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Reference: Cai Guan Shui [2016] No.18 / Shui Wei Hui [2016] No.2
Issuance date: 24 March 2016 / 16 March 2016
Effective date: 8 April 2016

Relevant industries: Cross-border e-commerce
Relevant companies: Enterprises are engaged in cross-border e-commerce business
Relevant taxes: Import Customs Duty / Import VAT / Import Consumption Tax

Potential impacts on businesses:

- Effective tax burden of consumers increased
- Existing operating model may need to be adjusted

You may click here to access full content of the Circular 18 and click here to access full content of the Circular 2.

China's import tax policies for cross-border e-commerce

On 24 March 2016, the Ministry of Finance (MOF), General Administration of Customs (GAC) and State Administration of Taxation (SAT) jointly issued the *Notice on Import Tax Policies for Retail of Cross-border E-commerce* (Cai Guan Shui [2016] No. 18, "Circular 18"). This clarifies import tax policies for cross-border e-commerce (business to consumers, namely B2C). In addition, the Customs Tariff Committee of the State Council also issued Shui Wei Hui [2016] No. 2 ("Circular 2") to adjust the import tax polices for inbound articles. Both Circular 18 and Circular 2 shall take effect from 8 April 2016.

Currently, products imported in cross-border e-commerce transaction for personal use (e-commerce B2C imports), are deemed as "postal articles" and subject to a preferential "Tax on Baggage and Articles" rate, as long as the value of the imported products falls under a certain threshold. Tax on Baggage and Articles is a tax which combines Import Customs Duty, Import VAT and Import Consumption Tax into one. It is levied on non-trade inbound articles and its rates are generally lower than the composite tax rate on similar imported goods. Although e-commerce B2C imports enter into China by way of post, they are still different from other traditional non-tradable articles such as documents and bills, unaccompanied luggage, gifts from relatives and friends and etc. They shall be regarded as goods imported under general trading transactions. If e-commerce B2C imports are subject to Tax on Baggage and Articles only, the tax burden of such transaction are lower than the same kind of imported goods under general trade and domestic goods, and this will lead to unfair competition. As such, Circular 18 requires that e-commerce B2C imports shall be deemed as "goods" rather than "postal articles" and be subject to Import Customs Duty, Import VAT and Import Consumption Tax.

The main contents of the Circular 18 are as follows:

General rules	• E-commerce B2C imports shall be deemed as "goods" and be subject to Import Customs Duty, Import VAT and Import Consumption Tax • Individuals who purchase e-commerce B2C imported products shall be deemed as taxpayer • The dutiable value of the e-commerce B2C imported products shall be actual trading price, including retail price, freight and premium • E-commerce enterprise, e-commerce trading platform services provider, logistics enterprise may collect and pay tax on behalf of taxpayer

<table>
<tr><td rowspan="3">Trading limit</td><td colspan="2">• Limit of a single transaction is RMB2,000
• Individual's annual trading limit is RMB20,000</td></tr>
<tr><td>Cross-border e-commerce B2C imports within the limit</td><td>• The tariff rate is temporarily 0%
• Import VAT and Import Consumption Tax are not subject to exemption and shall be charged at 70% of the statutory tax payable</td></tr>
<tr><td>• Single transaction in excess of the single transaction limit of RMB2,000
• Single transaction in excess of the individual’s annual trading limit of RMB20,000
• Individual indivisible product of which dutiable price in excess of RMB2,000</td><td>• Full amount shall be taxed in the same manner as general trade</td></tr>
<tr><td>Products are returned</td><td colspan="2">• If the return occurred within 30 days of the date on which the imported products were released, taxpayer may apply for tax refund and individual’s annual trading limit will be adjusted accordingly</td></tr>
</table>

Pursuant to Circular 2, China will also adjusts import tax policies for inbound articles. The main adjustments are as follows:

- Tax items changed from 4 to 3 (tax rates for the previous 4 tax items are 10%, 20%, 30% and 50%). Commodities under item 1 are mainly applicable to MFN tariff rate at zero, item 3 are for luxuries which are subject to consumption tax (combining the previous item 3 and 4) and others will be included into item 2
- Tax rates for the 3 tax items are 15%, 30% and 60%, which are almost the same with composite tax rates on the similar imported goods

If imports of cross-border e-commerce business to business (B2B) are completed in general trade methods, the existing tax policies still apply.

* With regard to the potential impact of Circular 18 and Circular 2 to cross-border e-commerce business, you may click to access KPMG *China Tax Alert: Issue 14, March 2016)* for more details.

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

Relevant industries: All (especially for industries of construction, real estate, financial and lifestyle services)
Relevant companies: All (especially for enterprises engaged in construction, real estate, finance and lifestyle services)
Relevant taxes: VAT / BT

Potential impacts on businesses:

- Compliance risks due to regulatory uncertainties reduced

You may click here to access full content of the Interpretation and here to access full content of the Tax Guidance.

Interpretation on new VAT rules by Shanghai tax authority and Tax Guidance on VAT reform for key industries by BSTB

Following the promulgation of Measures for Implementation of the Pilot Program of VAT Reform (Cai Shui [2016] No.36), tax authorities at various regions released local guidance to enable the BT to VAT transition to be carried out smoothly.

On 30 March 2016, Shanghai tax authority, through its official We-Chat, released the detailed interpretation on the newly-issued VAT rules. SAT posted the Shanghai interpretation on its We-Chat as well so as to increase the awareness of the interpretation among the taxpayers.

In addition to Shanghai, Tax Guidance on VAT reform for key industries such as lifestyle services, real estate, construction and financial services were released by Beijing State Tax Bureau (BSTB) on 30 March. The Tax Guidance clarifies the taxpayers covered, scope of tax collection, tax rate and collection rate, tax calculation methods, determination of sales amounts, place of tax payment, input VAT credits and preferential tax treatments for the four industries respectively.

* On the occurrence of the policy 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: GAC Announcement [2016] No.20
Issuance date: 24 March 2016
Effective date: 30 March 2016

Relevant industries: All
Relevant companies: Enterprises which require customs declaration for imports and exports
Relevant taxes: Import and Export Customs Duty / Import VAT / Import Consumption Tax

Potential impacts on businesses:

- Compliance risks due to regulatory uncertainties reduced

You may click here to access full content of the circular.

GAC revises standards for filling in customs declaration forms

In GAC Announcement [2016] No.20 (Announcement 20) released on 24 March 2016, GAC made amendments to the previous version of the standards for filling in customs declaration forms for imports and exports which was announced in 2008.

Announcement 20 collected filling-in requirements for items such as "Shipping Cost", "Insurance Premiums" and "Certificates" that have been stated in other regulations ever since 2008, and deleted declaration items that have lost their legal or regulatory basis. It also added new standards of "Confirmation of Special Relationship", "Confirmation of Price Impact", "Confirmation of Payment of Royalties", etc., for "Other Issues to Be Explained".

The revised standards shall be take effect from 30 March 2016. The paper customs declaration form for imports and exports will be changed and be further announced by GAC.

* With regard to the potential impacts of Announcement 20, you may click to access KPMG *China Tax Alert: China Customs Revises the Standards for Filling in Declaration Forms (Issue 13, March 2016)* to understand more.

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

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

Potential impacts on businesses:

- Effective tax burden reduced

You may click here to access full content of the circular.

China to set up 3 new National Independent Innovation Demonstration Zones (NIIDZs) and to accelerate the construction of Shanghai Scientific and Technological Innovation Center

Recent news published on official website of the Central Government of the PRC noted that the government plans to set up 3 new NIIDZs in the areas of Zhengluoxin of Henan, Shandong Peninsula and Shenda of Liaoning. A resolution was adopted at the Standing Committee Meeting of the State Council on 30 March 2016. This brings the number of NIIDZs to 14.

In addition, the meeting decided to push forward the trial of innovation reforms and establish a comprehensive national scientific center in Shanghai within 3 years. This requires Shanghai to explore and launch a pilot scheme on the followings:

- General system of tax in encouraging innovated and startup enterprises
- Innovation of the investment-loan linked financial service mode
- Equity transaction trusteeship market
- New R&D institutions of industrial technologies
- Streamline administration on foreign-invested venture capital

* SAT issued 10 measures to support Shanghai Scientific and Technological Innovation Centre in January 2016, you may click to access KPMG *China Tax Weekly Update (Issue 4, January 2016)* for details.

* With regard to the relevant tax preferential policies for NIIDZs, please click to access KPMG *China Tax Weekly Update (Issue 6, February 2016)* for details.

Reference: Guo Fa [2016] No.20
Issuance date: 25 March 2016
Effective date: N/A

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

Potential impacts on businesses:
- Effective tax burden reduced
- Compliance costs reduced
- Operation costs reduced
- Restrictions on investments reduced

You may click here to access full content of the circular.

State Council's opinions on work allocation for key tasks set out in 2016 Report on the Work of the Government

On 29 March, the State Council issued Guo Fa [2016] No.20, which clarifies work allocation for key tasks set out in *2016 Report on the Work of the Government* (the "*Report*"). Two tasks which shall be led by MOF and SAT are as follows:

Limit local non-tax charges, complete VAT reform	• VAT reform will be fully implemented in 2016. The construction, real estate, financial services and lifestyle services industries will all be subject to VAT with effect from 1 May 2016. The VAT incurred for purchase of new immovable properties will be included into the scope of creditable input VAT for all enterprises • Currently, many local governments finance their expenditures partly through requiring local enterprises and individuals to make contributions to 'government funds'. This is essentially a non-tax form of government financing. The State Council has decreed that government funds set up without authorization will be abolished. The collection of contributions to certain government funds will be suspended and/or consolidated. More enterprises will be exempted from contributing to water conservancy construction funds and other government-managed funds • Currently, many local governments also finance their expenditures partly through administrative charges. Exemptions from 18 administrative charges, which currently apply only to small and micro businesses, will be expanded to include all enterprises and individuals
Speed up finance and tax mechanism reform	• Reform the sharing of powers and expenditure responsibilities between the central and local governments. • The BT to VAT reform potentially impacts on the finances of local governments. Therefore ensure that the proportion of VAT revenue received by the central and local governments is determined appropriately • Taxes suitable as sources of local government revenue will be transferred to local governments along with the corresponding administrative powers • Reduce special transfer payment to local government by central government. General transfer payments will be increased by 12.2% in this year (general transfer payment can be spent by the local governments as they decide. Special transfer payments are earmarked by the central government for particular expenditures) • Implement a reform of Resource Tax which transitions it from a volume basis tax to a price basis tax • Promote the law-based administration of tax collection

In addition to the above, SAT are also involved in other 13 key tasks. With regard to the tax related topics in the *Report*, you may click to access KPMG *China Tax Weekly Update (Issue 9, March 2016)* for details.

Reference: Shui Zong Han [2016] No.124
Issuance date: 18 March 2016
Effective date: N/A

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

Potential impacts on businesses:
- Compliance risks due to regulatory uncertainties reduced

You may click here to access full content of the circular.

SAT clarifies Business Tax issues on sale of housing at cost

On 18 March 2016, SAT issued Shui Zong Han [2016] No.124, making a written reply to Hainan Local Tax Bureau to clarify Business Tax (BT) issues on sale of housing at cost.

According to the reply, the provision in the *Notice from MOF and SAT in relation to Business Tax Issues on Certain Matters such as Vocational Education (Cai Shui [2013] No.62)* that "the proceeds derived by the enterprises and administrative institutions from the sale of housing at housing reform cost or standard price shall be exempted from BT" is applicable to public housing that was sold in accordance with the policy of the State for housing system reform and priced at the housing reform cost and standard price only.

Reference: GAC Announcement [2016] No.18
Issuance date: 15 March 2016
Effective date: 15 March 2016

Relevant industries: All
Relevant companies: Enterprises which intend to establish bonded logistics centers
Relevant taxes: Import and Export Customs Duty / Import VAT / Import Consumption Tax

Potential impacts on businesses:
- Compliance risks due to regulatory uncertainties reduced

You may click here to access full content of the circular.

Four authorities standardize application and approval for establishment of B type customs bonded logistics centers

On 15 March 2016, GAC, MOF, SAT and State Administration of Foreign Exchange (SAFE) jointly issued GAC Announcement [2016] No.18 (Announcement 18) to further standardize application and approval for establishment of B type customs bonded logistics centers. Announcement 18 clarifies the following issues.

- Application materials shall be submitted to customs where the applicant is located
- Customs will conduct a preliminary review on the application materials and report to GAC with their comments
- GAC examine the application jointly with MOF, SAT and SAFE, then issue the notice to approve or refuse the application. The notice will be delivered to the applicants by customs

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