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Relevant industries: Cross-border B2C e-commerce
Relevant companies: Enterprises engaged in cross-border B2C e-commerce
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.

MOF suspends customs clearance requirements for cross-border B2C e-commerce

In KPMG *China Tax Weekly Update* Issue 12 and Issue 14, we introduced that the Ministry of Finance (MOF), the State Administration of Taxation (SAT) and the General Administration of Customs (GAC) jointly issued the new import tax policy (Cai Guan Shui [2016] No. 18, "Circular 18") for cross-border B2C e-commerce as well as its implementation policies from the relevant authorities. The MOF and the other 10 authorities jointly issued two batch of lists of retail goods permitted to be imported in cross-border e-commerce transactions. The lists also regulated that the bonded products purchased online are subject to China Inspection and Quarantine (CIQ) Clearance Notice when entering bonded zones from overseas. Certain products such as cosmetics, infant formula milk powder, healthcare food etc. are subject to initial import licensing approval, registration or filing requirements.

MOF recently further clarified that the aforesaid regulatory requirements will be granted a one-year transition period. This is because of difficulties that the new policy was creating for e-commerce businesses to obtain the CIQ Clearance Notice and the licensing approvals or registration/filing requirements. This transition period is provided for under the notice from the GAC and the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ). GAC and AQSIQ have yet to release the official notice. The MOF made the following clarification in the news:

- The CIQ Clearance Notice will not be verified for online purchased bonded products entering the bonded zones in 10 pilot cities before 11 May 2017 (including 11 May). The pilot cities are Tianjin, Shanghai, Hangzhou, Ningbo, Zhengzhou, Guangzhou, Shenzhen, Chongqing, Fuzhou and Pingtan. The initial import licensing approval, registration or filing requirements related to cosmetics, infant formula milk powder, medical devices, special food (including healthcare food, formula food for special medical purpose) will also be suspended
- The initial import licensing approval, registration or filing requirements for the above products will also be suspended for the direct purchase model in all regions

The official from the customs department of the MOF also emphasized that, products imported under cross-border B2C e-commerce transactions covered by the lists are still subject to the tax policies in accordance with Circular 18.

* On the occurrence of Circular 18 announcement, KPMG immediately issued a series of China Tax Alerts on new import tax policies for cross-border e-commerce. You may click the following links to read:

- *China Tax Alert: China's New Import Tax Policies for Cross-border E-commerce worth the attention of the whole industry (Issue 14, March 2016)*
- *China Tax Alert: The Chinese Government Introduced New Policies to Regulate Cross-Border E-Commerce Retail Import Business and the Imported Articles (Issue 15, April 2016)*

Reference: Shui Zong Fa [2016] No. 71
Issuance date: 19 May 2016
Effective date: 1 July 2016

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

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 clarifies how tax audit cases will be identified

On 19 May 2016, the SAT issued the *Provisional Administrative Measures for Tax Audit Case Sourcing* (Shui Zong Fa [2016] No. 71, "Measures"). The measures clarify tax audit case sourcing information, case sourcing type, case sourcing handling, case sourcing allocation and use of results etc., which will take effect from 1 July 2016.

Tax audit case sourcing ("case sourcing"), namely, source of tax audit cases involving violation of the tax laws. It consists of the data, information and clues in relation to tax offences. The tax offences include tax evasion, evasion of tax arrears, tax fraud, tax revolt, refusal to pay tax and issuance of false invoices. The measures set out the tax audit case sourcing information as follows:

- Tax data and information that are declared by the taxpayers as well as the tax data and information that are generated from tax registration, use of invoices, tax incentives, recognition of qualification, export tax refund and financial statements etc.
- Risk information of high-risk taxpayers are identified by risk department of tax authority
- Clues in relation to tax offences that are provided by informant
- International tax information that are formed in the process of special information exchange, automatic information exchange and voluntary information exchange etc.
- Tax audit data such as case clue and punishment that are formed in the process of law enforcement by inspection bureau of tax authority
- Third-party information such as tax information being shared between governments and social organization as well as the social public information collected by tax authority

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

Relevant industries: All
Relevant companies: Enterprises of multinational groups located in Beijing
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 circular.

BEPS deliverables on transfer pricing implemented by BSTB

Based on news published on the website of the 2nd sub-bureau of Beijing State Tax Bureau (BSTB) on 18 May 2016, the 2nd sub-bureau of BSTB (2nd sub-bureau) is carrying out transfer pricing (TP) investigation on the enterprises of multinational groups that are located in Beijing.

As of the date of the news released, the 2nd sub-bureau has selected 263 enterprises in Beijing including 100 large multinational groups and all will be audited. The 2nd sub-bureau shall get to know about the basic information of the enterprises as well as to analyse the type, form and scale of their related party transactions based on the basic filing information such as data filed by the related enterprises, contemporaneous documentation and financial statement etc. This is the implementation of BEPS deliverables by the tax authority.

The 2nd sub-bureau also targets enterprises whose headquarters is located in China, where the business in question has significant scale/scope and the volume and value of related transaction is relatively large. Interviews will be arranged with the targeted enterprises so as to obtain an understanding of the way the enterprises structure their operations as well as to get the information on respective functions, assets and risks that are borne by all the subsidiaries in China and contributions that have been made to the ultimate profits etc.

On the same day, another news from the website of the 2nd sub-bureau indicated that the 2nd sub-bureau has recently conducted a training on Standards & Poor's Database for its staff in cooperation with the intermediary institution. The training aims to enhance their capacity on international taxation.

The abovementioned work trends have showcased the Chinese tax authority's efforts on implementation of the *Communiqué of the 10th Meeting of the OECD Forum on Tax Administration (FTA)* and BEPS deliverables.

* With respect to the detailed information about the 10th FTA meeting, you may click to read KPMG *China Tax Weekly Update* *Issue 17*, *Issue 18* and *Issue 19*. you may also click to read KPMG *China Tax Alert: OECD FTA pushes forward global tax coordination initiatives (Issue 16, May 2016)* to know about the impact of the FTA meeting to global tax collaboration.

Reference: Cai Shui [2016] No. 39
Issuance date: 23 March 2016
Effective date: 1 May 2016

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

Potential impacts on businesses:

- Effective tax burden reduced
- Compliance risks due to regulatory uncertainties reduced

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

MOF and SAT clarify VAT reform policies for specific enterprises

On 23 March 2016, the MOF and the SAT jointly issued Cai Shui [2016] No. 39 ("Circular 39"), clarifying VAT reform policies for specific enterprises* and businesses. This includes the determination of sales amount, selection of calculation method of VAT and VAT exemption etc.

Except for those specific policies for certain companies, the following international shipping insurance business can enjoy exemption from VAT:

- Insurance enterprises registered in Shanghai and Tianjin and engaged in international shipping insurance business
- Insurance enterprises registered in Shenzhen and providing international shipping insurance services to enterprises registered in Qianhai Shenzhen-Hong Kong Modern Service Industry Cooperation Zone
- Insurance enterprises registered in Pingtan and providing international shipping insurance services to enterprises registered in Pingtan

* Those specific enterprises include: China Mobile Communications Corporation, China Union Network Communications Group Co., Ltd., China Telecom, China Securities Registration and Clearing Corporation, Agricultural Development Bank of China, China National Offshore Oil Corporation, the United States ABS Classification Society, Qinghai Tibet Railway, China Post Group Corporation, etc.

Besides, Hubei State Tax Bureau (STB) recently released Approach for Implementation of the VAT Reform (Part II) and Q&A on Hot Issues under the VAT Reform (Part I) while Anhui STB released Guidance on General Issues under the VAT Reform on their websites. These clarify the implementation issues for the specific policies for the VAT reform.

At the same time, Beijing Finance Bureau (BFB), Beijing STB (BSTB) and Beijing Local Tax Bureau (BLTB) issued three circulars to clarify certain issues in relation to the VAT reform:

- *BFB, BSTB and BLTB Issue Notice on Canceling the Transitional Financial Support Policies in connection with the VAT Reform (Jing Cai Shui [2016] No. 814)*
- *BSTB Clarifies Administrative Issues for VAT Exemption for Cross-border Activities Subject to VAT under VAT Reform (BSTB Announcement [2016] No. 15)*
- *BSTB and BLTB Issue Notice on Ensuring Smooth Transition of Invoice Administration between BSTB and BLTB under VAT reform (BSTB and BLTB Announcement [2016] No. 17)*

* 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*, *Issue 18* and *Issue 19* 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)

4 authorities jointly clarify issues for key software and IC design enterprises under the State planning

Reference: Fa Gai Gao Ji [2016] No.1056
Issuance date: 16 May 2016
Effective date: 1 January 2015

Relevant industries: Software and integrated circuit (IC) industries
Relevant companies: key software and IC design enterprises under the State planning
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.

As mentioned in KPMG China Tax Weekly Update (Issue 17, May 2016) , the Ministry of Finance (MOF) and the State Administration of Taxation (SAT) jointly issued Cai Shui [2016] No. 49 ("Circular 49") on 4 May 2016 to clarify the preferential Corporate Income Tax (CIT) policies for software and integrated circuit (IC) enterprises. Key IC design enterprises and key software enterprises listed in the State planning layout that are entitled to enjoy the preferential CIT policies, they shall meet the following criteria: (i). Certain indicators such as revenue and taxable income are satisfied; (ii). Falling within the key IC design filed and key software field that are regulated by the State.

Given that, the MOF and the SAT jointly with other 2 authorities further issued Fa Gai Gao Ji [2016] No.1056 ("Circular 1056") on 16 May 2016, which clarifies the categories for key software field and key IC design filed listed in the State planning layout. The key software filed includes 9 categories such as basic software, industrial software and services etc. while the key IC design filed including 5 categories such as high-performance processor and FPGA chip etc. Circular 1056 have also made the following clarification:

- Authorities shall dynamically adjust the categories for the aforesaid fields based on the national industrial policy planning and layout
- For the eligible key software enterprise and key IC design enterprise listed in the State planning layout, they shall select one field to be performed the recordal filing with the tax authority if more than one field involved in their business. The sales (business) revenue of the selected field shall not be less than 20% of sales (business) revenue derived from the development of software products or IC design business of that enterprise

Reference: Guo Fa [2016] No. 28
Issuance date: 20 May 2016
Effective date: N/A

Relevant industries: Manufacturing Industry and internet Industry
Relevant companies: Manufacturing enterprises and internet enterprises
Relevant taxes: VAT / CIT

Potential impacts on businesses:
- Effective tax burden reduced
- Operational costs reduced

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

State Council facilitates integration of manufacturing industry with internet

On 20 May 2016, the State Council issued Guo Fa [2016] No. 28 ("Circular 28"), setting out opinions on deepening integration of the manufacturing industry with the internet. With Circular 28, the State Council has set a target that, by the end of 2018, 80% of key enterprises in key manufacturing industries participate in the "entrepreneurship & innovation" internet platform. (The building of "entrepreneurship & innovation" internet platform is a program in order for manufacturing enterprises to carry out new business over the internet independently or carry out new business through cooperation with the internet enterprises.

Circular 28 also sets out the overall requirements, key tasks and supporting measures etc for the integration of manufacturing industry with internet. The main financial and tax related supporting measures are as follows:

Improve integration mechanisms of manufacturing industry with internet	• Relax market entry restrictions for new products and new business, and enhance contemporaneous and follow up administration
Improve tax policies for integration of manufacturing industry with internet	• Further expand the scope of VAT input tax credit for the manufacturing enterprises, implement preferential VAT policies and support manufacturing enterprises to carry out business over the internet independently or carry out new business through cooperation with the internet enterprises • Implement the R&D super deduction policy as well as preferential income tax policy for High and New Technology Enterprises. Improve the tax policies for science & technology enterprise incubators

Reference: Guo Fa [2016] No. 30
Issuance date: 24 May 2016
Effective date: N/A

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

Potential impacts on businesses:

- Compliance costs reduced
- Operational costs reduced

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

State Council sets out 15 key work items for 2016

On 24 May 2016, the State Council released Guo Fa [2016] No. 30 ("Circular 30"), setting out 15 key work items for each governmental departments for 2016. Circular 30 requires that each governmental departments shall continue to push forward the reform on simplification of administration, delegation of more powers from higher to lower levels of government and optimization of government services in 2016. The financial and tax related work items are extracted as follows:

Deepen administrative approval reform	• Cancel over 50 administrative approval items of the competent departments under the State Council as well as administrative approval items implemented by the local government as designated by the central government this year. Cancel some production licenses and operating licenses currently required by businesses
Push investment approval reform	• Further revise the catalogue of investment projects subject to governmental approval, cut down the investment projects that are subject to central governmental approval by more than 90% • Introduce *Administrative Regulations on Approval and Recordal Filing for Investment Projects*
Continue business system reform	• Continue to strive to reduce the prior approval items of business registration. Reduce another 1/3 of the prior approval items this year while over 50 post approval items shall be cancelled • Accelerate the pilot program of reform on fully online business registration, name registration, ease of residence restriction as well as the simplification of business de-registration. Speed up the implementation of electronic business license
Simplify administration and delegate the powers	• Start to use negative list system in some regions for controlling the industry sectors in which foreign enterprises may invest (negative list industries may not be invested by foreigners). This negative list system will progressively replace the existing system, under which a detailed list of sectors in which foreigners may invest is set out (with associated investment conditions). The items on negative list will be reduced over time
Promote fair competition	• Formulate the supporting policies and implementation rules to enhance the non-governmental investment. Set up the negative list system for industry entry. Eliminate the unreasonable restriction and break the recessive barriers for non-governmental investment in industries, such as electricity, telecommunications, transportation, petroleum, natural gas, municipal utilities, aged services, medicine and education

Reference: Shang Ban Ting Han [2016] No. 229
Issuance date: 24 May 2016
Effective date: N/A

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

Potential impacts on businesses:

- Compliance costs reduced

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

MOFCOM to increase openness and transparency

On 24 May 2016, the general office of Ministry of Commerce (MOFCOM) issued 2016 Implementation Plan for Increasing Openness and Transparency of Governmental Affairs (Shang Ban Ting Han [2016] No. 229, "Implementation Plan"). The Implementation Plan sets out 6 tasks to intensify efforts to increase openness and transparency of governmental affairs in 2016. Some tasks are extracted as follows:

- Push the negative list for market entry to be open. *Draft Negative List for Market Entry (Trial)* shall be reviewed and adjusted according to the situation and the updated negative list shall be made public on time after each adjustment.
- Make interpretation on important laws and regulations. The responsible official of MOFCOM shall make interpretation on one important regulation within 2016 at least. Organize press conference on special topics or media brief meeting to make introduction and interpretation prior to holding of major business activities and promulgation of important laws and regulations. The interpretation and response shall be made through various media platforms to expand the coverage
- Continue to standardize the procedures for administrative approvals. Speed up the function upgrade of governmental affairs hall and gradually promote the online services

Reference: BSTB Announcement [2016] No. 13
Issuance date: 18 May 2016
Effective date: 1 June 2016

Relevant industries: All
Relevant companies: Beijing companies which apply for export tax refund (exemption)
Relevant taxes: N/A

Potential impacts on businesses:

- Operational costs reduced

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

Beijing launches out paperless management pilot on export tax refund/exemption

On 18 May 2016, the BSTB issued Announcement [2016] No. 13. It decided that Beijing will launch out the pilot program of paperless management on export tax refund (exemption) declaration, effective from 1 June 2016.

- Beijing Haidian STB, Beijing Changping STB, Beijing ETDZ STB and 3rd sub-bureau of BSTB are selected as the first batch of tax authorities falling under the pilot program of paperless management on export tax refund (exemption) in Beijing. Enterprises may be confirmed as pilot enterprises by in-charge tax authorities, if they have performed the recordal filing on export tax refund (exemption) with the aforesaid tax authorities and are willing to participate in paperless management pilot
- When pilot enterprises perform the declaration on export tax refund (exemption), they shall provide the electronic declaration data (with e-signature by digital certificates) instead of submitting the paper declaration forms as well as the paper vouchers. The paper documents which shall be submitted to the in-charge tax authorities in accordance with the original provisions that are required to be retained for future inspection

Reference: BSTB Announcement [2016] No.16
Issuance date: 19 May 2016
Effective date: 20 June 2016

Relevant industries: Telecommunication industry in Beijing
Relevant companies: Telecommunication enterprises in Beijing
Relevant taxes: VAT

Potential impacts on businesses:

- Operational costs reduced

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

BSTB introduces electronic ordinary VAT invoice in telecommunication industry

On 19 May 2016, BSTB issued Announcement [2016] No. 16, clarifying that the electronic ordinary VAT invoice will be introduced in telecommunication industry starting from 20 June 2016.

- Three telecommunication operators shall be subject to this Announcement, they are: China Mobile Group Beijing Co. Ltd, China Telecom Co. Ltd Beijing Branch and China Unicom Co. Ltd Beijing Branch
- From the date of implementation of the Announcement, these three telecommunication operators shall no longer be allowed to issue paper ordinary invoice (self-printed invoice included). Where the issuing party and recipient of the electronic ordinary VAT invoice require a paper invoice, they may print a hard copy of the electronic ordinary VAT invoice. The legal validity, basic purpose and basic provision for usage of the hard copy shall be identical to ordinary VAT invoices printed by the tax authorities

MOF Issues Administrative Measures on Rewards and Subsidies for Structural Adjustment of Industrial Enterprises (Cai Jian [2016] No. 253)

On 10 May 2016, the MOF issued Cai Jian [2016] No. 253, setting out the Administrative Measures on Rewards and Subsidies for Structural Adjustment of Industrial Enterprises ("the measures") to support the local governments and the central government-owned enterprises in addressing the overcapacity in the steel and coal etc. The measures clarify the definition, components, standards, scope covered, supervision and administration of rewards and subsidies for structural adjustment of industrial enterprises, effective from the date of issuance, i.e., 10 May 2016.

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

MCA and GAC Jointly Clarify the Issues concerning Tax Exemption Application for Social Groups and Foundations on Importation of Materials for Charity Purpose (Min Fa [2016] No. 64)

As mentioned in KPMG *China Tax Weekly Update (Issue 11, March 2016)*, the GAC issued Announcement [2016] No.17 (Announcement 17) on 21 March 2016, clarifies certain issues of *the Interim Measures for Exemption of Import Taxes on Charity Donation Materials* (Announcement [2015] No.102). Announcement 17 will take effect from 1 April 2016.

In order to facilitate the implementation of Announcement 17, the Ministry of Civil Affairs (MCA) and the GAC jointly issued Min Fa [2016] No. 64, clarifying the application for tax exemption as well as issuing Qualification Certificate for Donee Accepting Charity Donation Materials by social groups and foundations.

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

GAC Issues Announcement on Implementation of the Unified Social Credit Code System for Legal Persons and Other Organisations (GAC Announcement [2016] No. 32)

On 11 May 2016, The GAC issued Announcement [2016] No. 32 to clarify the implementation of unified social credit code system in customs declaration for legal persons and other organizations as follows:

With effect from the date of Announcement issuance, enterprises which have obtained unified social credit codes may, upon registration as a customs declaration organization with the customs, use their unified social credit codes to be their customs registration numbers for completion of declaration formalities with the customs for customs declaration forms for imports and exports

Enterprises which have yet to obtain their unified social credit codes shall continue to use their customs registration numbers to complete declaration formalities for imports and exports

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

BLTB and BSTB clarify tax treatment of relocating business functions not related to Beijing being the capital of China out of Beijing (Jing Di Shui Fa [2016] No. 107)

As mentioned in KPMG *China Tax Weekly Update (Issue 15, April 2016)*, the Beijing Local Tax Bureau (BLTB) and the Beijing State Tax Bureau (BSTB) jointly issued Jing Di Shui Fa [2016] No. 72 ("Circular 72") on 1 April 2016, clarifying the tax support policies in the process of implementing synergetic development of Beijing, Tianjin and Hebei and diverting the functions not related to Beijing being the capital of China. In detail, Circular 72 summarizes the tax support policies for those enterprises that transfer, sell or buy low-end market property rights, as well as those closed down enterprises and moved out enterprises required by municipal and regional government. Policy contents, handling procedures and submitted materials are also cleared in the Circular.

On 12 May 2016, the BLTB and the BSTB further issued Jing Di Shui Fa [2016] No. 107. It made revisions on certain sections stated in Circular 72, i.e., revising the sections in relation to VAT reform based on the up-to-date VAT policies, which shall take effect from 1 May 2016.

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

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