

# China Tax Weekly Update

ISSUE 19 | May 2016

Reference: N/A  
 Issuance date: N/A  
 Effective date: N/A

Relevant industries: All  
 Relevant companies: All  
 Relevant taxes: All

Potential impacts on businesses:

- Compliance costs reduced

You may click [here](#) to access full content of the circulars.

## The State Council promotes business system reform

According to news published on the website of the State Council on 19 May 2016, the executive meeting of the State Council held on 18 May 2016 decided to promote business system reform. Another topic of the meeting is to promote the central state-owned enterprises (SOEs) to improve quality and efficiency. The main measures are as follows:

### Promote business system reform

- Continue reduction of the instances in which operating pre-approvals are required from various government ministries/agencies prior to business registration of an enterprise with the Administration of Industry and Commerce. Implement a negative list approach to granting business licenses. Accelerate the pilot program for separating operational permits from business licenses
- It is planned to finalise implementation of the “three certificates into one” reform under which the business license, tax registration and organisation code certificate are all certified at the same time. It is further planned to add to these three combined registrations, the social insurance and statistics registration licenses. This will result in a “five certificates into one” certification reform. Moreover, an enterprise will get a unified social credit code upon the business registration to supersede different identification numbers issued by different authorities. This is so called the “one license with one code” business registration regime
- Greatly simplify the procedures for enterprise de-registrations and support the development of growth enterprises

### Central SOEs to improve quality and efficiency

- Ensure that the central SOEs focus on their main business, and carry out special management on deficit enterprises. Eliminate outdated production facilities in steel and iron industry as quickly as possible. Progressively involve private capital investment in the restructuring of centrally-managed SOEs
- Encourage the central SOEs to build national level entrepreneurship and innovation demonstration bases and professional group innovation space. Strengthen research on key general purpose technologies. Drive technology transformation and equipment upgrade

Reference: Guo Ban Fa [2016] No. 35  
 Issuance date: 12 May 2016  
 Effective date: N/A

Relevant industries: All  
 Relevant companies: Entrepreneurship and innovation enterprises  
 Relevant taxes: All

Potential impacts on businesses:

- Compliance costs reduced
- Effective tax burden reduced

You may click [here](#) to access full content of the circular.

## State Council opinions on establishing mass entrepreneurship and innovation demonstration bases

In accordance with the *Report on the Work of the Government (2016)* and the circular *State Council issues notice on policies on entrepreneurship and innovation (Guo Fa [2015] No. 32)*, the General Office of the State Council issued Guo Ban Fa [2016] No. 35, ("Implementation Opinions") on 12 May 2016. The Implementation Opinions directs the establishment of entrepreneurship and innovation demonstration bases.

The Implementation Opinions clarify that, before the end of 2018, a batch of high-level entrepreneurship and innovation demonstration bases and supporting marketization platforms need to be established. A series of models and experience which can be copied and promoted needs to be formed. The Implementation Opinions also published the name list of the first batch of demonstration bases and put forward reform measures as follows:

<b>Expand the developing space of market players</b>	<ul style="list-style-type: none"> <li>• Delegate or cancel a batch of administration approval items, and intensify reform of approvals through internet and administration cooperation among authorities. Render government services in such a manner that enterprises can simply "apply with one number, have application accepted in one window, and have application processed all on the internet"</li> </ul>
<b>Accelerate the transformation of scientific and technological results</b>	<ul style="list-style-type: none"> <li>• Implement the new Administrative Measures for Recognition of High and New Technology Enterprise (HNTE). Support internet enterprises to apply for recognition of HNTE and enjoy related preferential policies</li> </ul>
<b>Increase financial and tax support</b>	<ul style="list-style-type: none"> <li>• Introduce tax support policies for the entrepreneurship and innovation demonstration bases to encourage entrepreneurship and innovation activities</li> <li>• Develop metrics for determination of science &amp; technology small-to-medium enterprises (STSMEs). A special tax deferral provision is to be introduced for individual income tax (IIT) arising from equity awards, given to staff of HNTEs and STSMEs, which commercialize scientific developments. IIT may be deferred until the receipt of dividends or transfer proceeds on disposal of the equities by the individual</li> </ul>

You may click to read KPMG publication about HNTE:

- [China Tax Alert: New Version of Administrative Measures for Recognition of High and New Technology Enterprise \(HNTE\) Released \(Issue 5, February 2016\)](#)

Reference: N/A  
 Issuance date: N/A  
 Effective date: N/A

Relevant industries: All  
 Relevant companies:  
 Multinational enterprises  
 (MNEs)  
 Relevant taxes: All

Potential impacts on  
 businesses:

- Risks of being challenged due to cross-border tax anti-avoidance arrangements increased

You may click [here](#) to access full content of the circulars.

## Communiqué of the 10<sup>th</sup> Meeting of the OECD Forum on Tax Administration (FTA)

As mentioned in KPMG [China Tax Weekly Update \(Issue 18, May 2016\)](#), the 10<sup>th</sup> meeting of the OECD FTA, hosted by the SAT, was held from 11 to 13 May 2016 in Beijing. The Communiqué was also released at the close of the meeting. (You may click [here](#) to access the English version of the Communiqué.)

The Communiqué indicated that the tax commissioners of the attending country tax administrations had discussed and endorsed/approved a number of actions, reports and key recommendations. Their discussions centred on three key work areas: (i) Implementation of the G20/OECD international tax agenda; (ii) Building of modern tax administrations; and (iii) Strengthening of tax administration capacity, particularly in developing countries. As part of the continuing efforts to boost transparency by multinational enterprises (MNEs), Canada, Iceland, India, Israel, New Zealand and China signed the [Multilateral Competent Authority agreement for the automatic exchange of Country-by-Country reports](#).

\* With respect to the detailed information about the FTA meeting and impact of the FTA meeting to global tax collaboration, you may click to read KPMG [China Tax Alert: OECD FTA pushes forward global tax coordination initiatives \(Issue 16, May 2016\)](#).

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 Issuance date: N/A  
 Effective date: N/A

Relevant industries: All  
 Relevant companies: All  
 Relevant taxes: N/A

Potential impacts on  
 businesses:

- Risks of being challenged due to non-compliance issues increased

You may click [here](#) to access full content of the circular.

## SAT exposes 5 fraud cases on export tax refund

As mentioned in KPMG [China Tax Weekly Update \(Issue 16, May 2016\)](#), the SAT revised the *Trial Measures for the Public Disclosure of Significant Tax Fraud Cases* ("the Measures") in April 2016. The Measures set common criteria for nationwide disclosure of tax fraud cases under a 'name and shame' approach. Among the cases covered by the publication criteria are cases in which taxpayers obtain export tax refunds by filing false export declarations with the tax authorities, or obtain refunds by any other deceptive means.

On 17 May 2016, the SAT made public 5 fraud cases involving export tax refunds on its official website, to crack down on violations of laws in connection with obtaining export tax refund through deception. These 5 fraud cases occurred in Zhejiang, Shandong, Sichuan and Gansu and the largest tax fraud amount is RMB140 million.

Reference: Shui Zong Na  
Bian Han [2016] No. 71  
Issuance date: 10 May 2016  
Effective date: N/A

Relevant industries:  
All (especially for industries of  
construction, real estate,  
finance and consumer  
services)

Relevant companies:  
All (especially for enterprises  
which are engaged in  
construction, real estate,  
finance and consumer  
services)

Relevant taxes: VAT / CIT

Potential impacts on  
businesses:

- Compliance risks due to regulatory uncertainties reduced

You may click the circular titles to access full content of the circulars.

## SAT further clarifies VAT reform implementation rules

In order to help better implement the new VAT rules *Measures for Implementation of the Pilot Program of VAT Reform (Cai Shui[2016] No. 36, "Circular 36")*, the SAT recently set out implementation rules for some hot issues and also provides answers to 13 specific questions on VAT reform.

- ❑ [Tax Service Department of the SAT issues notice relating to Q&A about VAT Reform \(Shui Zong Na Bian Han \[2016\] No. 71, "Circular 71"\)](#)
  - Based on the VAT hot issues encountered by local 12366 taxpayer assistance hotlines, the tax service department of the SAT has summarized 29 hot issues which are of concern to taxpayers and provides relevant answers. The answers have been reviewed by the department in charge of the VAT reform, which include the clarification on input credit in relation to purchase of land use rights, general VAT taxpayer registration, invoice issuance, etc.
  - In addition, on 22 April 2016, experts of the goods and labor service department of the SAT (department in charge of the VAT reform) came to the Beijing 12366 tax service office to conduct a training to those staff. The tax service department of the SAT drafted a material and published it alongside Circular 71.

Besides, based on a recent news published on the website of Hubei State Tax Bureau (STB), on 6 May 2016 and 12 May 2016 respectively, the SAT answered 13 practical questions related to VAT reform. You may click [Q&A regarding VAT Reform answered by SAT on May 6](#) and [Q&A regarding VAT Reform answered by SAT on May 12](#) to understand the details.

Meanwhile, local tax bureaus also issued announcements to clarify issues about the VAT reform, mainly including:

- ❑ [Shenzhen STB issues notice to clarify matters on full implementation of VAT reform \(Shenzhen STB Announcement 2016 No.1\)](#)
- ❑ [Shenzhen STB issues notice to clarify VAT collection issues for the small-scale taxpayers \(Shenzhen STB Announcement 2016 No.4\)](#)
- ❑ [Guangdong STB issues notice to clarify VAT filing matters after the full implementation of VAT reform \(Guangdong STB Announcement 2016 No.9\)](#)

\* The State Council, the MOF and the SAT have recently issued many circulars for the implementation of Circular 36. You may click KPMG *China Tax Weekly Update* [Issue 13](#), [Issue 14](#), [Issue 15](#), [Issue 16](#), [Issue 17](#) and [Issue 18](#) to understand the details.

\*\* On the occurrence of Circular 36 announcement, KPMG immediately issued a series of China Tax Alerts to provide an overview of the high level policies and general impacts across all industries. Focusing on construction, real estate, finance and lifestyle services, at the same time, we also issued specific alerts for each of the three major industries affected by these changes. You may click the following links to read:

- ❑ [China Tax Alert: China's new VAT rates & rules –high level policies and general impacts across all industries \(Issue 9, March 2016\)](#)
- ❑ [China Tax Alert: China's new VAT rates & rules –Financial Services impacts \(Issue 10, March 2016\)](#)
- ❑ [China Tax Alert: China's new VAT rates & rules –Lifestyle Services impacts \(Issue 11, March 2016\)](#)
- ❑ [China Tax Alert: China's new VAT rates & rules –Real Estate & Construction industry impacts \(Issue 12, March 2016\)](#)

Reference: MOFCOM  
Announcement [2016] No. 20  
Issuance date: 18 May 2016  
Effective date: 1 June 2016

Relevant industries: All  
Relevant companies: Hong  
Kong and Macao service  
providers who invested in  
mainland China and accord  
with CEPA, and investment  
companies of above  
providers  
Relevant taxes: N/A

Potential impacts on  
businesses:

- Compliance costs  
reduced

You may click [here](#) to access  
full content of the circular.

## Trial recordal filing administrations on HK and Macao service providers making investments in mainland China

On 18 May 2016, the Ministry of Commerce (MOFCOM) issued *Administrative Measures on Recordal Filing of HK and Macao Service Providers Making Investments in Mainland China (Trial)* (MOFCOM Announcement [2016] No. 20, "Trial Measures"), which will take effect from 1 June 2016.

The Trial Measures clarify that HK/Macao service providers, which fall within the definition in *Agreement on CEPA Service Trade of Mainland China-HK and Mainland China-Macau*\*, shall go through the new recordal filing procedures for making investments in mainland China. The recordal filing procedures replace the prior pre-approval procedures from the MOFCOM.

The Trial Measures also clarify: the relevant in-charge authorities for the filings, procedures and materials for the filings, and administrations of the filings, etc. Major filing procedures are as follows:

- The departments of commerce at provincial and municipal levels ("Filing Authorities") shall be responsible for the recordal filing of the contract or articles of association for the establishment or alteration of HK or Macao invested enterprises.
- The contract or articles of association shall be filed online through MOFCOM's Investment Recordal Filing System for Foreign Investors.
- Where the filing falls under the recordal filing scope stipulated in the Trial Measures, the Filing Authorities shall complete the filing procedure within three working days. Where the filing does not fall under the scope, the Filing Authorities shall notify the HK/Macao service provider or the HK/Macao invested enterprise online to go through other procedures, where applicable.
- Upon receipt of the completion notification of the filing, the HK/Macao service provider or the HK/Macao invested enterprise shall pick up a "filing receipt" from the commerce authorities. The enterprise can then conduct further stages of the registration process.

\* Please click the following links to read *Agreement on CEPA Service Trade of Mainland China-HK and Mainland China-Macau*:

- [Agreement on CEPA Service Trade between Mainland China and HKSAR](#)
- [Agreement on CEPA Service Trade between Mainland China and Macau](#)

Reference: N/A  
 Issuance date: N/A  
 Effective date: N/A

Relevant industries: All  
 Relevant companies: All  
 Relevant taxes: All

Potential impacts on businesses:

- Need to pay close attention to the implementation progress of the plan

You may click [here](#) to access full content of the circular.

## 2016 cooperation plan between Ministry of Finance (MOF) and OECD enters into implementation

Based on news released on the website of MOF on 16 May 2016, MOF has drafted and implemented the *2016 Cooperation Plan between the MOF and the OECD (the Plan)*. The key content of the Plan is as follows:

<b>Define responsibilities and setup systems</b>	<ul style="list-style-type: none"> <li>• Set up cooperation platform between the MOF and the OECD, supported by joint conference system, information sharing system and fund guarantee system</li> <li>• Clarify the responsibilities of each party in the cooperation arrangement, including procedures and methods for work completion. Select management model based on type of cooperative tasks</li> </ul>
<b>Joint research topics</b>	<ul style="list-style-type: none"> <li>• Determine 9 research topics including legislation of public finance law and tax law, budget management, public expenditure, supply-side reform etc. These topics will be jointly researched by the MOF and the OECD</li> </ul>
<b>Knowledge cooperation</b>	<ul style="list-style-type: none"> <li>• Participate in knowledge cooperation in the public finance and tax fields</li> <li>• Continue to participate in OECD activities on global macro economy predictive analysis and outlook</li> <li>• Continue to participate in research activities in the public finance and tax field</li> </ul>
<b>High-level dialogue</b>	<ul style="list-style-type: none"> <li>• Invite domestic and overseas leading experts to jointly conduct high-level dialogue on “New methods to cope with economic challenges” in Beijing. The dialogue will analyze the trends in world economic development, exchange ideas on new methods to cope with economic challenges, consider how to address new problems and challenges occurring in the socio-economic field and relevant to China’s realities</li> </ul>



## *MOF and SAT Clarify Tax Policies for Imported Seeds & Seed Sources During the 13th Five-Year Planning Period (Cai Guan Shui [2016] No. 26)*

On 29 April 2016, the MOF and the SAT jointly issued Cai Guan Shui [2016] No. 26, clarifying that the importation of certain seeds & seed sources could continue to enjoy imported VAT exemption from 1 January 2016 to 31 December 2020.

You may click [here](#) to access full content of the circular.

## *SAT Issues Notice on Preferential VAT Policies for Promoting Employment of Disabled People (Cai Shui [2016] No. 52)*

On 5 May 2016, the MOF and the SAT jointly issued Cai Shui [2016] No. 52, clarifying that the tax authorities shall apply the measures of refund upon collection of the VAT within the specified limit based on the number of disabled persons arranged for employment by the taxpayers that arrange employment of disabled people.

You may click [here](#) to access full content of the circular.

## *NDRC and MOF Issue Notice on Re-issuing the Fee Criteria of CBRC, CSRC and CIRC (Fa Gai Jia Ge [2016] No. 14)*

On 4 January 2016, the National Development & Reform Commission (NDRC) and the MOF jointly issued Fa Gai Jia Ge [2016] No. 14, reviewing and issuing the fee criteria of China Banking Regulatory Commission (CBRC), China Securities Regulatory Commission (CSRC) and China Insurance Regulatory Commission (CIRC). All the above fee criteria will be valid until 31 December 2017.

You may click [here](#) to access full content of the circular.

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