

China Tax Weekly Update

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Reference: Shui Zong Fa [2016] No. 15
Issuance date: 20 January 2016
Effective date: N/A

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

Potential impacts on businesses:

- Effective tax burden may reduced
- Compliance costs reduced
- Risks of being challenged due to non-compliance issues increased

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

SAT announces the key tasks of taxation work in 2016

On 20 January 2016, the State Administration of Taxation (SAT) published *the Key Tasks of Taxation Work in 2016*, which mainly contains 10 key tasks. Important parts of them are abstracted as follows:

Push forward the tax reform

- Promote the reform of Value Added Tax (VAT), Consumption Tax (CT), Resource Tax, Environmental Protection Fee and Individual Income Tax (IIT)

Implement the taxation policies

- Increase tax support for entrepreneurial innovation investment. Continue to implement tax policies to promote employment and entrepreneurship of key groups
- Implement tax policies to help deal with 'zombie' enterprises and support mergers and acquisitions
- Improve preferential tax policies to support the development of new industries. These include energy saving and environmental protection, information technology, biotechnology, high-tech equipment and new energy, etc
- Implement preferential tax policies for small vehicles and new energy-powered vehicles
- Implement export tax refund policy. Enlarge the scope of zero VAT for export services. Improve the tax support policy on importation of advanced technological equipment and key components. Lower the import tax rate of certain consumer goods
- Issue new tax policies to support the development of "One Belt One Road", the coordinated development of Beijing, Tianjin and Hebei, the development of Yangtze River Economic Belt and Free Trade Zones (FTZs)

Transform tax collection and administration methods

- Improve tax risk management for key industries and tax types, through enhancements to the tax risk characteristics database, the model and the index system
- Formulate measures for the classification and grading of taxpayers before end of June 2016. Conduct tax risk analysis on key industries, large enterprises and taxpayers with high revenue/high net assets. This shall be carried out by the SAT and the provincial tax bureaux in the course of 2016
- Deepen the reform of tax services and administration on large enterprises. Enhance the level of tax risk analysis for large enterprises. This is to be achieved by creating a closed-loop risk management process of "data collection-risk analysis-send and deal with-feedback and review". It is also to be achieved through effective deployment of tax collection and administration resources
- Deepen the tax risk analysis on the 1000 enterprises initiative. Issue "China Top 1000 Tax Economic Development Index" and "China Top 1000 Tax Economy Leading Index"
- Lay the groundwork for a tax risk prevention and control system for individual income tax. This would cover ten millions of individuals with high income/high net assets. Put the relevant tax administration system in place by June 2016
- Formulate a tax audit reform plan. Establish a random sampling system and a case source management system before the end of March 2016. Formulate the directional audit system on high risk taxpayers before the end of June 2016. Implement the directional audit widely in the second half of the year

Other key tasks include: strengthen tax collection mechanism, promote tax administration in accordance with the laws, optimize taxation services, push forward administration of taxation using information technologies, participate in international cooperation on taxation, etc.

On 15/16 January 2016, the SAT held the National Tax Work Conference in Beijing to set tax tasks for 2016. You may click [here](#) to read the KPMG *China Tax Weekly Update (Issue 3, January 2016)* for details.

Reference: SAT
Announcement [2016] No. 7
Issuance date: 4 February
2016
Effective date: 1 March 2016

Relevant industries: All
Relevant companies: General
VAT taxpayers with class A
tax credit rating
Relevant taxes: VAT

Potential impacts on
businesses:

- Compliance costs
reduced

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

SAT cancels VAT invoice authentication process for taxpayers with class A tax credit rating

On 14 February 2016, the SAT issued the Announcement [2016] No. 7, cancelling the VAT invoice authentication process for general VAT taxpayers with class A tax credit rating.

From 1 March 2016, VAT invoices obtained by general VAT taxpayers with class A tax credit rating are no longer required to be scanned for authentication. This covers invoices which are issued by the seller through the upgraded VAT invoice system. This includes the special VAT invoices, special VAT invoices for cargo transport industry and uniform sales invoices for motor vehicles.

Since 2014, the SAT has issued a series of circulars in relation to the building of tax credit rating administration system. You may click the following linkages to access full contents of the relevant circulars:

- ❑ [SAT Announcement on the Administrative Measures on Tax Credit \(Trial\) \(SAT Announcement \[2014\] No. 40\)](#)
- ❑ [SAT Announcement on Tax Credit Evaluation Index and Evaluation Methods \(Trial\) \(SAT Announcement \[2014\] No. 48\)](#)
- ❑ [SAT Announcement on Matters concerning Supplementary and Re-Assessment of Tax Credit \(SAT Announcement \[2015\] No. 46\)](#)
- ❑ [SAT Announcement on Several Standards for the Administration of Tax Credit \(SAT Announcement \[2015\] No. 85\)](#)

Reference: N/A
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Relevant industries: Service
industry
Relevant companies: Service
enterprises established in 10
pilot provinces/cities and 5
pilot zones
Relevant taxes: CIT

Potential impacts on
businesses:

- Effective tax burden
reduced
- Cash flow burden
reduced

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

The State Council launches service trade innovation zone pilot schemes

Based on news published on the official website of the central government, on 14 February 2016, the standing meeting of the State Council decided to carry out the pilot program of innovative development of service trade in 10 provinces (cities) as well as 5 State-level new zones over the next 2 years. The 10 provinces (cities) are Tianjin, Shanghai, Hainan, Shenzhen, Hangzhou, Wuhan, Guangzhou, Chengdu, Suzhou and Weihai. The 5 State-level new zones are Harbin, Jiangbei of Nanjing, Liangjiang of Chongqing, Gui'an of Guizhou and Xixian of Shaanxi.

The pilots will focus on facilitating the service trade along 8 dimensions including the administrative system, development model, facilitation, etc. It will limit the restrictions on investment in the service trade. The pilots will also increase support for the following policies:

- Expand the preferential tax policies for the advanced technological service enterprises (ATSEs) within the pilot areas. Expand the scope of enterprises entitled to the 15% CIT rate (reduced from the standard 25% rate) from service outsourcing enterprises to other service sectors with high-tech and high value added. Also allow these enterprises to use the 8% (of total employee expenses) deduction threshold for employee education expenses (under the CIT law deductions for these expenses are generally limited to 2.5% of total employee expenses)

- Set up a fund to support service trade innovation and development and provide financing support for small and medium sized service enterprises in the pilot areas. Provide financial subsidies to enterprises within the pilot areas importing research and development (R&D), energy saving, environmental protection and environmental services which are urgently needed by China
- Encourage financial institutions to be innovative in their supply chain financing businesses. Implement bonded supervision on service outsourcing of identified ATSEs within the pilot areas

Reference: N/A
 Issuance date: N/A
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Relevant industries: All
 Relevant companies: All
 Relevant taxes: CIT/IIT

Potential impacts on businesses:

- Effective tax burden reduced

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

The State Council supports scientific and technological transformation

Based on news published on the official website of the central government, on 17 February 2016, the standing meeting of the State Council decided to encourage the R&D institutions and colleges and universities established by the State to transfer the science and technology results to enterprises or other organizations. The transfer could be made in transfer, licensing or investment after valuation.

The meeting determined a series of policies to encourage innovative entities. This includes quickening the expansion of the tax preferential policies piloted in the national independent innovation demonstration zones (NIIDZs) nationwide. It also includes improving financial and tax policies to support enterprises and individuals to transform scientific and technological results.

* NIIDZs, established with the approval of the State Council, are areas that take prior moves on a pilot basis in independent innovation and high tech industry development. As of September 2015, besides Zhongguancun, the State Council has approved other nine NIIDZs, including Wuhan Donghu and Shanghai Zhangjiang, etc.

You may click the following linkages to access the relevant tax preferential policies which are expanded nationwide from the NIIDZs:

- ❑ [*SAT Announcement on Super Deduction of R&D Expenses of Enterprises \(SAT Announcement \[2015\] No. 97\)*](#)
- ❑ [*MOF SAT Notice on Pre-tax Deduction of Employee Education Expenses of High and New Technology Enterprises \(Caishui \[2015\] No. 63\)*](#)
- ❑ [*SAT Announcement on Collection and Administration of Individual Income Tax of Share Option Incentives and Conversion of Capital Reserve to Additional Share Capital \(SAT Announcement \[2015\] No. 80\)*](#)
- ❑ [*SAT Announcement on Corporate Income Tax of Legal Person Partners of Limited Partnership Venture Capital Enterprises \(SAT Announcement \[2015\] No. 81\)*](#)
- ❑ [*SAT Announcement on Corporate Income Tax of Income Derived from Transfer of the Licensing Use Right of Technology \(SAT Announcement \[2015\] No. 82\)*](#)

Reference: N/A
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Relevant industries: All
 Relevant companies: All
 Beijing companies that
 intend to apply for super
 deduction of R&D expenses
 for 2015
 Relevant taxes: CIT

Potential impacts on
 businesses:

- Compliance risks due to
 regulatory uncertainties
 reduced

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

Beijing municipal government recognition of 2015 R&D projects for incentive purposes

On 17 February 2016, Beijing Municipal Science & Technology Commission (BMSTC) issued a notice to clarify certain evaluation issues of R&D projects for year 2015. The notice includes application conditions, application procedures, and acceptance of application documents, etc.

The evaluation of R&D projects for year 2015 is divided into two batches, and the deadlines of each are as follows:

- Registration and online filing deadline for the first batch is 7 March 2016, and the submission deadline of hardcopy application documents is 11 March 2016
- Registration and online filing deadline for the second batch is 1 April 2016, and the submission deadline of hardcopy application documents is 8 April 2016

The notice is made based on the *SAT Announcement on Administrative Measures on Pre-tax Deduction of Research and Development Expenses of Enterprises (Trial)* (Guoshuifa [2008] No. 116) and the *MOF SAT Announcement on Issues Relating to Policies on Pre-tax Super Deduction of Research and Development Expenses* (Caishui [2013] No. 70). Under the old R&D expenses super deduction policies, recognition of R&D projects by the BMSTC is required so that these projects can access the relevant CIT incentives.

* The new R&D expenses super deduction policies shall apply to CIT annual filing for year 2016 and afterwards. This is based on the *MOF SAT Announcement on Improvements to Policies of Pre-tax Super Deduction of Research and Development Expenses* (Caishui [2015] No. 119, "Circular 119") and the *SAT Announcement on Issues Relating to Super Deduction of Research and Development Expenses of Enterprises* (SAT Announcement [2015] No. 97, "Announcement 97").

You may click the following linkages to access relevant KPMG publications for further information regarding Circular 119 and Announcement 97:

- ❑ [China Tax Weekly Update \(Issue 1, January 2016\)](#)
- ❑ [China Tax Alert: R&D Super Deduction Regulation Update \(Issue 31, November 2015\)](#)
- ❑ [China Tax Alert: 150% Super Deduction Regulation Update \(Issue 3, January 2016\)](#)

Reference: Hu Guo Shui Han
[2016] No. 11

Issuance date: 4 February
2016

Effective date: 4 February
2016

Relevant industries: All

Relevant companies:

Companies entitled to
special tax treatment for
asset (equity) transfer in
Shanghai

Relevant taxes: CIT

Potential impacts on
businesses:

- Compliance risks due to regulatory uncertainties reduced
- Risks of being challenged due to non-compliance issues increased

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Shanghai tax offices clarify implementation issues on reorganisation tax relief of asset (equity) transfer

Shanghai State Tax Bureau and Shanghai Local Tax Bureau recently issued a notice in relation to the use of the CIT law reorganisation tax relief. Specifically this covers the filing for obtaining 'special tax treatment' for asset (equity) transfers:

- Branches of the Shanghai Tax Bureaux should accept the filing form and other application materials within the regulated time and chop the acceptance stamp on the filing form.
- Branches of the Shanghai Tax Bureaux should organize expert teams to carry out risk assessment on the special tax treatment of enterprises' asset (equity) transfer after the transfer is completed. For enterprises with risks, tax bureaux should take the consequent administrative methods such as tax audit and tax assessment.

This implementation notice also clarifies the application procedures, filing returns, reference materials and so on of special tax treatment of enterprises' asset (equity) transfer in Shanghai.

These administrative clarifications are welcome as they facilitate the move of the previous pre-approval system for reorganisation relief to the new post reorganisation filing plus follow up system. This was introduced in SAT Announcement [2015] No. 48. You may click [here](#) to access our *KPMG China Look Ahead (5th Edition): A new era for M&A tax in China* to understand more details.





SAT Announcement on Export Refund Rate Document of 2016 Version A (Shui Zong Han [2016] No. 34)

According to the adjustment of the national tax policies and import and export tax rates, SAT issued *Export Refund Rate Document of 2016 Version A* and published on 2 February 2016.

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

SAT Announcement on the Launch of Pilot Program of Tax Classification and Coding for Commodities and Services (Shui Zong Han [2016] No. 56)

Recently, the SAT has completed the *Tax Classification and Coding for Commodities and Services (Trial)* and added the related function into the upgraded version of the VAT invoice system. According to this, the SAT decides to launch the pilot program in Beijing, Shanghai, Jiangsu and Guangdong to promote the tax classification and coding starting from 19 February 2016.

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

SAT Announcement on the Follow-up Administration after the Implementation of Cancelling Three IIT Matters (SAT Announcement [2016] No. 5)

On 28 January 2016, the SAT issued SAT Announcement [2016] No. 5 to clarify the follow-up administration after the implementation of cancelling the following three IIT matters:

- Cancel the approval of not collecting IIT temporarily on the promotion of scientific and technological achievements transfer
- Cancel the approval of individuals obtaining the stock or to subscribe for shares, such as a discount or subsidy income, who have difficulties in paying IIT
- Cancel the approval of the tax paying ways of law firms

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SAT Announcement of Reducing Frequency of Filings and Payment by Taxpayers Reasonably (SAT Announcement [2016] No. 6)

On 1 February 2016, the SAT published the SAT Announcement [2016] No. 6. From 1 April 2016, the number of filing and payment times by taxpayers will be reduced and combined. The method is mainly for small-scale VAT taxpayers paying VAT, Business Tax, Culture Construction Fee (including City Maintenance Construction Tax, Education Surcharges, etc.), small and low profit enterprises making CIT quarterly payment, all taxpayers paying City Maintenance and Construction Tax, Education Surcharges, etc.

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

SAT Announcement on VAT concerning the Sales of Veterinary Biological Products by Veterinary Drugs Trading Enterprises (SAT Announcement [2016] No. 8)

On 4 February 2016, the SAT published the SAT Announcement [2016] No. 8. Since 1 April 2016, for the sale of veterinary biological products by the veterinary drugs trading enterprises as general VAT taxpayers, the simple filing method may be adopted for calculating and paying VAT based on the sales volume of the veterinary biological products and the rate of 3%. Where the simple method is adopted for calculating and paying VAT, the tax calculation method may not be changed within 36 months.

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

SAT signed cooperation memorandum with the China Council for the promotion of international trade (CCPIT)

According to the tax news on SAT website, SAT signed Cooperation Memorandum with CCPIT in Beijing on 3 February 2016.

According to the Cooperation Memorandum, the cooperation between the two sides mainly include: establish daily information exchange mechanism to achieve information interoperability; jointly promote the tax regulations and tax policy advocacy in the important international events; collaboration tax related services and strengthen the training and human resources cooperation etc.

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