

## **ORDER NR. 222/99 of December 28\***

The introduction of the euro in the public financial administration implies the redenomination of the amounts of the fees due by entities licensed to operate within the institutional framework of Madeira's International Business Centre (MIBC).

This operation of legal convergence is guided by the principle of neutrality which imposes the inexistence of significant alterations in the legal and economic situation of such entities, with the exception of two cases. Firstly, industrial activities, where a rule of digressive scale is established, according to the area of land occupied. Secondly, a minimum adjustment of the fees payable by banks, credit institutions, financial companies, insurance and reinsurance companies, amounts which remained unchanged since 1987.

As such, the objectives pursued by this diploma allow also for the confirmation of the principles of trust, credibility and stability upon which the legal construction of the euro was based.

Under such terms:

The Regional Government of Madeira orders, according to paragraph d) of article 69 of Law nr. 13/91, of June 5<sup>th</sup>, with the wording given by Law nr. 130/99, of August 21<sup>st</sup>, number 3 of article 9 of the Regulation of Industrial, Commercial and Services Activities approved by the Regional Regulatory Decree nr. 21/87/M, of September 5<sup>th</sup>, number 2 of article 12 and article 27 of Decree-Law nr. 352-A/88, of October 3<sup>rd</sup>, with the wording given by Decree-Law nr. 264/90, of August 31<sup>st</sup> number 2 of article 8 of Decree-Law nr. 96/89, of March 28<sup>th</sup> and number 1 of article 2 of Decree-Law nr. 10/94, of January 13<sup>th</sup>, the approval of the following:

### **General Rules**

#### **Article 1**

- 1- The entities licensed to operate within the institutional framework of MIBC are subject to the fees established in this order.
- 2- The fees due for the registration and remaining acts and services related to commercial and pleasure vessels within the institutional framework of MIBC are subject to specific regulations.

#### **Article 2**

The fees payable pursuant to the present diploma shall be paid to the Regional Government of Madeira through a deposit in the account of the concessionaire of MIBC, according to the law and the concession contract in force.

## Industrial Activities

### Article 3

- 1- The entities licensed to operate within the Industrial Free Trade Zone are subject to an installation fee, payable at the moment in which the application to obtain authorization to set up is submitted, in the amount of 1.000 Euros.
- 2- The entities mentioned in the previous number, are also subject to an annual operating fee, determined according to one of the following factors:
  - a) Area of the infrastructured plot or, section thereof, or non-infrastructured area;
  - b) Building or module built by the concessionaire of MIBC.
- 3- The fees pursuant to paragraph a) of the preceding number shall correspond to the following scale:
  - a) For an area or section up to 2.500 sqm, inclusive, a fee of 12,5 euros/sqm;
  - b) For an area or section of 2.501 sqm up to 5.000 sqm, inclusive, a fee of 11 euros/sqm;
  - c) For an area or section of 5.001 sqm up to 10.000 sqm, inclusive, a fee of 9,5 euros/sqm;
  - d) For an area or section of 10.001 sqm up to 20.000 sqm, inclusive, a fee of 8 euros/sqm;
  - e) For an area or section above 20.000 sqm, a fee of 7 euros/sqm.
- 4- The fees due in accordance with the preceding number, when related to a non-infrastructured area, shall have a 10% reduction.
- 5- The fees due according to paragraph b) of number 2 of this article shall be established on a case by case basis.
- 6- The amounts relating to each of the brackets provided for in paragraph 3, as well as those relating to the annual fees determined in accordance with paragraph 5 of this article, shall be updated annually in accordance with the average inflation rate of the last twelve months in Portugal, calculated with reference to the month of November of the year before the application of the updated fee.
- 7- The amounts updated in accordance with the preceding paragraph shall be set up to the hundredth of the calculated value, without any rounding.
- 8- The concessionaire shall publish on its website, by the end of December of the previous year to its entry into force, the updated amount of the brackets for each year, in accordance with the terms specified in the preceding paragraphs.
- 9- The concessionaire may, in cases where the buildings are constructed by the users, grant a reduction in the annual operating fee, up to 100% of the fee due in the first 12 months of the construction period.
- 10- In cases of occupation/use of already constructed buildings, the Concessionaire may, upon written request from the user, and only in the first 6 months of activity from the date of licensing, grant a reduction in the annual operating fee, up to 50% of the fee due, in the event of delays in the commencement of operations of the facilities, due to factors beyond the control of the user. For the purposes of this paragraph, the user shall provide evidence that the delays occurred due to reasons not attributable to them, when submitting their request.

## **Article 4**

- 1- Notwithstanding number 5 of the previous article, the entities licensed to operate in the Industrial Free Trade Zone which, according to the Commercial Companies' Code, are considered associated or inter-group companies, may pay a single fee, its scale level being determined on the basis of the total area allocated to such entities, in accordance with paragraph a) of number 2 of the preceding article.
- 2- If when determining, under the terms and for purposes of the preceding number, the total area, both infrastructured and non-infrastructured areas exist, the reduction foreseen in number 4 of the preceding article applies only to the proportional amount of the non-infrastructured area.
- 3- The payment of the single fee must be requested to the concessionaire of MIBC, which may request the requesting entities to provide the necessary documents to evidence the situation foreseen in number one above.
- 4- Non-payment of the fee, under the terms of the preceding numbers implies revocation of the possibility to pay the single fee and, each one of the licensed entities which forms part of the group shall be responsible for payment of its corresponding fee under the terms of the previous article.

## **Financial Activities**

### **Article 5**

[Revoked]

## **International Services Activities**

### **Article 6**

- 1- The entities licensed to pursue international services activities, which are not of a financial or trust nature, are subject to:
  - a) An installation fee payable at the moment of submission of the license application in the amount of 1.000 euros;
  - b) An annual operating fee in the amount of 1.800 euros;
  - c) A fee, in addition to the annual fee, regarding the second and subsequent years, corresponding to half of one percent of the taxable income of the previous year, on the portion which exceeds one million euros, up to an annual maximum limit of 30.000 euros, whenever the main activity of the company includes the management of shareholdings.
- 2- For purposes of paragraph c) of the preceding number, the entities mentioned therein must submit to the concessionaire, up to the 30th of September of each year, a copy of the income tax declaration, with evidence of receipt, with respect to the previous fiscal year. In case such documentation is not submitted, an additional fee to the annual fee shall be applied, corresponding to the maximum limit previously indicated.

## **Article 7**

- 1- Trust companies and its branches are subject to:
  - a) An installation fee payable upon submission of the license application, in the amount of 1.000 euros;
  - b) An annual operating fee in the amount of 2.400 euros.
- 2- For the registration of a trust, a fee of 300 euros shall be due.
- 3- For the purposes of the preceding number, the trustee must inform the concessionaire of MIBC of the registration of the trust.
- 4- Non-compliance with the obligation foreseen in the preceding number implies revocation of the installation and operation authorization, under the terms of article 16 of the Regulation of Industrial, Commercial and Services Activities, approved by the Regional Regulatory Decree nr. 21/87/M, of September 5<sup>th</sup>.

## **Management Companies**

### **Article 8**

- 1- Entities referred to in articles 6<sup>o</sup>, 7<sup>o</sup>, and 9<sup>o</sup> of this Order shall provide a guarantee at the time of the initial submission, in the name of the concessionaire, on the amount corresponding to 15% of the respective annual fee.
- 2- The guarantee referred in the previous number shall be provided through a deposit or through a bank guarantee or security-insurance and shall be returned to the applicant in the case of a non-successfull initial application or in case of termination of the respective licence provided that all responsibilities thereof have been duly fulfilled.

## **Maritime Transportation**

### **Article 9**

- 1- Companies and their forms of representation as well as individual establishments of limited liability which have as their main business shipping activities are subject to:
  - a) An installation fee payable with the submission of the license application, in the amount of 1.000 euros.
  - b) An annual operating fee in the amount of 1.800 euros.
- 2- The entities mentioned in the previous number which undertake exclusively pleasure maritime activities are subject to:
  - a) An installation fee payable with the submission of the license application, in the amount of 600 euros;
  - b) An annual operating fee in the amount of 900 euros.

## **Article 10**

[Revoked]

## **Article 11**

Revoked]

## **Article 12**

[Revoked]

## **Final provisions**

### **Article 13**

Order nr. 4/94, of February 3 is hereby revoked.

### **Article 14**

This Order will be enforced as of January 1, 2000.

\* Text amended as per its last update, introduced by Order no. 49/2024, of 5 February.