

China Tax Weekly Update

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<http://www.chinatax.gov.cn/n810219/n810729/n811748/c1987973/content.html>

National Tax Work Conference sets Tax Tasks for 2016

The National Tax Work Conference organized by the State Administration of Taxation (SAT) was held in Beijing on 15 and 16 January 2016. The conference outlined five important, and demanding, 2016 tax tasks for the all-round reform of the tax system.

Key points

Optimise tax collection	<ul style="list-style-type: none"> Collection of taxes strictly based on laws and regulations, and collection of all taxes payable Tax reduction and exemption where applicable No over-collecting of taxes
Deepen tax reforms	<ul style="list-style-type: none"> Deepen reform of the State Tax & Local Tax collection and administration system Deepen reforms of various taxes, including VAT, Consumption Tax, Resource Tax and Environmental Tax, etc. Implement and improve tax incentives Take the initiative in relation to supply-side structural reforms. Research more focussed, practical policies to support entrepreneurship and innovation investment, and the resolution of economic excess capacity issues
Promotion of computerised tax admin	<ul style="list-style-type: none"> Complete implementation of the “Golden Tax System, Phase III” Implement the “Internet + Tax” action plan Further implement the new VAT invoice management system Take advantage of big tax data to strengthen the use of value-added data
Enhanced team building	<ul style="list-style-type: none"> Deepen reform of the cadre personnel system, strengthen leadership-building efforts and steadily carry forward the “Digital personnel” pilot programme
Strengthen Communist Party practices	<ul style="list-style-type: none"> Implement the “two responsibilities” system to a higher standard. Strictly enforce Party discipline, correcting “formalism, bureaucratism, hedonism and extravagance”. Ensure that inspection and supervision roles are conducted more effectively

Reference: Shui Zong Fa [2015] No. 161

Issuance Date: 31 December 2015

Effective Date: N/A

Relevant industries: All

Relevant companies:

Companies relocating across Beijing, Tianjin and Hebei

Relevant taxes: N/A

Potential impacts on businesses:

- Compliance costs reduced

You may click this linkage to access full content of the circular:

<http://www.chinatax.gov.cn/n810341/n810755/c1991275/content.html>

Notice on Taxpayer Relocations in Beijing, Tianjin and Hebei

The State Administration of Taxation (SAT) has issued a notice (Notice 161 [2015]) to boost the coordinated development of Beijing, Tianjin and Hebei and alleviate taxpayer burdens by making it more convenient for enterprises to relocate their operations. Notice 161 requires tax authorities in Beijing, Tianjin and Hebei to simplify procedures for inter-province (city) taxpayer relocations. It clarifies, *inter alia*, the taxpayers in scope of the new guidance, deregistration and reregistration timing rules, business transition and business operational processes.

Key points

Taxpayers in scope	<ul style="list-style-type: none"> • Taxpayer whose in-charge tax authorities change, due to a relocation of taxpayer's place of residence or place of business within Beijing, Tianjin and Hebei
Deregistration and reregistration timing rules	<ul style="list-style-type: none"> • VAT general taxpayers shall complete the tax filing and VAT invoice tax returns prior to deregistration • A taxpayer who applies for relocation within the tax filing period (including annual corporate income tax filing) shall complete the tax filing and payment for that period with the old tax bureau in charge • Taxpayer shall complete the tax registration with its new in-charge tax authorities within 30 days after the earlier of the following two dates: <ul style="list-style-type: none"> □ Tax de-registration with the old in-charge tax authorities is completed □ Receipt of the "Tax Clearance Certificate" • The new company established under the "One License, Once code" system shall handle its tax related matters with the tax authorities at the location of new address once the change of registration process completed with the Administration Bureau of Industry and Commerce
Business transition	<p>Details of the following matters also clarified:</p> <ul style="list-style-type: none"> • Which tax authorities are in charge of the tax filing and collection during the relocation • How to handle the original tax incentives • How to handle the original qualifications • How to handle the original tax control devices • How to handle the original invoices and other documents

Reference: SAT Announcement [2016] No. 1 (Announcement 1)

Issuance Date: 7 January 2016

Effective Date: 7 January 2016

Relevant industries: All

Relevant companies:

Companies which apply for export tax refund (exemption)

Relevant taxes: VAT/CT

Potential impacts on businesses:

- Compliance costs reduced

You may click this linkage to access full content of the circular:

<http://www.chinatax.gov.cn/n810341/n810755/c1992187/content.html>

Administration Improvements for Export Tax Refund/Exemption

The SAT has issued *Announcement regarding Further In-process and Post Administration Improvements for Export Tax Refund/Exemption (Announcement 1)* to simplify application procedures and documentation requirements for export tax refund/exemption. The changes are made in the context of the broader Plan for Deepening Reform of the State Tax Bureau and the Local Tax Bureau Collection and Administration System.

Key points

- Where group companies need to make a declaration for tax exemption, reduction or refund for purchasing goods, which are deemed as self-manufactured, the procedure is now simplified. These companies used to have to provide the "Filing Form for Export Tax Refund/Exemption", or the "Recognition Form for Export Tax Refund/Exemption Qualification", to the in-charge state tax bureau. These forms now no longer need to be supplied to the in-charge state tax bureau for the special treatment to be obtained.
- Where export enterprises or other organisations withdraw their filing for export tax refund/exemption, they shall be deemed to have settled their export tax refund amount in certain circumstances. This will be the case if they have declared to the state tax bureaux in charge that they waive an export tax refund/exemption which they have not declared. This will also be the case if they waive an export tax refund/exemption which has been declared but yet to be processed, and declare tax exemption in accordance with the provisions.
- Where export enterprises or other organizations withdraw their filing for export tax refund/exemption because of merger, split, restructuring and reorganization, etc., they shall be deemed to have settled their export tax refund amount, if they have submitted the required documents to the state tax bureau in charge and been approved.
- Where foreign trade enterprises make a declaration to the tax bureau in charge for tax refund/exemption for re-export of imported goods, they shall no longer provide "Declaration Form for Imported Goods".
- "Application Form for Duty-free Proof of Processing with Supplied Materials", "Duty-free Proof of Processing with Supplied Materials", "Application Form for Proof of Import Agency" and "Proof of Export Agency" need to be used since 7 January 2016. The old forms as stipulated in the SAT Announcement [2012] No. 24 will no longer be used.

Reference: Shui Zong Fa
Bian Han [2015] No.461
(Letter 461)

Issuance Date: 30
December 2015

Effective Date: N/A

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

**Potential impacts on
businesses:**

- Compliance risks due to regulatory uncertainties reduced

You may click this linkage to access full content of the circular:

http://www.tax.sh.gov.cn/pub/xxgk/zcfg/node92/201601/t20160120_421460.html

Further Clarifications on Tax Administrative Approvals

Recently, the SAT and its Department of Policies and Laws & Regulations jointly issued Letter 461. This clarifies certain implementation issues in respect of *Opinions on Standardizing Administrative Approval Behaviors & Improving Administrative Approval Related Work* (Shui Zong Fa [2015] No. 142, Circular 142).

Key points

- Where the application materials stipulated in Circular 142 are inconsistent with the *Standard for Administration of Tax Collection* and the *Standard for Tax Services*, the application materials shall be subject to the provisions in Circular 142.
- Where the application materials stipulated in Circular 142 are inconsistent with the *Service Guidance for Tax Related Administrative Approval Matters* and the *Application for Tax Related Administrative Approval*, the application materials shall be subject to the requirements in the *Application for Tax Related Administrative Approval*.
- ID document of the handler shall be provided no matter whether the entrusted agent applying for the administrative approval; While the letter of authorization and ID document of the agent are only necessary when the entrusted agent applying for the administrative approval.
- With regard to the "examination and approval for a non-resident enterprise opting for its main organization or premises to make consolidated payment of corporate income tax", the administrative procedures are clarified. The guidance applies where it is difficult to conduct formal examination and accurately determine whether the application meets the requirements. This may preclude an officer from making a decision on whether it could be accepted on the spot upon receipt of application documents. In such cases the officer shall consult with the relevant in-charge department instantly. The department will issue a *Letter of Acceptance for Tax Related Administrative Approval* after examining the documents. If the application materials are incomplete or fail to comply with the legal format, applicants shall be informed about the supplementary information required within five days.

Reference: Cai Shui [2015] No. 141 (Circular 141)

Issuance Date: 31 December 2015

Effective Date: N/A

Relevant industries: Public welfare organisation

Relevant companies: N/A

Relevant taxes: CIT/IT

You may click this linkage to access full content of the circular:

http://szs.mof.gov.cn/zhenxi/zhencefabu/201601/t20160121_1652817.html

Notice regarding the Adjustment on Recognition and Approval of Public Welfare Donation Qualified for Pre-tax Deduction

On 31 December 2015, the Ministry of Finance (MOF) together with the SAT and the Ministry of Civil Affairs (MCA) jointly issued Circular 141, "Notice regarding the Adjustment on Recognition and Approval of Public Welfare Donations Qualified for Pre-tax Deduction". This adjusts and clarifies the procedures for recognition of organizations, in respect of which a tax deductible public welfare donation can be made by taxpayers.

Key points

- The previous procedure for recognition of 'social organizations', in respect of which donations are tax deductible, has been cancelled. This had required the social organization to submit an application letter and documents to gain recognition as an organization, in respect of which a tax deductible public welfare donation could be made by taxpayers.
- Under the new rules, the finance, taxation and civil administration departments will now determine whether the social organizations are qualified for pre-tax deduction, depending on the registration of social organizations and public benefit activities. The list of public welfare organizations to which donations qualified for pre-tax deduction will be issued through the Announcement.
- For a social organization which registers with the MCA but which has not yet commenced operations, the MCA together with the MOF and the SAT shall determine its qualification in the process of registration. The MOF, SAT and MCA will jointly issue an announcement to clarify the qualification for pre-tax deduction for the eligible public welfare organization.
- For the social organization which registered with the MCA and have already started to operate, the MOF, SAT and MCA will jointly clarify the qualification for pre-tax deduction of its public welfare donation depending on its activities, annual inspection and assessment and to issue an announcement accordingly.
- For the social organizations which registered with the department of civil administration at the provincial level or below, the relevant departments at the provincial level shall comply with the aforesaid provisions.

Reference: Guo Fa [2016] 4 (Circular 4)

Issuance Date: 4 January 2016

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Relevant industries:

Manufacturing industry

Relevant companies:

Companies engaged in processing trade

Relevant taxes: N/A

Potential impacts on businesses:

- Operational costs reduced

You may click this linkage to access full content of the circular:

http://www.gov.cn/zhengce/content/2016-01/18/content_5033735.htm

State Council Seeks to Promote Development of the Processing Trade

On 4 Jan 2016 the State Council issued Circular 4, *Several Opinions of the State Council on Promoting Innovative Development of Processing Trade*.

Key points

Key tasks of innovative development	<ul style="list-style-type: none"> • Raise the status of the processing trade in global value chains • Leverage the coastal areas as demonstrators of leading practices. Promoting transformation and upgrade of quality and efficiency • Support interior boundary regions to undertake industrial gradual transfer and promote regional coordinated development • Leading enterprises to carry out international cooperation over production capacity and making overall planning on the two markets and two resources of both international and domestic
Reform and innovation of management system	<ul style="list-style-type: none"> • Deepen the reform of administrative approvals for the processing trade • Establish a new management system for the processing trade • Optimize supervision methods • Facilitate domestic sales • Speed up the integration and optimization of customs special supervision areas
Improvement of policy measures	<ul style="list-style-type: none"> • Increase financial support • Enhance quality of financial services • Perfect the social security system • Optimize the legal environment • Create a fair external environment • Create a public opinion environment which is conducive to the development of manufacturing industry

Reference: Guo Han [2016]

No. 17

Issuance Date: 12 January 2016

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Relevant industries: E-commerce business

Relevant companies:

Companies carrying out cross-border e-commerce activities

Relevant taxes: N/A

Potential impacts on businesses:

- Operational costs reduced

You may click this linkage to access full content of the circular:

http://www.gov.cn/zhengce/content/2016-01/15/content_10605.htm

Approval of the State Council on Establishing Cross-Border E-Commerce Comprehensive Pilot Zones in 12 Cities

As mentioned in "KPMG China Tax Weekly Update" (Issue 2, January 2016), at a standing meeting on 6 January 2016, the State Council agreed to establish more Cross-border E-commerce Comprehensive Pilot Zones (CECPZ) in 12 cities including Tianjin, Shanghai, Chongqing, etc. This is intended to support the development of foreign trade through new models. Recently, official approval has been issued by the State Council, approving the establishment of CECPZ in those 12 cities.

Key points

- Approval to establish 12 CECPZs in Tianjin, Shanghai, Chongqing, Hefei, Zhengzhou, Guangzhou, Chengdu, Dalian, Ningbo, Qingdao, Shenzhen and Suzhou.
- The pilot zones are each named as *China (city name) Cross-Border E-Commerce Comprehensive Pilot Zone*. The specific implementation plan shall be formulated by the people's government at the provincial level of each city.
- The design of the CECPZs will draw on the practical experience obtained with the "Six Systems" and "Two Platforms" in China (Hangzhou) CECPZ. At the same time, there will be adaptation to the local conditions, leveraging the local economic features and advantages. Efforts will be invested in the trial implementation of a number of fields: technical standards, business processes, regulator patterns and information construction relating to cross-border business-to-business model. The focus is on creating a replicable experience to promote the healthy development of cross-border e-commerce business throughout the country.



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Relevant industries: Construction industry
Relevant companies: Construction companies
Relevant taxes: VAT reform

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<http://www.zgjzy.org/NewsShowFiles.aspx?id=6799>

Guidance on Preparing for Construction Industry VAT Reform

To push forward the Value-added Tax (VAT) reform implemented in construction industry successfully, steadily and healthily, the China Construction Industry Association and the China Construction Accounting Institute jointly issued an 'Announcement on Guiding Opinions concerning the Preparation Works on VAT Reform for Construction Companies'.

Key points

Organizing the simulation	<ul style="list-style-type: none"> The simulation on VAT reform, refers to that the construction enterprises can organize a simulation with reference to the provisions on VAT collection and administration that applies to those enterprises which have already carried out the VAT reform. The construction enterprises can organize a simulation for the whole process of VAT management and concealed accounting, while they are still subject to the Business Tax management and accounting. The simulation can be organized in one enterprise, in one or a few grass-roots unit (s), or in one or a few project (s) of an enterprise, depending on the actual situation. The construction bid, contract management, procurement of goods and services, transition of invoice, accounting and auditing, tax filing and payment and etc., shall be thoroughly examined in the simulation according to the implementation of VAT management. It shall also be finding out a variety of practical issues which are not applicable to the VAT collection and management so as to make systematic and pertinent preparation internally.
Developing the solution and being focused	<p>The solutions shall be comprehensive, but also be realistic and be focused. For example:</p> <ul style="list-style-type: none"> Issues regarding the basic conditions of VAT management Issues regarding the improvement of "Construction management on a basis of project" Issues regarding the bidding Issues regarding the agreement of contract Issues regarding the explanation and implementation of certain long-term policies and regulations
Verifying the effectiveness of policies recommended	<p>It shall be further verifying the effectiveness of selective policies in the simulation and working out the detailed operational approach. For example:</p> <ul style="list-style-type: none"> "Old project" "Materials provided" "Tax rate adjustment on commercial concrete" "Tax rate on construction services"

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