

BEPS ALERT

Briefings on Base Erosion and Profit Shifting (Tax)

BEPS Update

The 2014 OECD International Tax Conference delivered an update on the Base Erosion and Profit Shifting (BEPS) project and the global Common Reporting Standard.

Highlights

- The BEPS project is on schedule with seven topics discussed and approved by the OECD Committee on Fiscal Affairs.
- Reports and recommendations will be discussed at the G20 Finance Ministers meeting in September 2014.
- Companies should monitor OECD and G20 BEPS developments.
- The consequences to business models should be carefully considered and, where necessary, companies should engage with both domestic and international authorities.

The OECD held its annual tax conference in Washington in June 2014 with the agenda focusing almost exclusively on the Base Erosion and Profit Shifting (BEPS) project. Participants included members of the OECD, tax officials from OECD and G20 countries (including United States, China and United Kingdom), business representatives and tax advisors.

Updates were presented on the BEPS project: examining the outputs scheduled for September 2014, further work required on the 2014 Actions and the current status of the 2015 Actions. There was also a presentation on FATCA developments and the OECD initiative on developing a global common reporting standard for information on financial accounts.

The over-arching message was that the BEPS project is on schedule with the following topics being discussed and approved by the OECD Committee on Fiscal Affairs (CFA) at the end of June 2014:

1. Tax challenges of the digital economy ([Action 1](#)).
2. Neutralising the effects of hybrid mismatch arrangements ([Action 2](#)).
3. Countering harmful tax practices (Action 5).
4. Preventing treaty abuse ([Action 6](#)).
5. Transfer pricing aspects of intangibles ([Action 8](#)).
6. Transfer pricing documentation and country-by-country reporting (*CbC*) ([Action 13](#)).
7. Development of a multilateral instrument (Action 15).

Upon approval by the CFA, the above reports will be discussed by the G20 Finance Ministers meeting in Cairns, Australia in September 2014. In addition, specific recommendations will be presented on hybrids (Action 2), tax treaty abuse (Action 6), transfer pricing of intangibles (Action 8) and CbC reporting (Action 13), while reports will be issued on the challenges of the digital economy (Action 1), progress on countering harmful tax practices (Action 5) and the feasibility of the multilateral instrument (Action 15).

The OECD has indicated that additional time will be required to complete work on some of the 2014 Actions and thus efforts in this regard will extend into 2015. It was also stressed that where there are significant overlaps between 2014 and 2015 Actions, then the 2014 Actions will not be concluded until work on the relevant 2015 Actions is completed.

The presentation on the OECD's global Common Reporting Standard for information on financial accounts (CRS) gave an overview of the work related to the [report](#) released in February 2014 (and endorsed by the G20). It was reiterated that the CRS was largely modelled on the US FATCA regime as the CRS is intended to be a global standard for automatic exchange of tax information. While the information to be collected and reported under the CRS is broader in scope than the information reported under FATCA, the CRS is intended to be compatible with FATCA and not to result in duplication. It is expected that the OECD will release a comprehensive CRS package by September 2014 that will include the automatic information exchange standards, commentary on the standards and specific technical solutions.

The Washington Conference reinforced the considerable significance of the reports and recommendations to be released by the OECD in September 2014.

It is evident that many countries are now actively addressing BEPS issues through a combination of legislative and administrative measures as well as interaction with the global community.

Given the significant implications of the anticipated changes in domestic tax legislation and global treaties being developed through the OECD process, it is critically important for companies to monitor developments within the OECD and G20 as well as in the countries in which they operate. Companies should consider the consequences of these developments for their business models and engage with both domestic and international authorities.

Contact us:

Khoon Ming Ho
Partner in Charge, Tax
China and Hong Kong SAR
Tel: +86 10 8508 7082
khoonming.ho@kpmg.com

Ayesha M. Lau
Partner in Charge, Tax
Hong Kong SAR
Tel: +852 2826 7165
ayasha.lau@kpmg.com

Corporate Tax

Charles Kinsley
Principal
Tel: +852 2826 8070
charles.kinsley@kpmg.com

Chris Abbiss
Partner
Tel: +852 2826 7226
chris.abbiss@kpmg.com

Stanley Ho
Principal
Tel: +852 2826 7296
stanley.ho@kpmg.com

Alice Leung
Partner
Tel: +852 2143 8711
alice.leung@kpmg.com

Curtis Ng
Partner
Tel: +852 2143 8709
curtis.ng@kpmg.com

John Timpany
Partner
Tel: +852 2143 8790
john.timpany@kpmg.com

Matthew Fenwick
Director
Tel: +852 2143 8761
matthew.fenwick@kpmg.com

Ivor Morris
Director
Tel: +852 2847 5092
ivor.morris@kpmg.com

Michael Olesnick
Special Advisor
Tel: +852 2913 2980
michael.olesnick@kpmg.com

Justin Pearce
Senior Tax Advisor
Tel: +852 2143 8756
justin.pearce@kpmg.com

China Tax

Karmen Yeung
Partner
Tel: +852 2143 8753
karmen.yeung@kpmg.com

Christopher Xing
Principal
Tel: +852 2978 8965
christopher.xing@kpmg.com

Daniel Hui
Principal
Tel: +852 2685 7815
daniel.hui@kpmg.com

Adam Zhong
Principal
Tel: +852 2685 7559
adam.zhong@kpmg.com

Steve Man
Director
Tel: +852 2978 8976
steve.man@kpmg.com

M & A Tax

Darren Bowdern
Partner
Tel: +852 2826 7166
darren.bowdern@kpmg.com

Benjamin Pong
Principal
Tel: +852 2143 8525
benjamin.pong@kpmg.com

Yvette Chan
Director
Tel: +852 2847 5108
yvette.chan@kpmg.com

Malcolm Prebble
Director
Tel: +852 2685 7472
malcolm.prebble@kpmg.com

Transfer Pricing

John Kondos
Partner
Tel: +852 2685 7457
john.kondos@kpmg.com

Kari Pahlman
Principal
Tel: +852 2143 8777
kari.pahlman@kpmg.com

International Executive Services

Barbara Forrest
Principal
Tel: +852 2978 8941
barbara.forrest@kpmg.com

Murray Sarelius
Partner
Tel: +852 3927 5671
murray.sarelius@kpmg.com

David Siew
Partner
Tel: +852 2143 8785
david.siew@kpmg.com

Kate Lai
Director
Tel: +852 2978 8942
kate.lai@kpmg.com

US Tax

Wade Wagatsuma
Partner
Tel: +852 2685 7806
wade.wagatsuma@kpmg.com

Indirect Tax

Lachlan Wolfers
Partner
Tel: +852 2685 7791
lachlan.wolfers@kpmg.com

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