purposes of this Policy, the Career Consul may not be a citizen of Seychelles;
- c) “**Consular post**” means an establishment representing the sending State headed and staffed by Career Consuls, in line with the Vienna Convention on Consular Relations;
- d) “**Diplomatic Agent**” means the Head of the Diplomatic Mission or members of the diplomatic staff of the mission having diplomatic rank and who are not citizens of Seychelles;

¹ Consular posts headed and staffed by Career Consuls as defined by the Vienna Convention on Consular Relations, 1963, will be addressed under the present policy. Honorary consuls will not receive any of the benefits under the present policy.

- e) **“Diplomatic Mission”** refers to an establishment and/or a group of persons accredited to the Republic of Seychelles as representative of a Foreign State within the territory of Seychelles, in line with the *Vienna Convention on Diplomatic Relations*;
- f) **“Entitled individuals and organisations”** means those listed in Section 2.1 of the present Policy;
- g) **“Fuel”** means gasoline and diesel for motor vehicles as purchased at any Petrol Stations in Seychelles;
- h) **“Honorary Consuls”** means a person who is not an employee of the sending State and carries out their consular duties as delegated by their sending State on a voluntary and ‘honorary’ basis. Honorary Consuls must either have Seychelles citizenship or permanent residency status;
- i) **“International Organisations”** means agencies of the United Nations, their offices, or of any other international organisation situated in Seychelles which has diplomatic privileges and immunities recognised by the Ministry responsible for Foreign Affairs;
- j) **“Ministry responsible for Finance and Trade”** means the Ministry responsible for the processing of the refund and the Custodian of the Excise Tax Act;
- k) **“Ministry responsible for Foreign Affairs”** means the Ministry or Department designated by the President of the Republic of Seychelles to oversee and manage the international relations of the Republic of Seychelles;
- l) **“Non-resident Diplomatic Mission”** means a Diplomatic Mission accredited to the Republic of Seychelles not based within the territory of Seychelles;
- m) **“Privileges and Immunities”** means those privileges and immunities defined under the *‘Vienna Convention on Diplomatic Relations’* and the *‘Vienna Convention on Consular Relations’* as conferred onto the entitled individuals and organisations by the Ministry responsible for Foreign Affairs;
- n) **“Refund”** means the reimbursement of excise tax paid on fuel purchased.
- o) **“Tax”** means excise tax as per the Excise Tax Act 2009.
- p) **“Vehicles”** means motor vehicles principally designed for the transport of persons or goods. This excludes special purpose vehicles and works trucks.

Part II - Policy Implementation

2.1 Entitled individuals and organisations for Refunds

1. The following categories of individuals and organisations are entitled a refund of excise tax on fuel:
 - a) Diplomatic missions,
 - b) Diplomatic agents,
 - c) Administrative and technical staff of Diplomatic Missions,
 - d) Non-resident missions on a case by case basis²,
 - e) Consular posts headed/staffed by Career Consuls,
 - f) International Organisations and their entitled staff,
 - g) Non-Seychellois personnel covered by the provisions of their respective agreements with the Government of Seychelles³, and;
 - h) Other beneficiaries as may be agreed upon by the Ministry responsible for Foreign Affairs and relevant agencies in line with the laws and regulations of Seychelles⁴.
2. The entitled individuals and organisations may only claim refund for excise tax on fuel for vehicles that have been registered with the Ministry for Foreign Affairs using the form in Annex 1.
3. The entitled individuals and organisations may benefit from refunds of excise tax on purchase of fuel for their vehicles within their quota limitations as provided in Section 2.2 of the present Policy.
4. The refunds stipulated in this Policy shall not be extended or transferred to persons not qualified under Section 2.1 of the present Policy including citizens of Seychelles and Honorary Consuls.

² Non-resident missions may request for refund on fuel through written communication to the Ministry responsible for Foreign Affairs. Refund on fuel shall not be granted unless explicit written approval had been granted by the Ministry responsible for Foreign Affairs prior to the purchase of fuel. Approval shall be granted on a case by case basis and at the discretion of the Ministry responsible for Foreign Affairs in consultation with the Ministry responsible for Finance and Trade.

2.2 Entitled Quota

Entitled individuals and organisations shall be subject to a quota as per their designation and this shall be as follows:

ENTITLED INDIVIDUALS AND ORGANISATIONS	QUOTA (Upper limit per year)	Number of vehicles allowed
Diplomatic missions	Official vehicle – 2000 litres	N/A
Diplomatic agents	Head of Mission – 1600 litres	Two vehicles
	Diplomatic agent – 1200 litres	Two vehicles
Administrative and technical staff of Diplomatic Missions;	600 litres	One vehicle
Non-resident missions	100 litres	N/A
Consular posts headed/staffed by Career Consuls	Official vehicle – 1200 litres	Two vehicles
	Consular officer, including head of post – 1200 litres	Two vehicles
International Organisations and their entitled staff	Official vehicle – 1200 litres	Two vehicles
	Head of the organisation - 1200 litres	Two vehicles
	Private vehicles of staff - 600 litres	One vehicle
Non-Seychellois personnel covered by the provisions of their respective agreements with the Government of Seychelles;	600 litres	One vehicle
Other beneficiaries	2000 litres	N/A

The entitled individuals and organisations may, under exceptional circumstances submit a request to the Ministry responsible for Foreign Affairs for an additional quota subject to approval by the Ministry responsible for Finance and Trade.

^{3 & 4} The Ministry responsible for Foreign Affairs shall inform the Ministry responsible for Finance and Trade of any Instruments entered into by the Government of Seychelles that may entitle individuals and organisations to benefit from refunds on fuel purchases in accordance with Section 5 (1) of the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, 1980.

2.3 Process for refund of excise tax on fuel

1. Entitled individuals and organisations shall seek approval for vehicles to benefit from this Policy from the Ministry responsible for Foreign Affairs.
2. The entitled individuals and organisations shall purchase fuel at the full price at the respective petrol stations.
3. The entitled individuals shall prior to purchase of the fuel at the respective petrol stations fill in the form for purchase of fuel under the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, 1980, attached in Annex 2. This form should then be signed and stamped by the Head of Mission and the Petrol Station upon purchase of fuel.
4. The entitled individuals and organisations shall submit the completed forms for fuel purchase indicated above and other relevant documents required for the tax refund to the Ministry responsible for Foreign Affairs on a quarterly basis of each calendar year.
5. The Ministry responsible for Foreign Affairs shall receive and process requests from beneficiaries for refunds. Upon the satisfaction of the Ministry responsible for Foreign Affairs, the applications shall be endorsed and submitted to the Ministry responsible for Finance and Trade for approval and processing of the refunds.
6. The Ministry responsible for Finance and Trade shall review the request for tax refund submitted by the Ministry responsible for Foreign Affairs and upon satisfaction that the requirements for the refund has been met as per the content of this Policy, proceed with refunding the tax amount.

2.4 Responsibilities of entitled persons and organisations

The entitled individuals and organisations under this Policy will be required to:

1. Abide by the provisions of this Policy;
2. Keep updated registry of their vehicles and inform the Ministry responsible for Foreign Affairs of the following:
 - a) sale of a registered vehicle,
 - b) purchase of a new vehicle,
 - c) hiring of a vehicle for the official use of the mission,
 - d) transfer of a registered vehicle,
 - e) donation of a registered vehicle,
 - f) any other form of change in the ownership status of their vehicles, and;
 - g) arrival and departure of personnel/staff.
3. Abide by the set quota for purchases of fuel of which payment of excise tax is refundable.

4. Submit receipts and refund forms on purchases of fuel to the Ministry responsible for Foreign Affairs every quarter of the year.

2.5 Responsibilities of implementing agencies

Each implementing agency under this Policy shall put in place its own internal procedures and mechanisms to ensure effective implementation of the present Policy.

2.5.1 Responsibility of the Ministry responsible for Foreign Affairs

The Ministry responsible for Foreign Affairs shall:

1. Communicate the provisions of the present policy to the beneficiaries listed in Section 2.1 in view of ensuring their compliance;
2. Maintain a list of the following based on submissions by entitled individuals and organisations;
 - i. sale of a registered vehicle,
 - ii. purchase of a new vehicle,
 - iii. hiring of a vehicle for the official use of the mission,
 - iv. transfer of a registered vehicle,
 - v. donation of a registered vehicle, and;
 - vi. any other form of change in the ownership status of the vehicles.
3. Request updated list of beneficiaries of the policy from relevant diplomatic missions/international organisations/ and other applicable agencies and make available the updated list of entitled individuals and organisations in line with Section 2.1 of the present Policy to the Ministry responsible for Finance and Trade;
4. Make available the updated list of approved vehicles benefiting from refund under the present policy to the Ministry responsible for Finance and Trade;
5. Make available the forms for completion by the beneficiaries under this policy.
6. Verify information provided by beneficiaries in line with the quota allocations as per the present policy;
7. Endorse requests from beneficiaries that are in compliance with this Policy;
8. Submit endorsed requests to Ministry responsible for Finance and Trade for further action and approval.

2.5.2 Responsibility of the Ministry responsible for Finance and Trade

The Ministry responsible for Finance and Trade shall:

1. Review application for tax refund received from the Ministry responsible for Foreign Affairs;
2. Verify information provided by beneficiaries in line with the quota allocations as per the present policy;
3. Endorse requests from beneficiaries that are in compliance with this Policy;
4. Process the refund of excise tax to the entitled individuals and organisations.

Part III - Suspension and Withdrawal of Privileges

A breach or abuse of this Policy by entitled individuals and organisations may cause the Government of Seychelles to withhold or temporarily halt refunds of excise tax on fuel for the party in breach. However, such action may only be taken following explicit agreement between the Ministry responsible for Foreign Affairs and the Ministry responsible for Finance and Trade.