

GARRIGUES

NEWSLETTER
TAX CHINA

JUNE / JULY 2018



WWW.GARRIGUES.CN

NAME	DATE OF EFFECTIVENESS	GARRIGUES INSIGHT
<p>国家税务总局公告2018年第28号 国家税务总局关于发布《企业所得税税前扣除凭证管理办法》的公告/</p> <p>Announcement of the State Administration of Taxation ("SAT") [2018] No.28 Announcement of the SAT on Issuing the Administrative Measures for Vouchers for Deduction ("Deduction Vouchers") in calculation of Enterprise Income Tax ("Announcement 28")</p>	01/07/2018	<p>I. Deduction Vouchers including internal vouchers and external vouchers, shall comply with the principle of authenticity, legality and relevance. Besides Deduction Vouchers, other related documents, including agreements, supporting documents for expenses and payments, etc. ("Related Documents"), shall also be kept for future reference.</p> <p>II. In domestic transactions, external vouchers shall be obtained as Deduction Vouchers in most cases. Regarding the import of goods or services, only external vouchers (including invoices, receipts and tax payment certificates) may be treated as Deduction Vouchers.</p> <p>III. Any incompliant external vouchers obtained by the taxpayer may not be used as Deduction Vouchers. In the case that the taxpayer could not obtain the valid external vouchers due to some special reasons (e.g. de-registration of the supplier, revocation of business license of the supplier, etc.), related expenses could be deducted, provided that Related Documents could be provided in designated time period.</p>
<p>国家税务总局公告2018年第29号 国家税务总局关于新办纳税人首次申领增值税发票有关事项的公告/</p> <p>Announcement of the State Administration of Taxation ("SAT") [2018] No.20 Announcement of the SAT on Matters Concerning the First-time Application for Value-added Tax ("VAT") Invoices by Newly Established Taxpayers</p>	<p>01/08/2018 for jurisdictions other than Xinjiang, Qinghai and Tibet; and 01/10/2018 for Xinjiang, Qinghai and Tibet</p>	<p>I. The competent tax authorities of new eligible taxpayers shall complete the selected VAT matters in 2 working days, provided that the new eligible taxpayers apply VAT invoices for the first time.</p> <p>II. The said 'eligible taxpayers' shall meet the following 3 conditions:</p> <ul style="list-style-type: none"> -The tax personnel and legal representative has completed the real name information collection and verification; - The taxpayer needs to issue VAT invoices; and - The taxpayer has conducted matters such as the issuance of tax control equipment. <p>III. The said 'selected VAT matters' include the verification of invoice type, the approval for the upper limit of the invoicing amount in the special VAT invoice, first issuance of tax control equipment and invoice collection etc.</p> <p>IV. The upper limit of the invoice amount shall be no more than CNY 100,000 for both special VAT invoice and general VAT invoice. Regarding the quantity of invoices, special VAT invoice and general VAT invoice shall be no more than 25 per month and 50 per month respectively.</p>

NAME	DATE OF EFFECTIVENESS	GARRIGUES INSIGHT
<p>国家税务总局公告2018年第40号 国家税务总局关于贯彻落实进一步扩大小型微利企业所得税优惠政策范围有关征管问题的公告/</p> <p>Announcement of the State Administration of Taxation ("SAT") [2018] No.40 Announcement of the SAT on Issues Concerning the Administration of Tax Collection for Implementing the Policy of Further Expanding the Coverage of the Preferential Income Tax Policy for Small and Low-profit Enterprises</p> <p>财税[2018]77号 关于进一步扩大小型微利企业所得税优惠政策范围的通知/</p> <p>Cai Shui [2018] No.77 Circular on Further Expanding the Coverage of the Preferential Income Tax Policy for Small and Low-profit Enterprises</p>	13/07/2018	<p>The threshold of taxable income for small and low-profit enterprises to enjoy preferential enterprise income tax ("EIT") policy has been increased from RMB 0.5 million to RMB 1 million.</p> <p>Any eligible small low-profit enterprise may enjoy the preferential enterprise income tax policy to be taxed at the tax rate of 20% on 50% of the taxable income, provided that its taxable income is lower than RMB 1 million (including 1 million) from January 1, 2018 to December 31, 2020.</p>
<p>财税[2018]76号 关于延长高新技术企业和科技型中小企业亏损结转年限的通知/</p> <p>Cai Shui [2018] No.76 Circular on Extending the Length of Years for High and New Technology Enterprises ("HNTE") and Technology-oriented Small and Medium-sized Enterprises to Carry Forward Their Losses</p>	01/01/2018	<p>An enterprise qualified as an HNTE or a technology-oriented small to medium size enterprise (hereinafter referred to as the "Qualification") may carry forward the losses incurred in the preceding five years in the year of gaining such Qualification. The carry forward losses may be extended from 5 years to ten years.</p>
<p>财税[2018]70号 关于2018年退还部分行业增值税留抵税额有关税收政策的通知/</p> <p>Cai Shui [2018] No.70 Circular on the Tax Policy Concerning the Refund of Uncredited Value-added Tax ("VAT") for Some Industries in 2018</p>	27/06/2018	<p>I. Scope of Industries and Enterprises Eligible for the Refund of Uncredited VAT including advanced manufacturing industries (e.g. the equipment manufacturing), modern service sectors (e.g. the research and development sector) and electric power enterprises.</p> <p>II. The tax credit ratings of taxpayers eligible for the refund of uncredited VAT are Class A or Class B.</p> <p>III. The uncredited VAT refundable in the current period shall be calculated based on the uncredited VAT of such taxpayer in the previous period of the application and the refund ratio. The refund shall be capped at the uncredited VAT of the taxpayer at the end of the year 2017.</p>

NAME	DATE OF EFFECTIVENESS	GARRIGUES INSIGHT
财税[2018]64号 关于企业委托境外研究开发费用税前加计扣除有关政策问题的通知/ Cai Shui [2018] No.64 Circular on Relevant Policies for the Super Deduction of Expenses for Overseas Research and Development ("R&D") Commissioned by Enterprises	01/01/2018	I. For the expenses incurred for R&D carried out by commissioned overseas parties (excluding individuals), 80 % of the actual amount of such expenses may be recognized as an enterprise's commissioned overseas R&D expenses. The commissioned overseas R&D expenses, to the extent of two-thirds of the qualified domestic R&D expenses, may be eligible for super deduction in the calculation of enterprise income tax. II. The enterprise which has commissioned overseas R&D activities shall keep the relevant supporting documents in record for future inspection.

OTHER TAX LAWS

1. 财税[2018]53号 | 财政部 税务总局关于延续宣传文化增值税优惠政策的通知/
 Cai Shui [2018] No.38 | Circular on Continuing Preferential Value-added Tax Policies for the Publicity of Culture
2. 国家税务总局公告2018年第27号 | 国家税务总局关于修订《中华人民共和国政府和瑞典王国政府关于对所得避免双重征税和防止偷漏税的协定》的议定书生效执行的公告/
 Announcement of the SAT [2018] No.27 | Announcement of the SAT on the Effectiveness and Implementation of the Protocol Amending the Agreement Between the Government of the People's Republic of China and the Government of the Kingdom of Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income
3. 国家税务总局公告2018年第30号 | 国家税务总局关于科技人员取得职务科技成果转化现金奖励有关个人所得税征管问题的公告/
 Announcement of the SAT [2018] No. 21 | Announcement of the SAT on the Individual Income Tax Policy for Cash Awards Received by Scientific and Technological Staff for the On-duty Scientific and Technological Achievements
4. 国家税务总局公告2018年第31号 | 国家税务总局关于修改部分税收规范性文件的公告/
 Announcement of the SAT [2018] No. 31 | Announcement of the SAT on Revising Some Tax Rules
5. 国家税务总局公告2018年第32号 | 国家税务总局关于税务机构改革有关事项的公告/
 Announcement of the SAT [2018] No. 32 | Announcement of the SAT on Matters Concerning the Reshuffle of Tax Authorities
6. 国家税务总局公告2018年第33号 | 关于公布全文失效废止和部分条款失效废止的税收规范性文件目录的公告/
 Announcement of the SAT [2018] No. 33 | Announcement of the SAT Issuing the List of Tax Rules which are Totally or Partially Ineffective
7. 国家税务总局公告2018年第39号 | 国家税务总局关于发布《烟叶税纳税申报表》的公告/
 Announcement of the SAT [2018] No. 39 | Announcement of the SAT on Issuing the Tobacco Tax Returns
8. 国家税务总局公告2018年第38号 | 国家税务总局关于明确跨区域涉税事项报验管理相关问题的公告/
 Announcement of the SAT [2018] No. 38 | Announcement of the SAT on Clarifying Issues Concerning the Administration of Reporting and Inspection of Cross-regional Tax-related Matters
9. 国家税务总局公告2018年第37号 | 国家税务总局关于适用中智税收协定利息条款最惠国待遇的公告/
 Announcement of the SAT [2018] No. 37 | Announcement of the SAT on Applying the Most-favored-nation Treatment under Interest Clauses of the China-Chile Tax Agreement

10. 国家税务总局公告2018年第36号 | 国家税务总局关于修订个体工商户定额信息采集相关文书的公告/
Announcement of the SAT [2018] No. 36 | Announcement of the SAT on Revising Relevant Document of Collecting Information of Individual Business on Fixed Amount
11. 国家税务总局公告2018年第35号 | 国家税务总局关于修改《纳税人存款账户账号报告表》式样的公告/
Announcement of the SAT [2018] No. 35 | Announcement of the SAT on Revising the Format of the Statement of Deposit Account Numbers of Taxpayers
12. 国家税务总局上海市税务局公告2018年第7号 | 关于启用各区税收业务专用章的公告/
Announcement of the SAT and Shanghai Tax Bureau [2018] No. 7 | Announcement on Using Special Tax Chop in All Districts
13. 国家税务总局令44号 | 国家税务总局关于修改部分税务部门规章的决定/
Order of the SAT No.44 | Decision of the SAT on Revising Some Rules of Tax Authorities
14. 税总发[2018]68号 | 国家税务总局关于做好国税地税征管体制改革过渡期有关税收征管工作的通知/
Shui Zong Fa [2018] No.68 | Circular of the State Administration of Taxation on Ensuring Effective Tax Collection and Administration during the Transition Period for the Reform in Tax Collection and Administration Systems for Local SAT Offices and Local Tax Bureaus
15. 财税[2018]75号 | 关于明确烟叶计税依据的通知/
Cai Shui [2018] No.75 | Notice on Clarification of Tax Basis of Tobacco Tax
16. 财税[2018]62号 | 关于物流企业承租用于大宗商品仓储设施的土地城镇土地使用税优惠政策的通知/
Cai Shui [2018] No.62 | Circular on the Preferential Urban Land Use Tax Policy for Land Leased by Logistics Enterprises for Bulk Commodity Warehousing Facilities
17. 中华人民共和国国家发展和改革委员会公告[2018]7号 | 国家发展改革委关于2018年棉花关税配额外优惠关税税率进口配额申请有关事项的公告/
Announcement of the National Development and Reform Commission ("NDRC") [2018] No.7 | Announcement of the NDRC on Matters Concerning Applications for Quotas of Imports under the Preferential Tariff Rate in 2018 Besides Tariff Quotas for Cotton
18. 海关总署公告2018年第53号 | 关于公布2018年7月1日起新增香港享受零关税货物原产地标准及相关事宜的公告/
Announcement of the General Administration of Customs ("GAC") [2018] No.53 | Announcement on Issuing the Origin Criteria for Newly Added Goods from Hong Kong Entitled to Zero Tariff from July 1, 2018 and Related Matters
19. 海关总署公告2018年第65号 | 关于实施《〈亚洲 - 太平洋贸易协定〉第二修正案》协定税率的公告/
Announcement of the GAC [2018] No.65 | Announcement on Implementing the Conventional Tariff Rates under the Second Amendment to the Asia-Pacific Trade Agreement
20. 税委会[2018]27号 | 国务院关税税则委员会关于实施《〈亚洲 - 太平洋贸易协定〉第二修正案》协定税率的通知/
Shui Wei Hui [2018] No.27 | Circular of the Customs Tariff Commission of the State Council on Implementing the Conventional Tariff Rates Specified in the Second Amendment to the Asia-Pacific Trade Agreement
21. 海关总署公告2018年第77号 | 关于《中华人民共和国船舶吨税法》实施有关事项的公告/
Announcement of the GAC [2018] No.77 | Announcement on Issues Relating to the Implementation of the Law of the People's Republic of China on Vessel Tonnage Tax
22. 海关总署公告2018年第78号 | 关于调整大米税目税率的公告/
Announcement of the GAC [2018] No.78 | Announcement on Adjusting the Tariff Rate of Rice
23. 海关总署公告2018年第80号 | 关于发布适用船舶吨税优惠税率国家(地区)清单的公告/
Announcement of the GAC [2018] No.80 | Announcement on Issuing List of the Countries Enjoying Preferential Tax Rate of Vessel Tonnage Tax
24. 财关税[2018]21号 | 关于印发适用船舶吨税优惠税率国家(地区)清单的通知/
Caiguanshui [2018] No.21 | Circular on Issuing List of the Countries Enjoying Preferential Tax Rate of Vessel Tonnage Tax
25. 国家税务总局关于《税务部门规章制定实施办法(修订征求意见稿)》公开征求意见的通知/
Circular of the State Administration of Taxation on Seeking Public Comments for the Implementing Measures for the Formulation of Rules of Tax Authorities (Revised Draft for Comment)
26. 银保监会[2018]32号 | 关于印发《个人税收递延型商业养老保险资金运用管理暂行办法》的通知/
Yin Bao Jian Fa [2018] No.32 | Circular of the China Banking and Insurance Regulatory Commission on Issuing the Interim Administrative Measures on the Use of Individual Tax-deferred Commercial Pension Insurance Funds

27. 中华人民共和国工业和信息化部、国家税务总局公告2018年第33号/
Announcement of Ministry of Industry and Information Technology of People's Republic of China and the SAT [2018] No.20
28. 税委会公告[2018]5号 | 国务院关税税则委员会关于对原产于美国500亿美元进口商品加征关税的公告/
Announcement of the Customs Tariff Commission [2018] No.5 | Announcement of the Customs Tariff Commission of the State Council on Imposing Additional Tariffs on USD50 Billion of Imported Commodities Originating from the US
29. 税委会[2018]28号 | 国务院关税税则委员会关于2018年下半年CEPA项下部分货物实施零关税的通知/
Shui Wei Hui [2018] No. 28 | Circular of the Customs Tariff Commission of the State Council on Imposing Zero Tariff on Certain Goods under the Closer Economic Partnership Arrangement in the Second Half Year of 2018
30. 中税协发[2018]023号 | 关于开展税务师行业互联网+涉税服务调研的通知/
Zhongshuixiefafa [2018] No.23 | Circular on Initiating Survey on Internet + Tax Services of Tax Advisory Profession
31. 中税协秘发[2018]029号 | 关于举办政府采购涉税专业服务培训班的通知/
Zhongshuixiemifa [2018] No.29 | Circular on Launching Tax Professional Service Training on Government Procurement
32. 中税协秘发[2018]026号 | 关于举办出口退免税专门业务培训班(计划外)的通知/
Zhongshuixiemifa [2018] No.26 | Circular on Launching Profession Training on Export Tax Refund and Exemption

SOURCES

1. <http://www.chinatax.gov.cn/>
2. <http://www.lexiscn.com/>
3. <http://www.customs.gov.cn/>

DISCLAIMER

The tax law brief is issued in summary exclusively for information of clients and should not be used or relied upon as a substitute for detailed advice. Accordingly, Garrigues accepts no responsibility for any loss that occurs to any party who acts on the information contained herein without further consultation with us.

For more information:

MANUEL TORRES

Partner

Corporate Law
and Commercial Contracts
Mergers & Acquisitions
Litigation and Arbitration
manuel.torres@garrigues.com
T +86 21 5228 1122
+86 10 8572 0000

DIEGO D'ALMA

Partner

Tax
diego.dalma@garrigues.com
T +86 21 5228 1122
+86 10 8572 0000

Follow us:



GARRIGUES

3205 West Gate Mall - 1038 Nanjing Xi Lu
200041 Shanghai (China)
T +86 21 5228 1122
F +86 21 6272 6125
shanghai@garrigues.com

China World Trade Center 1 Jian Guo Men Wai Avenue
(Tower 1 – Office 1815)
100004 Beijing (China)
T +86 10 8572 0000
F +86 10 8572 0020
beijing@garrigues.com