



GRA

GHANA REVENUE AUTHORITY

ADMINISTRATIVE GUIDELINES ON ELECTRONIC TRANSFER LEVY

Administrative Guideline Number: AG/2023/002.v2

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TABLE OF CONTENT

1. INTRODUCTION	1
2. THE PURPOSE OF THESE ADMINISTRATIVE GUIDELINES.....	1
3. APPLICABLE LAWS.....	1
4. INTERPRETATION	1
5. PERSONS MANDATED TO CHARGE THE LEVY	1
6. ELECTRONIC TRANSFERS	2
7. TRANSFERS COVERED	2
8. TRANSFERS NOT COVERED	3
9. VALUE FOR DETERMINING THE LEVY CHARGEABLE	3
10. ELECTRONIC TRANSFER LEVY MANAGEMENT AND ASSURANCE SYSTEM (ELMAS).....	3
11. OBLIGATIONS OF CHARGING ENTITIES.....	4
12. REVERSALS/REFUND OF THE LEVY	5
13. RETURN FILING	6
14. PAYMENTS	6
12. POST-TRANSFER AUDIT	7
13. REPLACEMENT OF ADMINISTRATIVE GUIDELINE NUMBER: AG/2022/002	7

1. INTRODUCTION

The Ghana Revenue Authority (GRA) commenced the implementation of the Electronic Transfer Levy, 2022 (Act 1075) on 1st May 2022 to enhance revenue mobilisation.

With the adoption of the E-Levy, it is crucial for GRA to track and monitor electronic transfers across the platforms of different Charging Entities. Such monitoring and tracking require a central threshold verification and revenue assurance system.

On 1st July 2022, the Electronic Transfer Levy Management and Assurance System (ELMAS) was rolled out. GRA is responsible for managing the ELMAS and providing a highly secure and available system to all Charging Entities.

The Electronic Transfer Levy Act, 2022 (Act 1075) as amended imposes a Levy on all electronic transfers made other than electronic transfers that are excluded under the Act.

2. THE PURPOSE OF THESE ADMINISTRATIVE GUIDELINES

The purpose of these Administrative Guidelines is to give clarity and provide guidance to officers of the Ghana Revenue Authority (GRA), Charging Entities, tax practitioners, consultants, taxpayers and the general public on the provisions in the Act and to ensure consistency in its implementation.

3. APPLICABLE LAWS

These Administrative Guidelines are issued under the Electronic Transfer Levy Act, 2022 (Act 1075) as amended, the Revenue Administration Act, 2016 (Act 915) as amended and any other Regulation that may be made.

4. INTERPRETATION

In these Administrative Guidelines, unless the context requires otherwise

“**Act**” means the Electronic Transfer Levy Act, 2022 (Act 1075) as amended.

“**Charging Entities**” means the entities listed in the First Schedule of the Act.

“**Customer**” means Customers, Merchants, Subscribers, Agents, Master-Agents, Principal, etc.

Unless the context requires otherwise, definitions and expressions used in these Administrative Guidelines have the same meaning as they have in the Act.

5. PERSONS MANDATED TO CHARGE THE LEVY

The Levy shall be charged and remitted by a Charging Entity to GRA. The Act specifies the following as Charging Entities:

- a. Electronic Money Issuers such as MTN MoMo, Vodafone Cash, AirtelTigo Money, Zeepay, G-Money, Yup wallet etc.
- b. Payment Service Providers such as E-Tranzact, JuniPay, Korba, Nsano etc.
- c. Banks such as Consolidated Bank Ghana, GCB Bank, Agricultural Development Bank etc.
- d. Specialised Deposit-Taking Institutions such as rural and community banks, savings and loan companies, finance houses etc.
- e. Other Financial Institutions prescribed by Regulations made under the Act.

6. ELECTRONIC TRANSFERS

Under the Act, “Electronic Transfer” is defined as “a transaction carried out electronically on the initiative of the originator through an institution or a platform to make available an amount of money to a beneficiary”. Thus, the Levy is charged on transfers only. Transactions such as bank deposits and withdrawals, mobile money Cash-in and Cash-outs etc. are excluded from the Levy.

7. TRANSFERS COVERED

The Electronic Transfer Levy applies to the following transfers as specified in the Second Schedule to the Act:

- a. Mobile money transfers done between accounts on the same electronic money issuer - *sending money from a mobile money wallet to another individual or entity on the same platform’s mobile money wallet.*
- b. Mobile money transfers from an account on one electronic money issuer to a recipient on another electronic money issuer - *sending money from a mobile money wallet on one platform to another individual’s or entity’s mobile money wallet on another platform.*
- c. Transfers from bank accounts to mobile money accounts - *transferring money from an individual’s or entity’s bank account to another individual’s or entity’s mobile money wallet. This includes pay-outs to mobile money wallets from gaming and games of chance such as lottery and betting.*
- d. Transfers from mobile money accounts to bank accounts - *transferring money from an individual’s or entity’s mobile money wallet to another individual’s or entity’s bank account.*
- e. Bank transfers on an instant pay digital platform or application originating from a bank account belonging to an individual subject to a threshold to be determined by the Minister of Finance - *In essence, for an electronic transfer to attract the Levy under this section, it must meet the following qualifications. The electronic transfer must:*
 - i. *Be from an account maintained by a bank to another account maintained by a bank- this qualification applies whether the accounts are maintained by the same bank (intra-bank transfers) or maintained by different banks (interbank transfers).*
 - ii. *Be an instant payment – the main focus of this requirement is that the transfer is “instant”. Where payments are not instant, the Levy will not apply. For purposes of clarification, Automated Clearing House (ACH) and Society for Worldwide Interbank Financial Telecommunications (SWIFT) transfers **will not** attract the Levy.*
 - iii. *Use a digital platform or application- Transfer must be made on an electronic device such as mobile phones, computers etc. This also includes transfers made using devices such as Automated Teller Machines (ATMs) but does not include deposits and withdrawals of cash on ATMs.*

- iv. *Originate from a bank account held by an individual – the sender must be an individual but the recipient may be an individual or entity. Transfers originating from bank accounts held by entities to a bank account are therefore excluded.*

8. TRANSFERS NOT COVERED

The Levy does not apply to the following transfers as specified in section 2(2) of the Act:

- a) *A cumulative transfer of GH¢100.00 a day made by the same person - The GH¢100.00 threshold is the value of electronic transfers above which the Levy will be applied. To confirm qualification for the exclusion under section 2(a) of the Act, a person must update their records with the Charging Entities using Ghana Card PIN or Taxpayer Identification Number.*
- b) *A transfer between accounts owned by the same person - To confirm qualification for the exclusion under section 2(b) of the Act, a person must update their records with the Charging Entities using Ghana Card PIN or Taxpayer Identification Number.*
- c) *A transfer for the payment of taxes, fees and charges on the Ghana.Gov system or any other Government of Ghana designated payment system.*
- d) *Specified merchant payments - GRA will maintain a register of all commercial establishments registered for Income Tax or Value Added Tax (VAT) to confirm qualification for the exclusion under section 2(d) of the Act.*
- e) *Transfers between principal, agent and master-agent accounts – Agents are required to register with the Ghana Revenue Authority. Evidence of such registration will include but not limited to any of the following: tax clearance certificate, VAT certificate, Income Tax business registration certificate, etc. GRA will determine the validity of all agency agreements between principals/master-agents; master-agents/ agents; and principals/agents (including evidence that the agreements have been duly stamped in accordance with the Stamp Duty Act, 2005 (Act 685) to confirm their qualification for exemption under section 2(e) of the Act.*
- f) *Electronic clearing of cheques – This covers all forms of electronic clearance of cheques.*

9. VALUE FOR DETERMINING THE LEVY CHARGEABLE

The value on which the electronic transfer Levy shall be applied is the amount transferred by the sender, excluding any charges related to the payment service, and the minimum threshold amount.

10. ELECTRONIC TRANSFER LEVY MANAGEMENT AND ASSURANCE SYSTEM (ELMAS)

A system by Ghana Revenue Authority that enables Charging Entities to verify the applicability of the E-Levy for every electronic transfer. This system performs the below operations:

- a. *Allow for the effective calculation of the E-Levy by all Charging Parties.*
- b. *Capture in real-time, the digital transfers to assist with effective reconciliation across the different charging parties (this data will be used in audit and revenue accounting as well as implementing reversals)*
- c. *Collect and transfer the E-levy to the designated Government of Ghana bank account.*
- d. *Implement the daily Threshold Verification.*
- e. *Implement Identity Verification.*

10.1 ELMAS ONBOARDING

As part of administration and implementation of the Levy, Charging Entities are required to onboard onto ELMAS for the determination of taxable transactions and subsequent charge of the Levy. As prerequisite for onboarding, Charging Entities are to furnish the GRA with information prescribed by the Commissioner General. Charging Entities are to contact the E-Levy Support Unit via: levysupport@gra.gov.gh for the requirements.

10.2 TRUST ACCOUNTS

As part of measures to avoid multiple charges of the Levy for the same transaction on ELMAS, Charging Entities are required to utilize the account type '**ELEVY _ TRUST**' available on ELMAS. While setting up Entities that your outfit interfaces with, Charging Entities are to contact the E-Levy Support Unit via: levysupport@gra.gov.gh for assistance.

10.3 ELMAS RESERVATIONS

To determine if a transfer is exempt, a Charging Entity is required to make a reservation on ELMAS. Once a reservation is made a Charging Entity has 24 hours to either confirm or cancel the reservation for Intra-Bank or On-Net transactions. For Inter-Bank or Off-Net transactions, a Charging Entity has 72 hours to cancel or confirm the reservation. Except otherwise stated with supporting documents the Commissioner General may elect to determine that a reservation made after the stated time is revenue and would assess the Charging Entity for payment.

10.4 REPORTING FOREIGN CURRENCY TRANSFERS

To make reservations for foreign currency transfers (transfers valued in a currency other than Ghana Cedi) a Charging Entity is required to convert the foreign currency into Ghana Cedi using the prevailing Bank of Ghana rate or the Inter-Bank rate. In the event, where a foreign currency transfer is taxable, Charging Entities are to charge the Levy in Ghana Cedis and subsequently convert the value of the Levy back to the foreign currency using the same exchange rate for display to the customer.

11. OBLIGATIONS OF CHARGING ENTITIES

Below are the obligations of Charging Entities:

- a. Charging Entities have a statutory obligation under the First Schedule of Revenue Administration Act, 2016 (Act 915) to demand a Taxpayer Identification Number (TIN) of all persons who conduct official business with them.
- b. Charging Entities are obliged under Section 33A of the Revenue Administration (Amendment) Act, 2022 (Act 1086) to provide Commissioner General access to their physical system or infrastructure. Pursuant to the above, Charging Entities are required to connect to ELMAS.
- c. In accordance with Section 35 of the Revenue Administration Act, 2016 (Act 915), Charging Entities are to furnish the Commissioner General with information. Pursuant to this, Charging Entities are required to:

- i. Furnish all Digital Channels used for electronic transactions.
 - ii. Upload the list of their customers to ELMAS and make updates as and when necessary.
 - iii. Furnish all Service Types or Transaction Types used for electronic transactions.
 - iv. Upload the data dump of all electronic transactions that occurred within a month not later than the last working day of the following month to which the transactions relate. The data dump should be uploaded to the secured location provided to you by the GRA.
 - v. Furnish the Commissioner General the list of third-party partners who are also Charging Entities.
- d. Under Section 33 A(1)(a) of the Revenue Administration (Amendment) Act, 2022 (Act 1086), the Commissioner General may establish a monitoring mechanism to verify the actual revenue that accrues to a Taxpayer for the purpose of computing taxes due under the Act. In line with the above, Charging Entities are required to route all electronic transactions to the ELMAS.
 - e. Under Section 3A of the Electronic Transfer Levy (Amendment) Act, 2022 (Act 1089), a Charging Entity shall file a return in respect of the Levy with the Commissioner-General not later than the last working day of the following month to which the return relates.
 - f. Under Section 3B of the Electronic Transfer Levy (Amendment) Act, 2022 (Act 1089), a Charging Entity shall pay to the Commissioner-General the Levy that has been charged on electronic transfers within twenty-four (24) hours after charging the amount.
 - g. The Commissioner General under Section 1(2) of the Revenue Administration Act, 2016 (Act 915) requires Charging Entities to display the E-Levy payable to customers prior to confirming a transaction.

12. REVERSALS/REFUND OF THE LEVY

There are instances where the deducted Levy will be required to be reversed or refunded. These instances include:

- a. Errors in transferring money to a wrong account/wallet
- b. Failed transactions
- c. Wrongful charge by a Charging Entity
- d. Unavailability of ELMAS
- e. Charging Entity's inability to connect to the ELMAS.

Reversals will occur when the erroneously deducted Levy is still in the possession of the Charging Entity. In contrast, Refunds will occur when the erroneously deducted Levy has been paid into the Consolidated Fund.

Charging Entities are required to submit hardcopies of the refund request together with the completed template should be addressed to the Commissioner General. The softcopies of same should be mailed to eleveryrefunds@gra.gov.gh

10.1 SCENARIOS FOR REVERSALS AND REFUNDS

Scenario 1 - Reversals

Any error detected before the Levy is transferred into the Consolidated Fund would require the Charging Entity to immediately reverse the transaction and credit the customer with the wrongfully charged Levy.

Scenario 2 - Refunds at the request of the Charging Entity

Any error detected after the Levy has been transferred into the Consolidated Fund would require the Charging Entity to apply to GRA for a refund.

Scenario 3 - Refunds initiated after the post-transfer audit process is completed

Here, the refund amount will be generated as a result of a post-transfer audit process. In this scenario, the Charging Entity will receive a report indicating the affected customer and the amount to be refunded.

13. RETURN FILING

Charging Entities are required to submit a monthly return via the Taxpayers' Portal (<https://taxpayersportal.com>) on the e-Levy charged not later than the last working day of the following month to which the return relates.

Where applicable, a charging entity may attach any of the following schedules:

- i. The Agent Schedule
- ii. The Merchant Schedule

14. PAYMENTS

A Charging Entity shall pay to the Commissioner-General the Levy that has been charged on electronic transfers within twenty-four hours after charging the amount. Payment of the levy charged will be swept automatically from a designated account of the Charging Entity at the Bank of Ghana.

All Non-Bank Charging Entities are required to nominate Sponsoring Banks for the purposes of payment of the Levy.

Tax bills will be generated daily for each Charging Entity on the Taxpayers' Portal covering confirmed levies charged the previous day. The total e-Levy charged and confirmed by Charging Entities for each day will be swept automatically the following day from their designated account at the Bank of Ghana (BoG).

In the event where the Levy charged by a Charging Entity exceeds the tax bill payable, the Charging Entity is required to generate an additional tax bill covering the difference and pay same to the Ghana Revenue Authority.

12. POST-TRANSFER AUDIT


The GRA will implement a post-transfer audit system that will provide the GRA with complete visibility over all applicable electronic transfers and allow the generation of accurate and relevant revenue assessment reports. For post-transfer audit, the system will:

- i. Identify any transfers that have been charged incorrectly.
- ii. Identify any transfers that have not been charged the Levy.
- iii. Allow GRA to refund the Levy for transfers that have been reversed successfully.
- iv. Verify the computation of the Levy for each transfer.

The system would be integrated with all Charging Entities.

13. REPLACEMENT OF ADMINISTRATIVE GUIDELINE NUMBER: AG/2022/002

The Administrative Guideline issued on 27th April 2022 with Serial Number: AG/2022/002 is hereby revoked and replaced with this Administrative Guideline with Serial Number: AG/2023/002.v2


Signed:
Date:
Rev. Dr Ammishaddai Owusu-Amoah
Commissioner-General

APPENDIX

TABLE 1.1 – TEMPLATE FOR FURNISHING DIGITAL CHANNELS

NAME OF CHARGING ENTITY:				
No.	DIGITAL CHANNEL	DESCRIPTION OF DIGITAL CHANNEL	ELMAS CONNECTIVITY STATUS (Connected or Not Connected)	STATUS OF CHANNEL (Charging or not Charging)
1.	USSD	Transactions carried out via Shortcode (*111#) for customers	Connected	Charging
2.	Core Banking App	The Core banking application of the Bank (Used by staff of the Bank)	Not Connected	Not Charging
3.	Mobile App	Transactions carried out via a Mobile App (Android or iOS) – Mobile Banking	Not Connected	Charging
4.	Online Portal	Transactions carried out via a Web-based application (https://www.gra.gov.gh)	Connected	Not Charging

TABLE 1.2 – SERVICE TYPES

No.	SERVICE TYPE	DESCRIPTION OF SERVICE TYPE
1.	AIRTIME	Transactions for Airtime Purchases
2.	B2W	Bank to Wallet – These are transactions from the Bank to a Mobile Money Wallet
3.	GIP	Transactions carried out via GhIPSS Instant Pay
4.	Bulk Disbursement	Group of individual payments bundled together

TABLE 1.3 – THIRD-PARTY PARTNER RELATIONS

S/n	Name of Partner	Service Rendered to Partner	Service Received from Partner	Entity Type	Phone/Email
1.	ABC PSP	OVA services	Software	PSP	0240000000 abcpsp@abc.com
2.	XYZ Bank	OVA services	N/A	Bank	0240000000 xyzbank@xyz.com

TABLE 1.4 – REFUND TEMPLATE

The data elements of the refund request submitted to the GRA should have the following:

1.	Date of transaction
2.	Client transaction ID
3.	Elevy ID
4.	Currency
5.	Receiver institution ID
6.	Receiver institution name
7.	Receiver account number
8.	Sender issue ID
9.	Sender's account number
10.	Sender's name
11.	Sender TIN
12.	Transfer amount
13.	Taxable amount
14.	Elevy amount
15.	Payment receipt number (Ghana.gov)
16.	Request type (customer or entity initiated)
17.	Reason for refund request