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NEWSFLASH KENYA

FINANCE BILL 2022 ANALYSIS

Issue:
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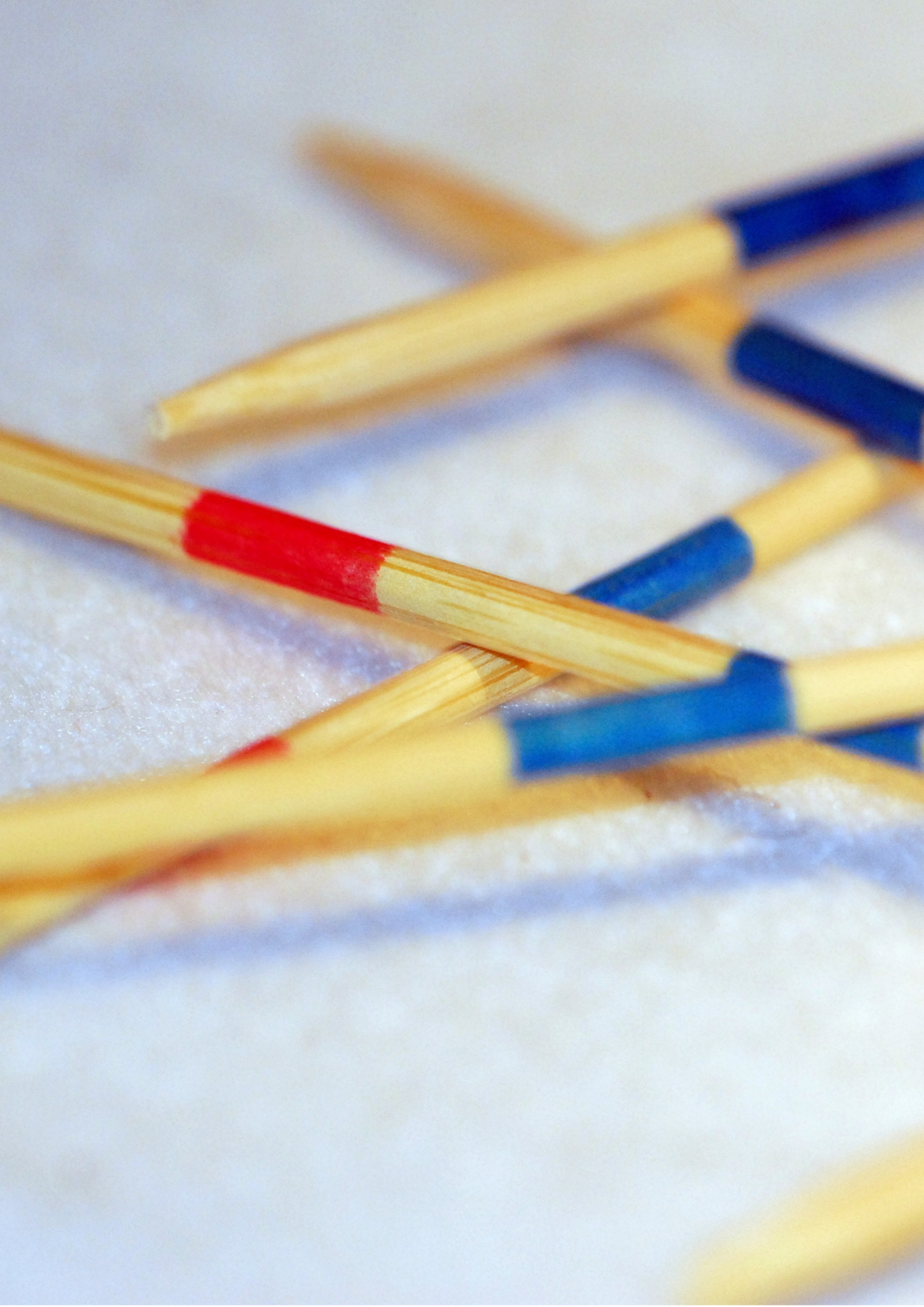

→ Background

The 2022/2023 National Budget presentation for Kenya was made on 7th April 2022 much earlier than the rest of the member States within the East Africa Community (EAC), and in preparation for the General Elections which are slated for August 2022. The ceiling breaking Kes. 3,342.8 Billion (USD 29 Billion) budget has been labeled as a legacy plan for the outgoing Government and themed 'Accelerating Economic Recovery for Improved Livelihood'. Kenya's economic growth for the year 2022 has been projected at 5.8 percent in light of improved exports and commodity prices, rollout of vaccination programmes and recovery in both private consumption and investment as the Kenan economy recovers and re-opens post COVID.

In this Alert, we have discussed the expected changes under the Finance Bill 2022 (the Bill) and the impact of the changes to the business environment.

→ Proposed VAT Act changes

Clarifications on Value Added Tax (VAT) on Digital Marketplace Supplies

The Bill proposes to redefine a digital marketplace to mean –

an online platform which enables users to sell goods or provide services to other users.

It further proposes to exclude VAT on digital marketplace supplies from the requirements of the reverse charge mechanism.

Under the Bill the Kes. 5 million annual turnover requirement for compulsory registration of VAT obligation, will now not apply to digital marketplace supplies.

Comment: The exclusion of 'property' in the definition of digital marketplace realigns applicability of this tax to items already defined under 'supply' in the VAT law. The proposed removal of the turnover threshold condition also reaffirms the intention to bring all non-resident players in the digital economy to tax.

Further, a proviso under Section 10(1) of the VAT Act will repeal the applicability of VAT on imported services in B2B transactions. This affects equity in taxation of imported services since B2B transactions carried over an online platform will be exempted.

Reinforcing the VAA Control Mechanism

The Bill has proposed an additional condition for claiming of input VAT :

f. any other documentation that the Commissioner may require for the purposes of validating the input tax

Comment: The implementation of the VAT Auto-Assessments (VAA) control mechanism by the KRA was halted by the Courts since it requested for supporting documents (such as confirmation letters from suppliers) that are not provided for in Law. The Finance Bill 2022 now counters the court ruling by giving discretion on type of evidence to the Kenya Revenue Authority (the KRA).

Penalties for Offences relating to VAT on imports

The late payment interest applicable to late payment of VAT on importation of goods (imposed by the Commissioner of Customs) will be 1 percent per month and not 2 percent as per the Customs Law. The in-Duplum rule will also be applicable as proposed by the Bill.

Comment: This proposed harmonization of the late payment interest will bring equity in law.

Changes to the First Schedule to the VAT Act (Exempted Supplies)

The following items shall be deleted from the list of exempted supplies:

i. Taxable goods & services for the direct and exclusive use in the construction and equipping of specialized hospitals with a minimum bed capacity of fifty, approved by the Cabinet Secretary upon recommendation by the Cabinet Secretary responsible for health who may issue guidelines for determining eligibility for the exemption.
ii. The supply of maize (corn) flour, cassava flour, wheat or meslin flour and maize flour containing cassava flour by more than ten percent in weight.

The following items shall be included in the list of exempted supplies:

i. Plant and machinery of chapter 84 and 85 imported by manufacturers of pharmaceutical products or investors in the manufacture of pharmaceutical products upon the recommendation of the Cabinet Secretary responsible for matters relating health.
ii. Medical oxygen supplied to registered hospitals.
iii. Urine bags, adult diapers, artificial breasts, colostomy or ileostomy bags for medical use.
iv. Inputs and raw materials used in the manufacture of passenger motor vehicles.
v. Locally Manufactured passenger motor vehicles:

Provided that in this paragraph "locally manufactured passenger motor vehicle" shall mean a motor vehicle for the transportation of passengers which is manufactured in Kenya and whose total value comprises at least thirty per cent of parts designed and manufactured in Kenya by an original equipment manufacturer operating in Kenya.

Changes to the Second Schedule to the VAT Act (Zero-rated Supplies)

The following items shall be added to the list of zero-rated supplies:

i. The supply of maize (corn) flour, cassava flour, wheat or meslin flour by more than ten per cent in weight:

Provided that this paragraph shall be in operation for a period of six months after assent.

Additionally, the following items shall be deleted to the list of zero-rated supplies:

1. Articles of apparel, clothing accessories and equipment specially designed for safety or protective purposes for use in registered hospitals and clinics or by county government or local authorities in fire fighting.

Comment: We have noted that the Bill erroneously described this addition as a deletion. The 6-month timeline for the proposed addition seems to appreciate the current high inflation and election mood. On the other hand the proposed deletion acknowledges the lifting of the COVID restrictions and the expected return to normal after COVID.

→ Proposed Income Tax Act changes

New Definition of the term 'Residency' for Individuals

The Bill proposes to define '*permanent home*' to mean:
- a place where an individual resides or which is available to that individual for residential purposes in Kenya, or
- where in the opinion of the Commissioner the individual's personal or economic interests are closest.

Comment: This new definition of the term 'Residency' is consistent with current international practice as adopted in anti-double taxation treaties and OECD BEPS Action plan recommendations that aim at eliminating double non-taxation.

Taxation of gains made from Commodity Markets outside Kenya

Gains earned by non-resident persons (without permanent establishments) in financial derivatives contracts entered into with Kenyan residents will be taxed at a rate of 15 percent. The Treasury Cabinet Secretary will also be expected to provide Regulations on how to administer this tax.

Comment: This is another measure recommended under Action 2 of the BEPS Action Plans, that may prevent exemption of payments made to outside Kenya from financial derivatives contracts whose obligations are deductible by the Kenyan payroll.

Widening of Tax Allowable to Charitable Donations

It has been proposed that charitable donations made to any project approved by the Treasury Cabinet Secretary shall be deductible when computing income tax, in addition to charitable organizations in possession of income tax exemption certificates.

Comment: This discretionary powers bestowed on the Treasury should be regulated to avoid favoritism or interfering with equity in tax administration.

Increased Tax Rate for Capital Gains

The Bill proposes to increase Capital Gains Tax rate from 5 percent to 15 percent on net gains accrued to a company or an individual upon transfer of property in Kenya.

Comment: This increase of 300 percent may appear too high, but will also call for recognition of factors such as inflationary adjustments.

Changes in Taxation of digital services

The applicability of digital service tax to non-residents who earn from services carried over the internet or through a digital marketplace has been clarified to exclude those with permanent establishments in Kenya. Furthermore the tax rate will be increased from 1.5 percent to 3 percent.

Comment: The clarification here reaffirms the fact that permanent establishments must compute their taxable income accruing from Kenya and account for corporate tax.

Update on Thin Capitalization Provisions

It has been proposed that the restriction of interest claimable in a year of income to 30 percent of earnings before interest, taxes, depreciation and amortization ("EBITDA") shall also apply to deposit-taking microfinance institutions licensed under the Microfinance Act, 2006. In addition any realized foreign exchange loss shall also be subject to the thin capitalization rule.

Comment: This clarification reinstates the scope of thin capitalization prior to the changes in Finance Act 2021.

Clarification on Taxation of ESOPs

The time for accounting for the employment benefit in Employee Share Ownership Plans (ESOPs) will be specified as *exercise date.* The taxable value will also be:

(*offer price per share, at the date the option is granted by the employer)*

– minus –

(market value, per share on the date when the employee exercises the option)

The bill also proposes to remove the requirement for the registration of the ESOP as a collective investment scheme under the Capital Markets Authority (CMA) Act.

Comment: This change will finally address the concern that has always arisen on applicability of PAYE to employees who fail to exercise their right in an ESOP.

The requirement for registration of an ESOP with the CMA has also been impractical where an employer is not a publicly listed entity.

Change in Taxation of Registered Family Trusts

The taxation of these trusts will be shifted from amounts distributed to beneficiaries, to the entire income or principal sum earned by the registered family trust.

Comment: The proposed change will simplify both tax administration and collection since monitoring of distributions to beneficiaries and tax compliance may be cumbersome.

Additional Clarity on Capital allowances

- The 100 percent Investment deduction on constructions outside Nairobi City or Mombasa County is set to exclude investments which, due to the nature of the business, have to be in those locations.
- The investment allowance on purchase or acquisition of an indefeasible right to use fibre optic cable by a telecommunication operator will be confirmed to be 10 percent p.a. on a straight line basis as set out under the Second Schedule to the Income Tax Act.

Comment: These proposals serve as a clean-up of previous amendments. However, regulation will be required to guide the decision on how the nature of a business dictates its location.

Changes in Preferential Tax Regime concept

The taxation of businesses in a preferential tax regime will be extended to include:

- an associated enterprise of a non-resident person located in a preferential tax regime; and
- a permanent establishment of a non-resident person operating in Kenya where the non-resident person is located in a preferential tax regime

The new definition of a *preferential tax regime* will be:

a. any Kenyan legislation, regulation or administrative practice which provides a preferential rate of tax to such income or profit, including reductions in the tax rate or the tax base; or

b. a foreign jurisdiction which –

i. does not tax income;

ii. taxes income at a rate that is less than twenty per cent;

iii. does not have a framework for the exchange of information;

iv. does not allow access to banking information; or

v. lacks transparency on corporate structure, ownership of legal entities located therein, beneficial owners of income or capital, financial disclosure, or regulatory supervision.

Comment: These changes will fully embrace the recommendations under the OECD BEPS Action Plan 5 that counters harmful tax practices by taking into account transparency and requiring substantial activity for any preferential regime.

Country-by-country Reporting Guidelines

The Bill proposes to incorporate draft guidelines issued previously in the parent Act. It specifies the compliance threshold, timelines and manner of reporting and filing returns.

Comment: This will adopt the recommendations under Action 12 of the OECD BEPS Action plans regarding the design of mandatory disclosure rules for aggressive or abusive transactions, arrangements, or structures, taking into consideration the administrative costs for tax administrations and businesses and drawing on experiences of the increasing number of countries that have such rules.

→ Proposed Excise duty Act changes

Power to exempt specified products from inflationary adjustment

The KRA, with approval from the Treasury Cabinet Secretary, will have the powers to exempt specified products from inflation adjustment based on prevailing economic conditions.

Comment: This is a safeguard that is set to cushion prices of basic commodities that currently feed inflation, such as food and fuel.

Harmonization of penalties and interest on imported excisable items

It has been proposed that the applicable penalty and interest rates will be those specified in the Tax Procedures Act and not the EACCMA e.g. late payment interest will be 1 percent and not 2 percent.

Comment: This intervention will promote equity in taxation.

The proposed change in tax rates are tabulated below:

Description	Old rate	New rate
Electronic cigarettes	Shs. 3,787 per unit	Nil
Cartridge for use in electronic cigarettes	Shs. 2,525 per unit	Nil
Fruit juices (including grape must), and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter	Shs. 12.17 per litre	Shs. 13.30 per litre
Cosmetics and Beauty products of tariff heading No. 3303 3304,3305 and 3307	10 %	15 %
Bottled or similarly packaged waters and other non-alcoholic beverages, not including fruit or vegetable juices	Shs. 6.03 per litre	Shs. 6.03 per litre
Beer, cider, perry, mead, opaque beer and mixtures of fermented beverages with non-alcoholic beverages and spirituous beverages of alcoholic strength not exceeding 6%	Shs. 121.85 per litre	Shs. 134 per litre

Description	Old rate	New rate
Powdered beer	Shs. 121.85 per kg	Shs. 134 per kg
Cigarettes without filters (plain cigarettes)	Shs. 2,502.74 per mile	Shs. 2,752.97 per mile
Wines including fortified wines, and other alcoholic beverages obtained by fermentation of fruits	Shs. 208.20 per litre	Shs. 229 per litre
Spirits of undenatured ethyl alcohol; spirits liqueurs and other spirituous beverages of alcoholic strength exceeding 6%	Shs. 278.70 per litre	Shs. 335.30 per litre
Cigars, cheroots, cigarillos containing tobacco or tobacco substitutes	Shs. 13,906.04 per kg	Shs. 13,296.6 per kg
Cigarette with filters (hinge lid and soft cap)	Shs. 3,447.61 per mile	Shs. 3,825.99 per mile
Other manufactured tobacco and manufactured tobacco substitutes; ''homogenous'' and ''reconstituted tobacco''; tobacco extracts and essences	Shs. 9,734.45 per kg	Shs. 10,707.88 per kg
Motorcycles of tariff no.8711 other than motorcycle ambulances and locally assembled motorcycles	Shs. 12,185.16 per unit	Shs. 13,403.64 per unit

Description	Old rate	New rate
Imported sugar confectionary of tariff heading 17.04	‘‘Shs. 36.74 per kg	Shs. 40.37 per kg
White chocolate, chocolate in blocks, slabs or bars of tariff Nos. 1806.31, 1806.32.00, 1806.90.00	Shs. 220.31 per kg	Shs. 242.29 per kg
Jewellery of tariff heading 7113 and imported jewellery of tariff heading 7117	10 %	15 %
Glass bottles (excluding glass bottles for packaging of pharmaceutical products)	25 %	25 %
Products containing nicotine or nicotine substitutes intended for inhalation without combustion or oral application but excluding medicinal products approved by the Cabinet Secretary responsible for matters relating to health and other manufactured tobacco and manufactured tobacco substitutes that have been homogenized and reconstituted tobacco, tobacco extracts and essences	Shs. 1,259.64 per kg	Shs. 2,500 per kg
Articles of plastic of tariff heading 3923.30.00 and 3923.90.90	10 %	10 %

Description	Old rate	New rate
Imported potatoes, potato crisps and potato chips tariff heading 07.01 and imported potatoes of tariff numbers 0710.10.00, 2004.10.00 and 2005.20.00	25 %	25 %
Electric cigarettes and other nicotine delivery devices	Nil	40 %
Liquid nicotine for electronic	Nil	Shs. 70 per millilitre
Ice cream and other edible ice whether or not containing cocoa of tariff number 2105.00.00	Nil	15 %
Betting	7.5% of the amount wagered or staked	20% of the amount wagered or staked
Gaming	7.5% of the amount wagered or staked	20% of the amount wagered or staked

Description	Old rate	New rate
Excise duty on fees charged on advertisement by television stations, print media, billboards and FM Radio stations on alcoholic beverages, betting and gaming, lottery and prize competitions.		15 %
Fertilized eggs of tariff numbers 0407.11 and 0407.09 imported by hatcheries, upon recommendation by Cabinet Secretary responsible for matters relating to livestock.	25 %	Exempt
Locally manufactured passenger motor vehicles; provided that in this paragraph, 'locally manufactured motor vehicles'' means a motor vehicle for the transportation of passengers which is manufactured in Kenya as whose total value comprises at least thirty percent of parts designed and manufactured in Kenya by an original equipment manufacturer operating in Kenya	20% - 35%	Exempt

→ Other Proposed changes in tax laws

Tax Appeals Tribunal Act: Requirement for 50 percent deposit before High Court appeal

The Bill proposes to amend the Tax Appeals Tribunal Act 2013 to compel a taxpayer to deposit 50 percent of disputed taxes where the Tax Appeals Tribunal decides in favour of the Commissioner. The deposit would be payable before lodging an appeal to the High Court.

Comment: This amendment in our view will be unconstitutional since it offends Article 48 of the 2010 Constitution of Kenya on access to justice. The Article provides that: *"The State shall ensure access to justice for all persons and, if any fee is required, it shall be reasonable and shall not impede access to justice."*

Tax Procedures Act: Monitoring of Trust activities

Trusts will now be required to notify the Commissioner of any changes in the full identity and address details of both trustees and beneficiaries regardless of whether they are engaged in business activities.

Furthermore, presentation of a PIN will be a condition for registration of a Trust.
Comment: These proposals will complement last year's efforts to promote trusts as a vehicle in inheritance matters and enhance tax compliance and monitoring by the KRA.

Tax Procedures Act: Amendment of VAT returns

The time limit for recognizing input tax when amending VAT returns has been proposed to be within 6 months after the end of tax period in which the supply or importation occurred.

Comment: This proposal is in reaction to a recent decision at the Tax Appeals Tribunal which had ruled otherwise by allowing input taxes that were within 6 months from the return period (and not after tax period in which the supply or importation occurred).

Tax Procedures Act: Widening the scope of properties qualifying as security for unpaid tax

The properties that qualify as security for unpaid tax will now include land or building, aircraft, ship, motor vehicle or any other property which the Commissioner may deem sufficient to serve as security for unpaid taxes.

Furthermore, where the taxpayer fails to pay the liability described, the KRA may at the cost of the taxpayer dispose the property that is the subject or restraint on disposal, mortgage or charge by public auction or private treaty.

Comment: This will strengthen KRA's tax enforcement measures. It casts doubt on KRA's commitment of being a "service" instead of an "authority".

Tax Procedures Act: Streamlining of Tax refund rules and processes

- The time limit for applying VAT refunds has been reduced to 6 months.
- Introduction of 90-days' time limit within which KRA is required to process any tax refund claims.
- Introduction of a 2-year time limit within which to refund overpaid taxes. Failure by KRA to honour this timeline will lead to accrual of interest at a rate of 1 percent per month.
- Offset of overpaid instalment taxes – Taxpayers will now have an opportunity to offset overpaid instalment taxes against future instalment tax liabilities.
- Definition of taxes paid in error – Tax paid in error has been defined to mean any tax paid which the Commissioner is satisfied ought not to have been paid.
- Treatment of delayed VAT exemption certificates – VAT registered suppliers will be required to collect VAT on items whose exemption processes are underway. Thereafter, the KRA will refund such Taxpayers after completion of the exemption process as "tax paid in error".

Comment: This proposal is in response to a successful Tax Appeal case filed by ***Rödl & Partner*** on behalf of a client that sought to compel the KRA to immediately settle outstanding VAT refunds in accordance with the taxpayer's constitutional right to fair administrative action.

According to the Fair Administrative Action Act, administrative laws must specify timelines and avoid leaving them at the discretion of administrators.

Tax Procedures Act: Streamlining of Tax Dispute Resolution Processes

The following timelines will be introduced in the Tax Appeal process:

- 14 days within which KRA is supposed to invalidate an objection application.
- 14 days within which KRA is supposed to communicate its decision on a late application for objection.
- KRA shall make an objection decision within 60 days from the date of receipt of a valid notice of objection.

Comment: This will eliminate the delays in cases awaiting objection validation and approval of late objections. Indeed, justice delayed is justice denied.

Miscellaneous Fees and Levies Act: Export levy changes

Refer to Appendix section.

→ Other Miscellaneous changes

Proposed amendment to section 133 of the Evidence Act

Section 133 of the Evidence Act provides that no judge, magistrate or police officer shall be compelled to say whence he got any information as to the commission of any offence, and no revenue officer shall be compelled to say whence he got any information as to the commission of any offence against the law relating to the public revenue or to income tax, customs or excise.

Comment: The amendment seeks to refine definition of a revenue officer. Revenue officer in the bill has been defined to mean any officer employed in or about the business of any public office for the collection of public revenue.

Proposed amendment to section 21 of the Statutory Instruments Act

A Statutory instrument is any rule, order, regulation, direction, form, tariff of costs or fees, letters patent, commission, warrant, proclamation, by-law, resolution, guideline or other statutory instrument issued, made or established in the execution of a power conferred by or under an Act of Parliament. Statutory Instruments are automatically revoked 10 years after being enacted. The Finance Bill proposes to amend section 21 of the Statutory Instruments Act and exclude instruments under the Income Tax Act, Stamp Duty Act, Value Added Tax Act, 2013, Tax Appeals Tribunal Act, 2013, Excise Duty Act 2015, and Tax Procedures Act, 2015 from automatically lapsing after 10 years.

Comment: Automatic revocation of instruments associated with revenue collection may hamper collection efforts and this is the mischief the amendment seeks to cure.

Proposed amendment to Unclaimed Financial Assets Act, 2011

The Finance Bill proposes amendments to the Unclaimed Financial Assets Act to encourage compliance with its provisions. It proposes capping the amount of penalties imposed to the value of the asset found to be to reportable and recoverable. It also proposes to give the CS authority to waive payment of penalties and fines to facilitate disclosure by the person holding the securities, when it is otherwise justifiable or in the public interest to do so.

It also proposes the establishment of a Voluntary Unclaimed Financial Assets Disclosure Programme to run for 12 months where holders of assets may disclose, report or deliver unclaimed assets and be granted relief from penalties and interest in that otherwise be imposed. The programme will only be applicable to assets held up to 30th June, 2022.

Proposed amendment to Capital Markets Act

The amendments to section 29 will affect all categories of licencees however. They propose to remove the requirement for licencees to be companies with a minimum prescribed share capital requirements to allow for other types of legal entities. They also propose to expand the persons required to have the necessary qualifications beyond a director and CEO, to other persons within the business who may manage or supervise the business.

Comment: The proposed amendments will ease the requirements for one to provide ‘investment advisory services’ to address a shortfall in the industry.

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→ Appendix

Export levy changes

Tariff Number	Description	Old rate	New rate
2601	Iron cores and concentrates, including roasted iron pyrites	Exempt	USD 175
4101.20.00	Whole hides and skins, unsplit, of a weight per skin not exceeding 8 kg when simply dried, 10 kg when dry-salted, or 16 kg when fresh, wet-salted or otherwise preserved	80 % or USD 0.52	50 % or USD 0.32
4102.21.00	Raw skins of sheep or lambs (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not with wool on or split, other than those excluded by Note 1 (c) to this Chapter. – Pickled	80 % or USD 0.52	50 % or USD.032
4102.29.00	Raw skins of sheep or lambs (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not with wool on or split, other than those excluded by Note 1 (c) to this Chapter. – Other	80 % or USD 0.52	50 % or USD 0.32
4103.20.00	Other raw hides and skins (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not debarred or split, other than those excluded by Note 1 (b) or 1 (c) to this Chapter. – Of reptiles	80 % or USD 0.52	50 % or USD 0.32
4102.30.00	Raw skins of sheep or lambs (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not with wool on or split, other than those excluded by Note 1 (c) to this Chapter. – Of swine	80 % or USD 0.52	50 % or USD 0.32
4103.90.00	Other raw hides and skins (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not debarred or split, other than those excluded by Note 1 (b) or 1 (c) to this Chapter. – Other	80 % or USD 0.52	50 % or USD 0.32
4104.19.00	Tanned or crust hides and skins of bovine (including buffalo) or equine animals, without hair on, whether or not split, but not further prepared.	80 % or USD 0.52	50 % or USD 0.32

	– Other		
4301.60.00	Raw furskins (including heads, tails, paws and other pieces or cuttings, suitable for furriers' use), other than raw hides and skins. – Of fox, whole, with or without head, tail or paws.	80 % or USD 0.52	50 % or USD 0.32
4101.50.00	Raw hides and skins of bovine (including buffalo) or equine animals (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split. – Whole hides and skins, of weight exceeding 16 kg	80 % or USD 0.52	50 % or USD 0.32
4101.90.00	Raw hides and skins of bovine (including buffalo) or equine animals (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or furtherprepared), whether or not dehaired or split. – Other, including butts, bends and bellies.	80 % or USD 0.52	50 % or USD 0.32
4301.10.00	Raw furskins (including heads, tails, paws and other pieces or cuttings, suitable for furriers' use), other than raw hides and skins. – Of mink, whole, with or without head, tail or paws.	80 % or USD 0.52	50 % or USD 0.32
4301.80.00	Raw furskins (including heads, tails, paws and other pieces or cuttings, suitable for furriers' use), other than raw hides and skins. – Other furskins, whole, with or without head, tail or paws.	80 % or USD 0.52	50 % or USD 0.32
4301.90.00	Raw furskins (including heads, tails, paws and other pieces or cuttings, suitable for furriers' use), other than raw hides and skins. – Heads, tails, paws and other pieces or cuttings, suitable for furriers' use	80 % or USD 0.52	50 % or USD 0.32
4302.11.00	Tanned or dressed furskins (including heads, tails, paws and other pieces or cuttings), unassembled, or assembled (without the addition of other materials) other than those of heading 43.03. – Of mink	80 % or USD 0.52	50 % or USD 0.32
4302.19.00	Tanned or dressed furskins (including heads, tails, paws and other pieces or cuttings), unassembled, or assembled (without the addition of other materials) other than those of heading 43.03.	80 % or USD 0.52	50 % or USD 0.32

	– Other		
4302.20.00	Tanned or dressed furskins (including heads, tails, paws and other pieces or cuttings), unassembled, or assembled (without the addition of other materials) other than those of heading 43.03. – Heads, tails, paws and other pieces or cuttings, not assembled.	80 % or USD 0.52	50 % or USD 0.32
4302.30.00	Tanned or dressed furskins (including heads, tails, paws and other pieces or cuttings), unassembled, or assembled (without the addition of other materials) other than those of heading 43.03. – Whole skins and pieces or cuttings thereof, assembled	80 % or USD 0.52	50 % or USD 0.32