



ROYAL MALAYSIAN CUSTOMS

GOODS AND SERVICES TAX

GUIDE ON COMMERCIAL BANKING

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INTRODUCTION

1. This industry guide is prepared to assist businesses in understanding matters with regards to GST treatment on Commercial Banking.

Overview of Goods and Services Tax (GST)

2. Goods and Services Tax (GST) is a multi-stage tax on domestic consumption. GST is charged on all taxable supplies of goods and services in Malaysia except those specifically exempted. GST is also charged on importation of goods and services into Malaysia.

3. Payment of tax is made in stages by the intermediaries in the production and distribution process. Although the tax would be paid throughout the production and distribution chain, only the value added at each stage is taxed thus avoiding double taxation.

4. In Malaysia, a person who is registered under the Goods and Services Tax Act 20XX is known as a “registered person”. A registered person is required to charge GST (output tax) on his taxable supply of goods and services made to his customers. He is allowed to claim back any GST incurred on his purchases (input tax) which are inputs to his business. Therefore, the tax itself is not a cost to the intermediaries and does not appear as an expense item in their financial statements.

OVERVIEW GENERAL OPERATIONS OF THE INDUSTRY

5. Commercial bank raises funds by collecting deposits from businesses and individuals and in return makes commercial and industrial loans and performs other banking services for its customers.

6. Banking services offered by commercial banks include the business of:
- (a) mobilization of savings through Savings, Current and Fixed Deposits accounts;
 - (b) provision of various banking services and facilities for its customers including facilities to make payments and receive money;

- (c) paying or collecting of cheques drawn by or paid in by customers;
- (d) provision of loan.

GST TREATMENT ON COMMERCIAL BANKING

GST Treatment by types of Supply

7. For the purpose of GST, a commercial bank normally makes three types of supplies namely exempt, standard rate and zero rated supplies.

(a) **Exempt supply**

A supply is exempt if the consideration of the supply is in the form of an interest or a spread. These supplies would include the provision of loans, credit or advances, exchange of currency or traveller's cheques and the trading of financial options or futures contract.

(b) **Standard Rated Supply**

A supply is standard rated if there is a basic charge or a fixed fee being imposed on the supply. Fee based services are standard rated supplies. Examples of fee based services are:-

- (i) loan processing;
- (ii) standing instruction services;
- (iii) rental services;
- (iv) counting services for coins and currency deposit;
- (v) prepaid and reload service;
- (vi) maintenance services in relation to buying and selling of shares;
- (vii) supply of automatic teller machine (ATM) cards and saving account books;
- (viii) safe keeping or custodial services; and
- (ix) intermediary services in which fees or commissions are being charged. (e.g. services consisting of arranging, broking, underwriting and advising on any of the financial services)

However, certain fees or charges will not be subject to GST. There are fees and charges being imposed to compensate for loss, damages or to penalize the customer for not meeting certain requirements or conditions. Such penalty or fine will not be subject to GST and these penalty charges would include:

- (i) late payment charges;
- (ii) commitment fee (for unutilized portion of overdraft);
- (iii) compensation charge for dishonoured cheque; and
- (iv) overdraft excess fee.

(c) **Zero Rated Supply**

Commercial banking services rendered for customers abroad will be zero-rated if at the time the services are rendered he is outside Malaysia. This is considered as an export service. Similarly, any commercial banking service rendered in connection with land and goods situated outside Malaysia is also zero rated.

GST Treatment on Banking Products

(a) **Operation of Accounts (savings, current, fixed deposit or other similar accounts)**

- (i) Interest paid by commercial banks as a result of deposit taking through various types of accounts (savings, current, fixed deposit or similar accounts) is not subject to GST.
- (ii) Besides rewarding the banks' customers with interest, banks usually charges fees for services to facilitate for the operation of these accounts. Such fees are subject to GST at standard rate. These fees may include:
 - fees/charges on encashment facility;
 - fees/charges of Electronic Fund Transfer (EFT) and phone banking;

- fees/charges on provision of Automatic Teller Machine (ATM) cards;
- fees/charges on provision of bank statements;
- fees/charges for issuance of cheque books; and
- fees/charges on transaction via ATM or MEPS.

(b) **Payment and Collection of Cheques**

- (i) The services rendered when a bank makes payment and collects a cheque is not subject to GST. The issuance of cheque by drawer for payment is not a supply and not subject to GST. However, bank charges a service fee to the drawer if a third party wishes to make cheque encashment over the counter. Similarly, bank charges a fee for the service of transferring cheques. These fees are subject to GST at standard rate.
- (ii) Printing of cheque books in which additional charges are imposed is also subject to GST at standard rate. Similarly, commission charged in clearing the cheques is also subject to GST at standard rate.

(c) **Remittances**

The transmitting of money is not a supply and is not subject to GST. However, a bank levies commission for the issuance of cashier's order and demand draft. The cost of telegraphic transfer will include a commission and also tele-transmission charges. These charges are subject to GST at standard rate.

Customers may instruct his bank to affect periodic remittances to the debit of his account under the facility of standing instruction. Any fee charged is subject to GST at standard rate.

(d) **Money Changing Activity**

Money changing is the business of exchanging one currency for another, with the profit taking on the spread of currency exchange rate as income for the service and it is not subject to GST. However, in the

event a service fee is charged for the currency exchange, the supply is subject to GST at standard rate.

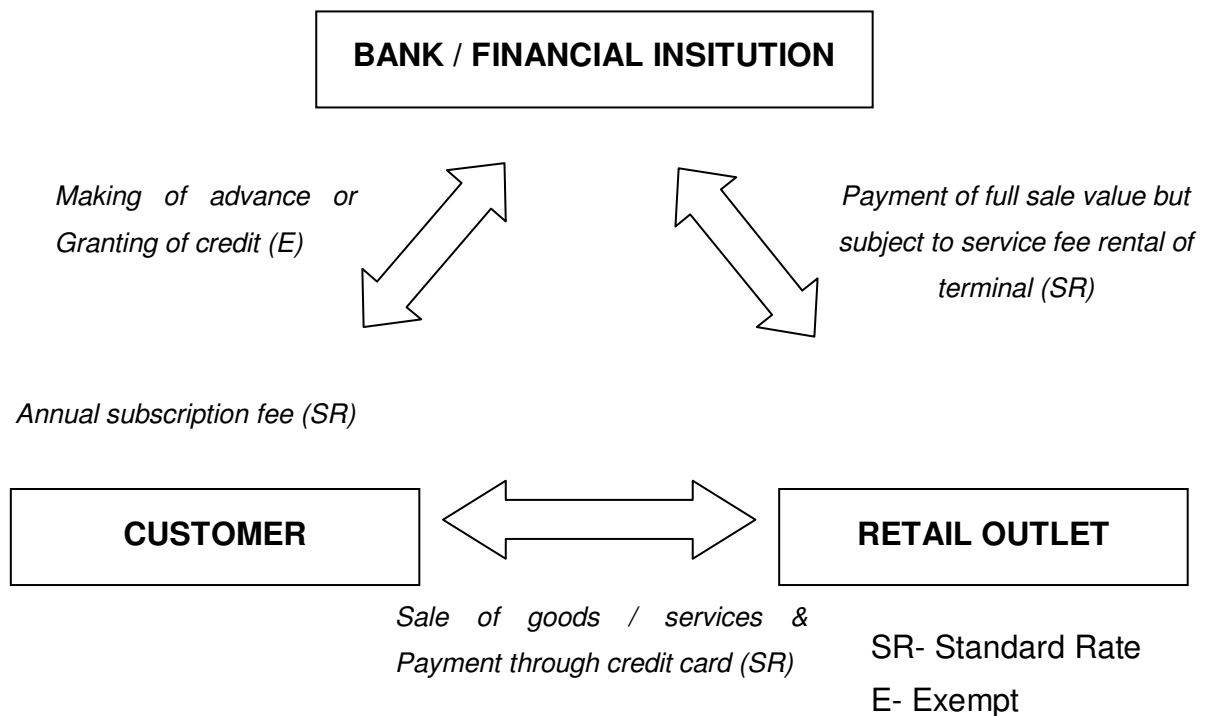
(e) **Provision of Loans, Advances or Credit**

The provision of loans, advances or credit is not subject to GST. However, fees charged in the provision of the loans are subject to GST at standard rate. These may include establishment fees, arranging fees, advisory fees, agency fees or processing fees.

(f) **Credit, Debit or Charge Card**

(i) In a typical card operation there are three parties involved as shown in **Diagram 1** below:

Diagram 1: Parties in a card operation



(ii) The first arrangement involves the bank and the customer in which the bank charges an annual subscription fee for usage of the card and an interest for the granted credit. The annual subscription fee is subject to GST while the interest charged is not subject to GST.

- (iii) The second relationship is between the retail outlet and the customer. The retail outlet sells goods to the customer for which he will charge GST on the sale of the goods in the normal manner.
- (iv) The third relationship is between the bank and the retail outlet. Bank pays the retail outlet for the goods purchased by the customer after deducting the merchant discount commission. If the retail outlet is a merchant for the bank, the bank will charge rental for the usage of payments terminals and is subject to GST at standard rate. Merchant discount commission is subject to GST at a standard rate.

(g) **Trade financing**

A bank also provides facilities and services with regards to financing in connection with either domestic or international trade.

(i) Documentary Bills for Collection

Bank charges collection commission for Outwards and Inward Bills for Collection. A charge is also imposed on the postage or cable usage. These commission and charges are subject to GST at standard rate.

(ii) Documentary Credit

Documentary Credit facility is an undertaking or commitment on the part of Issuing Bank to pay the seller/exporter on behalf of the buyer on compliance of specific terms is not subject to GST.

Being an Issuing or Advising Bank, there are charges involved, for example, the handling fees, the acceptance commission, the advising fees and also charges on the usage of postal and cable. These charges are fee based services and subject to GST at standard rate.

(iii) Transferable Documentary Credit

In the case where the first beneficiary (export country) does not supply the goods himself but acts only as a middle man, then he

may transfer part or all of his rights and obligation to the actual supplier (as a second beneficiary). This is possible by having a transferable Documentary Credit facility which is not subject to GST. However bank charges in respect of transfers and payable by the first beneficiary and it is subject to GST at standard rate.

(iv) **Shipping Guarantee**

In cases where the vessel arrives in the place or country of the buyer/importer before the Bill of Lading is received by the collecting bank, the buyer/importer would request his bank for a Shipping Guarantee to enable him to clear his goods. Bank levies a commission for the issuance of Shipping Guarantee and it is subject to GST at standard rate.

(v) **Banker's Acceptance**

Banker's acceptance financing is an exempt supply and is not subject to GST. The cost of Banker's acceptance is made up of the acceptance commission which is subject to GST at standard rate.

(h) **Factoring/ Invoice Discounting**

(i) Factoring or invoice discounting is the assignment of debts where businesses can trade accounts receivables to another party who provide them with the finance and it could be in the form of recourse or non-recourse factoring.

(ii) The assignment of debts through factoring whether recourse or non-recourse and invoice discounting is an exempt supply and is not subject to GST. However, factoring fee is subject to GST at standard rate.

(i) **Specialist Services**

Banks also provide various specialist services which include insurance agency services, taxation services, trustee (for estate, fund or special investment fund), fund management and other professional services. These fee-based services are subject to GST at standard rate.

(j) **Treasury Services**

(i) Bank provides treasury services which are basically trading for capital gain, investment for capital gain or in the form of interest income. These treasury services cover debt market, capital market and money market instruments and may include:

- Bond trading
- Government securities trading
- Treasury bills trading
- Foreign exchange and currency trading
- Currency and Interest Swap trading
- Funding in foreign currencies
- Dealing in derivatives
- Money market funding and trading

(ii) In this aspect, interest earned and realized capital gain on the investment is exempted from GST. In contracting as principal to trade the financial instruments, the bank is making an exempt supply and no GST is chargeable. However, in providing the services as an agent for its clients in the trading of the instrument, the bank is making a standard rated supply and as such subject to GST at standard rate.

(k) **Nominee and Securities Services**

(i) Banks also undertake investment advisory services and assist clients to build portfolios and assess clients' existing investment. In addition, banks also perform custodian, nominees and registration services. The advisory services together with other intermediary services are standard rated supplies and subject to GST at standard rate.

(ii) Besides receiving brokerage income and fee-based income which are subject to GST at standard rate, banks also receive various interest incomes which are exempted from GST. This includes interest income from the following source:

- interest on outstanding purchase contract
- interest on contra losses
- interest accumulated for each outstanding contract up until the end of specific period
- interest from money market instrument

Imported Services

8. Where services are received (imported) from abroad, such services are subject to GST at standard rate if the supplies are taxable supplies when they are made in Malaysia. In such cases, reverse charge mechanism applies as if the importer (e.g. financial institution) had supplied those services to himself. The recipient must account for the GST incurred on the taxable services. However, he is entitled to claim GST incurred on the inputs.

Outsourcing of Services

9. Banks usually outsource their non-core activities and these outsourced services are subject to GST at standard rate. These outsourced services include:

- (a) Software application development and support services of information technology
- (b) Payment processing and collection
- (c) Loan management
- (d) Credit card operations
- (e) Cheque printing and outward clearing
- (f) Printing and mailing services
- (g) Property management
- (h) Security services
- (i) ATM cash management

Shared Services / Intra Group Transactions

10. The Bank, being a holding company, sometimes provides shared services or undertakes intra group transactions with its subsidiary companies. This usually occurs in the provision of back-office management services. These shared services are subject to GST at standard rate although they are charged on a cost recovery basis.

Fixed Input Tax Recovery (FITR)

11. Generally, a mixed supplier may claim input tax in the following manner:-

- (a) Claiming full input tax credit if the input is wholly attributable to a taxable supply;
- (b) Cannot claim input tax credit if the input is wholly attributable to an exempt supply; or
- (c) Apportion input tax by using the turnover method if the input (residual input) cannot be wholly attributable to either taxable or exempt supplies.

12. Supplies made by financial institutions, that is the provision of loans/financing is an exempt supply and input tax is not claimable. However, banks and other financial institutions which provide loans or financing to businesses are allowed to claim the GST incurred on their business input. Such claim is only applicable by using Fixed Input Tax Recovery (FITR) method.

13. FITR is a method where a financial institution such as:

- (a) Commercial bank;
- (b) Investment bank;
- (c) Islamic bank;
- (d) Development financial institutions and any other approved institution established under any Act of Parliament or State Ordinance is entitled to recover input tax based on a specific rate in percentage determined by the Minister. The fixed rate is subject to a review and different persons may be assigned a different fixed rate as determined by the Minister.

14. If a financial institution is allowed to recover input tax using the FITR method, the amount of the input tax allowable is in accordance with the following formula:

$$\mathbf{A \times B}$$

where: **A** is the total input tax incurred in the taxable period

and **B** is the fixed rate.

15. The total input tax incurred in the taxable period includes:

- (a) input tax in relation to exempt supplies i.e. loans provided to businesses and individuals;
- (b) input tax in relation to standard rated and zero rated supplies;
- (c) input tax in relation to other exempt supplies e.g. investment activities.

16. For Islamic banks and other financial institutions making financial supplies in accordance with the principles of Syariah, the input tax incurred on supplies relating to Syariah financing is fully claimable.

Example 1:

In January 2016, a GST registered commercial bank incurs GST on the following:

- (a) input tax in relation to exempt supplies (provision of loans to businesses) - RM36,000*
- (b) input tax in relation to standard rated supplies (fee based services) - RM18,000*
- (c) input tax on investment activities - RM12,000*

The bank is allowed to use the fixed input tax recovery method to claim GST incurred on his business inputs at the assumed rate of 70% in the year 2016.

$$\begin{aligned} \text{Input Tax Claimable} &= \text{Input Tax incurred in the taxable period} \times \text{FITR rate} \\ &= (\text{RM36,000} + \text{RM18,000} + \text{RM12,000}) \times 70\% \\ &= \text{RM46,200} \end{aligned}$$

Example 2:

In the taxable period of January 2016, ABC Islamic Bank incurred GST on the following:

- (a) input tax in relation to exempt supplies (provision of financing to businesses in accordance with Syariah principles) - RM15,000*
- (b) input tax on standard rated supplies (fee based services) - RM36,000*
- (c) input tax on investment activities - RM12,000*

For the year 2016, an Islamic bank is allowed to use a fixed rate at 70% for the purpose of claiming input tax.

$$\begin{aligned} \text{Input Tax Claimable} &= \text{Input Tax incurred in the taxable period} \times \text{FITR rate} \\ &= (\text{RM36,000} + \text{RM12,000}) \times 70\% \\ &= \text{RM33,600} \end{aligned}$$

For the taxable period of January 2016, the Islamic bank is allowed to claim input tax amounting to:

$$\text{RM33,600} + \text{RM15,000} = \text{RM48,600}$$

FREQUENTLY ASKED QUESTIONS

GST Registration

Q1: Banks and financial institutions provide financial services. Since most financial services are exempted from GST, are banks and financial institutions required to be registered?

A1: Even though most financial services are exempt supplies, banks and financial institutions also provide fee-based services which are subject to GST at standard rate. If the amount of these taxable supplies exceeds the prescribed threshold, then it is a mandatory requirement for the banks or financial institutions to be registered.

Q2: Can several banks under the same holding company be registered under group registration?

A2: No. GST Group registration is restricted to businesses which make wholly taxable supplies. Banks being suppliers of exempt supplies are not eligible for GST group registration.

Tax Invoices

Q3: My customers perform many banking transactions in a taxable period. Must I issue a tax invoice for every banking transaction?

A3: No, you need not issue a tax invoice for every transaction. You can apply to the Customs Department for approval to issue a monthly statement covering every banking transaction that has taken place within the calendar month.

Q4: Do I have to issue a tax invoice to an individual customer who is a non-registered person?

A4: Generally a registered person must issue a tax invoice in respect of taxable supply. If there is no taxable supply, then it is not required. The bank can apply to the Customs Department for approval to be exempted from issuing a tax invoice to a non- GST registered person. However, the bank is required to issue serially numbered receipts for audit purposes. Alternatively, instead of issuing receipts manually, electronic receipting is also allowed, as long it is captured and recorded.

Q5: Do I have to issue tax invoices for transactions to customers abroad with zero-rated supplies?

A5: You need not issue a tax invoice for a zero-rated supply.

Input Tax Recovery

Q6: As a registered person, I am eligible to recover my input taxes on my acquisition. To what extent can I recover my input tax?

A6: Generally banks, financial institutions and development financial institutions (DFI) make both exempt and taxable supplies. In principle, only input tax

directly attributable to taxable supplies can be recovered in full. Input tax that is attributable to exempt supplies is not recoverable. Furthermore, for inputs which can be directly attributed to taxable and exempt supplies (i.e. residual input), the bank needs to use a standard method to apportion the input taxes that are claimable.

To simplify the process of recovering the input tax and to reduce the high administrative compliance costs of tracking each input to a particular product, only banks and other financial institutions which give loan to the businesses and other exempt financial services be relieved from the task of attributing their input taxes by opting to use fixed input tax recovery (FITR) method. However banks and other financial institutions which provide financial services but do not provide loan (to businesses) are not entitled to recover their input tax in full and FITR method.

Q7: Can I claim input tax incurred in respect of medical and hospitalisation benefits of its employees?

A7: No, the bank is not entitled to claim the input because medical and hospitalisation benefits for the employees are blocked inputs.

Q8: Can I claim the input tax incurred in relation to entertainment expenses to employees?

A8: Yes. The bank may claim the input tax incurred since business entertainment expenses to employees are not blocked inputs.

Accounts Operation (savings, current, fixed deposit or other similar accounts)

Q9: When a customer deposits or withdraws money from his savings, fixed deposit or current account, are they subject to GST?

A9: Deposits or withdrawals from the savings, fixed deposit or current account are not subject to GST.

Q10: Is interest paid to or received from a bank subject to GST?

A10: No, interest paid to or received from a bank is not subject to GST.

Q11: Bank charges its customers certain fees such as half yearly service charge for current account and fifth cash ATM withdrawal charge. Are they subject to GST?

A11: Yes, these charges are subject to GST at standard rate. Any fee based charge in the form of explicit fees imposed by any bank or financial institution are subject to GST at standard rate.

Q12: I charge my customers a fee on the replacement for the lost of savings account passbook or ATM cards. Is this subject to GST?

A12: There are fees and charges being imposed to compensate for lost or damaged savings account passbook or ATM cards. Such fee is subject to GST at standard rate.

Provision of Loans, Advances or Credits

Q13: Is the provision of loans subject to GST?

A13: When a bank provides loan to its customer, it would enjoy interest payment. The interest with regards to the provision of loan is not subject to GST. However, any fee or charges in relation to it, for instance processing fee, advisory services fee or charges on making copies on the document are subject to GST at standard rate.

Q14: Are repayments of the principal amount subject to GST?

A14: The repayment of a loan, i.e. the instalment of the principal amount with or without interest is also not subject to GST.

Q15: Is late payment penalty subject to GST?

A15: No, late payment penalty is not subject to GST.

Q16: I provide a loan to finance a project in Vietnam. Will this loan be subject to GST?

A16: A loan to finance a project outside Malaysia is a zero-rated supply and the processing fee in respect of the loan given is also zero rated. The principle of GST provides that services rendered for customers abroad will be zero-rated if at the time the services are rendered, he is outside Malaysia. This is

considered as an export service. Similarly, any commercial banking service rendered in connection with land and goods situated outside Malaysia is also zero rated.

Q17: Bank XYZ is a lead arranger for a syndicated loan. As a lead arranger, Bank XYZ enlists the support of other participating banks to provide loan to its customer. The customer pays management fee to Bank XYZ. How and who should account for the GST?

A17: In a syndicated loan arrangement, as the lead arranger, Bank XYZ is responsible to issue a tax invoice for the management fee to the customer. Each participating bank in return issues his tax invoice to Bank XYZ for its portion of the management fee and Bank XYZ then distributes the appropriate amount accordingly. Bank XYZ then account the full GST as the output tax and claims back ITC using FITR. Meanwhile, each participating bank will account GST on the management fees received from Bank XYZ as their output tax.

Credit, Debit or Charge Card

Q18: Most banks waive the annual subscription fee on the credit card to make it competitive in the market. Is the waived annual subscription fee subject to GST?

A18: Since there is no consideration for the supply of service, the bank need not charge GST on the waived annual subscription fee.

Documentary Credit

Q19: As an advising bank, I charge a confirmation commission for confirming a Letter of Credit (L/C) in favour of a Malaysian exporter. Is this commission subject to GST?

A19: This commission is subject to GST at standard rate as the service is performed in Malaysia.

Q20: I issue an L/C to a local trader for the importation of goods and charge a fee for the issuance of the L/C. What is the GST treatment on this fee?

A20: Such fee is subject to GST at standard rate.

Q21: Bank also provides advisory service in relation to the issuance of the L/C. Is advisory service subject to GST?

A21: Advisory service is a taxable supply and is subject to GST at standard rate.

Foreign Exchange

Q22: What is the GST treatment on foreign currency exchange?

A22: Bank profits from spread resulting from the difference between the rates of selling and buying of the currency. Spread is not subject to GST.

Q23: What is the GST treatment on the fee or commission charged on the issuance and encashment of traveller's cheque within Malaysia?

A23: The fee or commission is subject to GST at standard rate.

Factoring

Q24: Can you illustrate the GST treatment in a factoring transaction?

A24: A seller X makes a taxable supply of goods to buyer Y for RM1,060 (to include amount of GST payable at 6%). Seller X will account RM60 as his output tax in his tax return.

Instead of waiting payment from buyer Y, seller X assigns the accounts receivable to the bank for RM800 (being 80% of the accounts receivable). At this juncture, the bank acts as a factor by providing financing to seller X and undertakes the responsibility and task of recovering the outstanding amount from buyer Y. For this service, the bank charges a fee to seller X.

Financing is not subject to GST but the factoring fee charged by the bank is subject to GST at standard rate.

Safe-Keeping and Custodial Service

Q25: What is the GST treatment on safe-keeping and custodial services?

A25: Bank provides safe-keeping or custodial services to its customers by offering a safety deposit box, and charges rental on the box. This rental charges are subject to GST at standard rate.

Treasury Services

Q26: Illustrate some examples of standard rated and exempt supplies with regards to bank's treasury function in the GST regime?

A26: **Exempt supplies** include any of the following activities:

- contracting as principal to sell an amount of currency for another in a foreign exchange contract;
- sale as principal of financial futures contract;
- contracting as one of the counterparties in a Forward Rate Agreement, Interest Rate Swap Agreement, Currency Swap Agreement, Commodity Swap Agreement; and
- contracting to sell securities to another party with a commitment to repurchase them.

Standard rated supplies include services related to the:

- arrangement as an agent for foreign exchange contract;
- arrangement as an agent (not as counterparty) for Forward Rate Agreement, Interest Rate Swap Agreement, Currency Swap Agreement, Commodity Swap Agreement;
- acting as agent in procuring the supply of financial future or option;
- acting as agent in connection with Forward Rate Agreement, interest rate cap, floor or collar agreement;
- arranging as an agent for the purchase and sale of an option, discount and premium securities, zero coupon bonds; and
- making arrangements for underwriting services.

FEEDBACK AND COMMENTS

17. Any feedback or comments will be greatly appreciated. Please email your feedback or comments to either Mohd Hisham B. Mohd Nor (m_hisham.nor@customs.gov.my) or Aminul Izmeer B. Mohd Sohaimi (izmeer.msohaimi@customs.gov.my).

FURTHER ASSISTANCE AND INFORMATION

18. Further information can be obtained from:

- (a) GST Website: www.gst.customs.gov.my
- (b) GST Hotline: 03-88822111
- (c) Customs Call Centre:
 - Tel : 03-78067200/ 1-300-888-500
 - Fax : 03-78067599
 - E-mail : ccc@customs.gov.my