PARLIAMENT OF UGANDA

MINORITY REPORT ON THE EXCISE DUTY (AMENDMENT) BILL, 2024

APRIL, 2024

1. INTRODUCTION

Rt. Hon Speaker and Hon. Members, the Exercise Duty (Amendment) Bill, 2024 was read for the first time on March 28th 2024 and referred to the committee on Finance for scrutiny.

The committee collected views from Kampala City Traders Association (KACITA), Private Sector Foundation Uganda, Uganda Revenue Authority, and Minister of Finance among others.

The committee held a retreat at Speke Resort Munyonyo on April 13th -15th, 2024 and considered the Bill clause by clause.

Parliament must take note right from the onset that a similar Bill, Excise Duty (Amendment) Bill 2023 was considered by this House last financial year but the President didn't assent to it.

This Bill seeks to impose an additional tax on fuel i.e. Petrol, Diesel and Kerosene. It also seeks to increase tax on all manners of alcoholic drinks and raw materials used to make alcohol.

It imposes tax on mineral water, bottled water and other water for drinking.

It imposes a tax on cement and other related cement materials like adhesive, grout, white cement and lime.

It also introduces a tax on withdraw of mobile money.

Rt. Hon. Speaker and Hon. Members, the Minority are opposed to increasing taxes on fuel, imposition of tax on drinking water, building materials (adhesives, grout, white cement and lime. We are also opposed to imposition of tax on withdraw of mobile money.

2. NON-COMPLIANCE WITH THE LAW.

The Public Finance Management Act makes it a requirement that every Bill presented to Parliament, shall be accompanied by a Certificate of Financial Implication.

This Certificate under Section 76 of the Act, "shall indicate the estimates of revenue and expenditure over a period of not less than two years after the coming into effect of the Bill when passed."

The Certificate "shall indicate the impact of the Bill on the economy." This in simple terms means, total amount to be spent on implementation of the law and expected revenue. In this case, the cost of collecting the new taxes Vis-a'-Vis amount realized.

The Certificate of Financial Implications, Finance Minister Matia Kasaija issued dated March 27th 2023 a day, before the Bill was presented for first reading, doesn't meet these requirements.

It reads, "**Since this is an amendment to existing tax provisions, there is no expenditure plan, specifically different from the overall allocation of Shs 619.99**

Billion for the FY 2024/25 and Shs 534.1 billion for the FY 2025/26 to Uganda Revenue Authourity."

The minister doesn't know how much it will cost to collect the new taxes. If he knows, he doesn't want to tell Parliament as it is required in the law.

He without any study concludes that the new measures in this amendment will yield an estimated Shs 205 billion.

The Domestic Revenue Mobilization Strategy Annual Monitoring Plan for Financial Year 2022/23 observed that; Majority of the tax law amendments are not informed by tax related analytical briefs. This is what this Kasaija certificate confirms.

The Certificate doesn't show the overall impact of the new tax proposals on the economy.

Moreover Parliament recommended that in addition every Bill should be accompanied by stand-alone evaluation or regulatory impact assessment

3. THERE IS NO COMPREHENSIVE TAXATION POLICY IN UGANDA.

Rt.Hon. Speaker and Members, on May 5th, 2022, concerns were raised by Hon. Gyaviira Ssemwanga, MP Buyamba, regarding the absence of a comprehensive taxation policy in Uganda.

This concern stemmed from the realization that the domestic revenue mobilization strategy formulated by the Ministry of Finance in 2020 lacked a well-documented taxation policy.

Consequently, Parliament on the same day, 5th May 2022, passed a motion urging the Government to develop a Comprehensive Policy on Taxation.

Unfortunately, Rt.Hon. Speaker, up to now, this government every financial year introduces tax bills without a taxation policy in place. This approach, Hon. Speaker grants the government unchecked discretion in determining which taxes to impose, which amounts, timing, and the targets. Often, this leads to unfair taxation that disproportionately burden the impoverished citizenry.

During debate, Hon Kateshumbwa Dickson, former commissioner for domestic taxes stated thus, "we need to base our tax decisions on a structured policy rather than relying on ad-hoc negotiations. This approach will enable us to uphold the principles we aim for and foster investment within our country."

Hon. Asuman Basalirwa President JEEMA and MP Bugiri Municipality, echoed similar sentiments, emphasizing that effective legislation on taxation is typically preceded by a well-established policy framework. He highlighted the existence of numerous taxation laws that lack proper policy guidance.

Rt.Hon. Speaker, in the absence of such a comprehensive taxation policy, the hands of this Parliament are tied. Solution is to ask government to withdraw their bills and return when they are ready. I don't know how long you will want to babysit these adults Kasaija, Musasizi and company.

4. TIMING OF NEW TAX PROPOSALS

Rt. Hon. Speaker, there is already instability in the tax sector. Traders have just reopened their shops. There is a general feeling of over taxation with very little to show for it in terms of social services.

Roads in Kampala City and Kampala metropolitan districts of Wakiso, Mukono, Mpigi and in other areas of the country have completely broken down. There is a general cry that leaders are swimming in luxury at the expense of taxpayers. This needs to be addressed before any new tax measure is proposed. We need to restore confidence. Stability is a key principle in taxation. Taxes should be introduced at least every five years, not annually like it with this government. If the country is still crying with implementation of existing taxes, is your answer to impose new ones. Why don't we first deal with leakage (corruption) and use the savings to finance the budget rather than thinking of new tax measures. You Parliament, you are going to be blamed for new taxes as you are blamed for the old ones. For once you can say no.

5. TAX ON FUEL.

The Bill proposes to increase the tax on petrol and diesel by Shs 100. Government is currently collecting Shs. 1450 per litre of petrol, Shs 1130 per litre of diesel.
Annually, Government collects Shs 1.6 trillion on petrol, Shs 1.1 trillion on diesel and about Shs 3 billion on Kerosene.
Taxes on both petrol and diesel is a key driver of fuel pump price. Uganda levies the highest tax on fuel in the region.
Tax per litre of Petrol (Gasoline) and Tax per litre of diesel

Country	Tax per litre [illegible] Gasoline	Tax [illegible]
Kenya	Ushs 646 ($0.17)	Ushs 228 ($0.06)
Rwanda	UShs. 684 ($0.18)	Ushs 570 ($0.15)
Tanzania	Ushs. 646 ($ 0.17)	Ushs.353 ($ 0.09)
Uganda	Ushs. 1,444 ($ 0.38)	Ushs. 1,140 ($0.30)

Source: EAC Tariff Regime as per year end 2023.

Rt. Hon. Speaker and Members, when you take a comparative Analysis of Fuel Taxes in East African Countries, levied on petrol (gasoline) and diesel across four East African countries: Kenya, Rwanda, Tanzania, and Uganda, you note that, Kenya imposes relatively lower taxes compared to its East African counterparts, especially on diesel. This may contribute to a more competitive fuel market and potentially lower consumer prices.

The implications of this increase in fuel prices has a multifaceted impact. Firstly, higher fuel taxes, as exemplified in Uganda, often burden consumers, particularly low-income households, by escalating the cost of living and transportation and making Ugandans poorer. On the other hand, lower taxes, as observed in Kenya and Tanzania, foster a more competitive business landscape and reduce production costs, potentially enhancing economic competitiveness something we would admire to have in this country.

It is important to note that while we appreciate the crucial role fuel taxes serve as a significant source of government revenue, excessively high taxes stifle economic growth by suppressing consumption and investment, thus the reason we reject further excise duty tax increases because we need to balance between revenue generation and fostering economic activity in this country.

Rt. Hon. Speaker, businesses will be compelled to transfer these additional expenses to consumers, potentially resulting in widespread price hikes across various goods and services. This escalation in prices could lead to inflationary pressures and potentially restrain consumer spending.

Additionally, such price surges may provide opportunistic businesses with justification to inflate their prices beyond what is warranted solely by the fuel tax increase. The rise in fuel prices inevitably escalates production costs, presenting challenges for manufacturers heavily reliant on diesel as an auxiliary power source.

The government's taxation policies on fuel in Uganda reveal a glaring contradiction between its revenue-generation strategies and its responsibility towards citizens' well-being. Despite being fully aware of the adverse effects of escalating oil prices on both production costs and individuals' disposable income, this government under President Museveni continues to burden its citizens with exorbitant taxes on fuel.

Let me illustrate this point. To transport one batch of matooke from Kyazanga, it costs Shs 3000. The batch is at Shs 13000 or Shs 12000 in Kyazanga. And it costs Shs. 100,000 to transport a cow from Mbarara, Shs 80000 from Gomba or Ngoma. Please know that the tax increase burden will be borne by the poor because the trader will factor in transport costs as he buys his matooke or cattle.

Government should not be greedy; you are already over taxing fuel. Why do you turn it into a soft target for tax increment?

This parliament passed a law in November last year 2023 giving government exclusive rights to import and supply fuel and petroleum products. Government promised that fuel prices will come down after the elimination of Kenya middle men. Kenya has now removed the roadblock for Uganda to import fuel. Let citizens first enjoy low prices resulting from change of policy before you think of a tax on fuel. Let the prices come down first before any new tax.

We continue to warn this government that, the consequences are dire: as fuel prices soar, production becomes more costly, hindering economic growth and potentially leading to job losses. Moreover, the average Ugandan faces a significant reduction in disposable income, as higher fuel costs trickle down into increased prices for goods and services across the board. This scenario not only jeopardizes individuals' financial stability but also undermines consumer confidence and investment, exacerbating economic instability. The more reason why many businesses close every year.

Furthermore, the lack of consistency and transparency in fuel pricing within Uganda reflects a failure of regulatory oversight. Despite being the responsibility of the Ministry of Energy and Mineral Development, there is a noticeable absence of effective intervention to curb speculation and ensure fair pricing practices. The result is an environment where citizens are left vulnerable to the whims of market forces and profiteering by fuel dealers.

In light of these concerns, the government's insistence on maintaining or increasing excise duties on fuel amounts to a blatant disregard for the welfare of its citizens. Such policies prioritize short-term revenue gains over the long-term economic stability and well-being of the population. Therefore, we call upon all Members of Parliament to reject any further tax hikes on fuel.

6. TAX ON MOBILE MONEY WITHDRAWAL

There is a 0.5% tax on mobile money withdrawal. Government through this Bill is expanding the net to include other platforms such as Mcash, Micropay, Wave. Before this expansion, government must present a study on how introduction of a 0.5 % tax on mobile money withdrawal affected the population especially the poor. A 0.5 % tax on withdrawal means a Shs 50 per every Shs 10,000. Taxes must be introduced after a thorough study on how they will affect the economy. That is why it is a requirement under Public Finance and Management Act to present a certificate of certificate of financial implications when introducing a Bill.

7. TAX ON LIME, ADHESIVE, AND GROUT

We ask Parliament to reject introduction of Shs.500 per 50 kg of Lime, adhesive and Grout.

While appearing before the committee, Private Sector Foundation reminded Members of Parliament of a 2.5 million housing deficit in the country.

The policy of this government is of decent and affordable housing. Obviously when you increase taxes on building materials, you are increasing the cost of construction. This may discourage investment in this sector or may make renting very expensive. Again we plead with this government not to look at one side of revenue enhancement but also look at the plight of its citizens.

8. TAX ON DRINKING WATER.

This is a tricky one. The tax rate of 10% already exist. What the government is doing is to charge it per litre. What this means is that for every litre of drinking water that you buy, you will pay Shs 75. those of you who are buying drinking water in a 20 litre jerry can, you will now pay more.

Private sector Foundation thinks this will drive the price for large volume of water by about 95%. Currently, the more /higher volume you buy, the less price you pay, with this new tax, prepare to boil your own water because bigger jerry cans are going to be expensive. **We ask Parliament to reject it.**

Finally, we advise government to relieve itself of pressure of seeking to overtax citizens because it wants to raise more money by responsibly using what it is already collecting.

Government should reduce the cost of public administration considerably. It is the reason we welcomed the rationalization of government entities. But as we were processing bills to reduce entities and therefore money we spend on them, President Museveni was creating new staff structures of assistant resident Commissioners and appointing them including fellows like this one who exhibited his dirty bums.

We must fight all forms of corruption including wasting tax payers' money on useless ventures. And in this regard, the President must act as an example. A minister whose fuel is bought by the taxpayer must not increase taxes on fuel unnecessarily. May be we should stop fueling all government vehicles for the leaders to understand the pain that citizens go through.

We submit:

MEMBERS OF THE FINANCE COMMITTEE WHO SIGNED THE MINORITY REPORT ON THE THE EXCISE DUTY (AMENDMENT) BILL, 2024.

SN	Name	Signature
1.	Ssemujju Ibrahim	
2	Nabukeera Hanifa Hussein	
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P.O Box 8147
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CERTIFICATE OF FINANCIAL IMPLICATION FOR THE EXCISE DUTY (AMENDMENT) BILL 2024

Made under Section 76 of the Public Finance Management Act, 2015 (as amended)

THIS IS TO CERTIFY that the Bill entitled, the Excise Duty (Amendment) Bill 2024, has been examined as required under Section 76 of the Public Finance Management Act, 2015 (as amended). I wish to report as follows:

1) Object of the Bill:

The main object of the Bill is to increase resources available to Government, attract investments and improve compliance.

2) Specific objectives of the Bill are:

i. To provide for the definition of "fruit juice", "un-denatured spirits", "vegetable juice" and "powder for reconstitution into beer";
ii. To adjust the duty paid on imported wines;
iii. To exempt duty on incoming international calls to Burundi and Tanzania;
iv. To amend Schedule 2 to the Act to revise the excise duty on certain excisable goods and services and for related matters.

3) That it is expected to achieve the following outputs:

i. To provide clarity in the law; and
ii. To improve compliance and ease tax administration.

4) **That the expenditure plan by major components for the next two years:**

Since this is an amendment to the existing tax provisions, there is no expenditure plan specifically different from the overall allocation of **Shs. 619.99 Billion** for FY 2024/25 and **Shs.534.1 billion** for FY 2025/26 to Uganda Revenue Authority.

5) **That the funding and budgetary implications are the following:**

Funding is going to be through overall Government budgetary allocations to Uganda Revenue Authority.

6) **Expected savings and/or revenue to Government:**

Revenue gain expected from the bill is estimated to be **Shs.205 billion** annually.

Matia Kasaija (MP)
MINISTER OF FINANCE PLANNING AND ECONOMIC DEVELOPMENT

March 2024.

Witnessed by:

Name: Ramathan Ggoobi

Title: Permanent Secretary/Secretary to the Treasury

Signature: ....

Date: 27/03/2024

Received

By: ....

Date: ....

4.1.8 VALUE FOR MONEY AUDIT REPORT ON THE MANAGEMENT OF TAX INCENTIVES AND EXPENDITURE IN UGANDA BY THE MINISTRY OF FINANCE PLANNING AND ECONOMIC DEVELOPMENT

The Government of Uganda offers a number of investment incentives including tax holidays, exemptions, waivers for tax payments and paying and refunding of various taxes as stipulated in various tax laws, agreements and memoranda of understanding with the beneficiary entities. This is done in order to enable implementation of the National Development Plan III (NDP III) financing strategy that provides for revenue mobilization plans to address tax policy and design deficiencies including reviewing the presumptive taxes; individual tax incentives and; changing the tax regime to attract more investors in manufacturing. It is also done to provide a tax policy that incentivizes formalization and supports Medium and Small Enterprises, through the Ministry of Finance, Planning and Economic Development (MoFPED) to increase investment and production in key strategic industries or sectors. The benefits are granted based on intended objectives that include promotion of economic growth, increasing employment and facilitation for extension of social services among others.

I undertook a Value for Money study on the effectiveness of tax incentives and expenditure in Uganda, in respect to expected outcomes such as investment in fixed assets, sales revenues and employment. The following key findings and recommendations were made;

Key Findings

Although the Investment Incentives and Tax expenditures under the Ministry of Finance Planning and Economic Development have been recognized for notable accomplishments in creating employment opportunities and improving trade deficit through export promotion and import substitution, the following key areas of improvement were identified;

a) Investments and Provision of Employment opportunities

Although the tax incentives and exemptions are expected to free up the capital so as to enable these companies employ more staff, a total of 22 companies out of the 36 that had obtained the incentives, were performing below the 50% threshold and thus had not fully achieved the desired employment levels.

b) Cost of tax waivers to Government

I noted that over the period under review, taxes waived by government amounted to UGX.1.417Tn. These comprised of UGX.1.293Tn waived under the Gazette by Parliament, direct waivers by the Minister of UGX.118.5Bn as well as tax exemptions as per the Income Tax Act under Section 21 granted by the Commissioner General of UGX.5.576Bn. I however noted that there was no evidence that the other written-off taxes outside the Gazette, were communicated to Parliament for retrospective authorization. The amount of taxes exempted are revenues that are foregone resulting into revenue loss on the side of Government.

c) **Tax Commitments**

The Ministry of Finance, Planning and Economic Development committed to pay taxes totaling to UGX.553Bn on behalf of several taxpayers for the period under study. The commitments were not paid in time and have led to accumulation of domestic arrears.

d) **Lack of a framework for the management and monitoring of Tax Incentives and Expenditures**

At the time of audit, MoFPED did not have an approved Framework to guide the management and monitoring of the different Tax Incentives and Expenditures.

e) **Utilization of Tax Incentives and Exemptions**

An analysis of the Memoranda of Understanding (MoUs) for the various beneficiaries of Investment incentives and Tax exemptions revealed that several companies have not achieved the outputs as stipulated in the signed MOUs and several incentives remained un-utilized, such as the Corporation Income Tax holidays for some companies.

GENERAL RECOMMENDATIONS

The following general recommendations have been proposed;

a) **Following up Companies to ensure that commitments are realized**

The Ministry should follow up the beneficiaries of the incentives to ensure that the benefits of the incentives such as job creation are realized.

b) **Regularly assessing Benefits relating to Tax incentives**

The benefits of the Tax incentives should continuously and realistically be measured to ensure that the intended benefits are realized, and to guide future decision making.

c) **Limiting the number of Tax Exemptions to businesses that qualify under the Tax Laws**

The Ministry of Finance, Planning and Economic Development was advised to establish a criteria for approval of beneficiaries of tax incentives and expenditures. This will eliminate ambiguity in regard to eligibility and the assessment of the expected benefits, while assessing the performance of each beneficiary. Besides, the Taxpayers that seek exemptions due to inability to pay, should have proven beyond doubt that they are financially incapacitated. This will also limit the accumulation of domestic arrears.

Letter from the Minister of Finance, Planning and Economic Development

I am glad to present to you this document on the Domestic Revenue Mobilisation Strategy (DRMS) as a summary of our discussions and statements of the intentions of various players. This document recognises the importance of having a medium-term strategy for government revenues, to guarantee a reasonable, realistic, and practical approach to sustainable resource mobilisation. The strategy set out in this document represents the next step in our government's fiscal policy, which has historically been highly successful in empowering the economic development of Uganda.

For this development to continue, there is a need to have a stronger and more certain revenue flow in order for the government to meet its expenditure needs and encourage foreign investment. This calls for a commitment to a prudent and sound medium-term strategy for financing our plans, to give confidence and certainty to our people and our investors. This Domestic Revenue Mobilisation Strategy brings transparency to the direction of tax policy in Uganda for the next five years and will strengthen the administrative effort to support it.

In order to achieve our revenue potential, we will move away from *ad hoc*, annual tax policy changes. These piecemeal adjustments, with little alignment to an over-arching strategy, have created a high degree of unpredictability and uncertainty in our tax policy direction. The DRMS will address this, as well as ensure that our future tax policy embodies the principles of simplicity, fairness, citizen welfare, and sustainability. Going forward, we will involve taxpayers more fully in the tax policy formulation process, restoring ownership and public confidence in the tax system by the way people pay their taxes. We will continue to provide a business-friendly tax environment and support investment; however, we will reduce unproductive revenue leakages from exemptions and publish a full tax expenditure framework to better understand the fiscal cost of supporting investment and social welfare.

Revenue generation does not happen in a policy vacuum. The tax administration has a key role to play, and it is here that we anticipate the most significant gains to be made. We will enhance the Uganda Revenue Authority's administrative capacity to collect taxes efficiently through additional staff recruitment, better training, and the modernisation of their technological infrastructure and systems. We will focus more explicitly on promoting compliance with existing laws from a higher proportion of businesses and individuals, particularly through more focussed taxpayer services and education.

Finally, it is important to recognise the role played by all arms of Government and Ugandan society in securing our financial independence. Future resource mobilisation efforts depend on Ugandans perceiving a closer link between taxes paid and public services enjoyed by citizens. As Government, we have a responsibility to strengthen this fiscal-social contract and redouble our efforts to stamp out corruption at every level. In return, we are expecting everyone with the means to pay their taxes.

We have set ourselves on the path towards creating a uniquely Ugandan tax system, one that respects our culture, our traditions, our ways of living, and our entrepreneurial spirit. This is an original document of our country's revenue strategy that will meet our financing needs for the future. We therefore urge everyone to play their part in ensuring the success of the Domestic Revenue Mobilisation Strategy.

Matia Kasaija (MP)
Minister of Finance, Planning, and Economic Development

Annex 2: Medium Term Revenue Projections FY 2021/22 - FY 2028/29

Motor vehicle lubricants	-	5	5	6	7	8	8	9
Other furnitures	-	0	0	0	0	0	1	1
VAT	3,296	3,960	4,596	5,577	6,377	7,302	8,346	9,539
Manufacturing	-	-	-	-	-	-	-	
Cigarettes	1	3	0	0	0	0	0	0
Beer	153	163	190	224	254	288	326	369
Spirits/Waragi	87	129	180	212	240	272	308	349
Wines	0	0	0	0	0	0	0	0
Soft Drinks	89	137	145	171	194	220	249	282
Sugar	137	167	165	197	226	259	296	339
Bottled water	24	31	28	33	38	44	50	57
Cement	147	123	142	169	194	222	254	291
Milk	-	-	-	-	-	-	-	-
Others	1,264	1,495	1,823	2,280	2,611	2,993	3,425	3,918
Services	-	-	-	-	-	-	-	-
Electricity	195	226	260	310	355	407	465	532
Phone talk time	249	237	275	327	375	429	491	562
Water	40	41	65	78	89	102	117	133
Insurance services	86	100	117	139	159	182	208	239
Other financial services	70	67	82	97	111	127	146	167
Agriculture	10	143	22	26	30	34	39	45
Other sub-sectors	-	-	-	-	-	-	-	
Construction	108	127	159	189	217	249	284	[illegible]
Wholesale & retail trade; repairs	339	422	502	598	684	785	898	1,027
Hotels & restaurants	72	105	122	145	167	191	218	250
Transport & communications	53	46	58	69	79	90	103	118
Real estate activities	124	162	208	247	283	324	371	425
Public administration & defence	34	13	18	22	25	28	32	37
Mining & quarrying	12	23	29	35	40	46	52	60
Oil and Gas	4	1	7	8	9	11	12	14
INTERNATIONAL TRADE	8,434	9,327	9,676	9,307	8,946	8,897	9,536	9,505
Petroleum	2,686	2,825	3,275	3,141	3,004	2,985	3,227	3,227
Import Duty	1,557	1,983	1,972	1,902	1,833	1,823	1,946	1,946
Excise Duty	269	268	240	232	223	222	237	237
VAT	3,292	3,527	3,445	3,313	3,192	3,176	3,390	3,359

Annex 2: Medium Term Revenue Projections FY 2021/22 - FY 2028/29

WHT	168	205	210	203	195	194	207	207
Surchage	257	256	277	267	258	256	274	274
Temporary road license	70	123	118	114	110	109	117	117
Infrastructure levy	114	118	118	114	110	110	117	117
Export levy on Fish, Hides & skins levy & tobacco, minerals	12	21	20	21	21	21	21	21
Stamp Duty & embossing	113	112	112	131	149	168	188	210
Tax Refunds	- 440	- 543	- 692	- 823	- 942	- 1,080	- 1,080	- 1,236
Total NTR	1,406	1,834	2,193	2,493	2,606	2,865	3,151	3,438
Net Tax Revenues	20,426	23,733	26,000	29,081	31,384	34,509	39,033	43,178
Total Revenues	21,831	25,567	28,194	31,574	33,990	37,374	42,184	46,615
Nominal growth in revenue		3,736	2,626	3,381	2,416	3,384	4,810	4,431
Annual Growth in revenue		16.2%	9.6%	11.8%	7.9%	10.0%	13.1%	10.6%
GDP	162,883	184,895	200,462	219,200	245,616	275,546	307,249	343,210
[illegible] GDP	13.4%	13.8%	14.1%	14.4%	13.8%	13.6%	13.7%	13.6%