

Broadening horizons

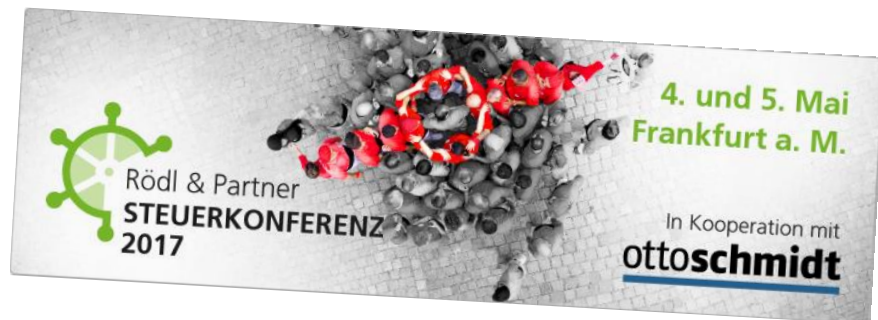
China Newsletter

Latest News on law, tax and business in China

Issue: April 2017 · www.roedl.de/www.roedl.com

税务大会邀请 // Tax Conference Invitation

On May 4 and May 5, we cordially invite you to visit the first tax conference held by Rödl & Partner in cooperation with ottoschmidt in Frankfurt am Main. // 我们衷心地邀请您于 5 月 4 日和 5 日，在法兰克福参加第一届由 Rödl & Partner 与 ottoschmidt 出版社合作主办的税务大会。



In addition to lectures, interdisciplinary and high-level discussion, on May 4, you have the opportunity to complete the conference day with a workshop of your choice in field of international tax law / income tax. // 会议包含主题演讲，以及跨学科，高层次的讨论环节。除此之外，在 5 月 4 日，您还有机会根据您的需要，参加主题为国际税法或者所得税的研讨会。

On May 5, you can choose the workshop from 3 different tax issues (inheritance tax/succession planning, value added tax and transfer pricing). // 5 月 5 日的会议中，有三个不同的主题供您选择：遗产税/继承规划，增值税，以及转让定价。

In addition to the detailed program, you can find all important information of the tax conference on our website www.roedl.de or directly www.roedl.de/steuerkonferenz. // 关于大会的其他重要信息，请您登录我们的网站 www.roedl.de 或直接登录 www.roedl.de/steuerkonferenz。

The language of the conference is German. We are looking forward to your coming. // 大会使用的语言为德语。我们期待您的到来。

本期内容

- › 新中德双边协定下的利润分配
- › 特别纳税调查调整法规出炉
- › 中国进一步开放外资政策
- › 最近出台的重要法规回顾
- › 近期活动预告（德语介绍）

Further Topics in This Issue

- › Profit Distribution under New Sino-Germany DTA
- › Integrated Regulations on Special Tax Investigation and Adjustment are coming!
- › China to Further Open to Foreign Investment
- › Recent Important Regulation Highlight
- › Coming Events (in German language)

新中德双边协定下的利润分配

Vivian Yao, Rödl & Partner 中国上海

新中德税收双边协定已于 2017 年 1 月 1 日起正式执行。此前，诸多纳税人对于 2017 年以前的留存收益是否能适用于 5% 的优惠税率存有疑虑。虽然中国税务机关未官方澄清这项疑问，但是根据实际申请的实践，5% 优惠税率同样适用于 2017 年以前产生并于 2017 年 1 月 1 日之后分配的利润。

2015 年中国税务机关在其网站上公布的申请税收优惠应提交的资料适用于中国与所有国家签订的税收协定的优惠申请。除应提交的报告表外，股东决议和（股东）税收居民身份证明对税务机关判断纳税义务和确认分配的利润是否能享受协定优惠也起着重要作用。只有在 2017 年 1 月 1 日以后宣告分配的股息才能适用于新双边协定。

申请流程

常规的申请程序的第一步是股东决议的网上备案，在递交税收优惠申请的资料后，税务机关会同意进行纳税申报并开具对外支付税收备案证明以供企业进行对外汇出。由于各地税务实践的差异，申请的时间也长短不一。然而，根据我们的经验，只要所有资料能准确并完整的提供，整个流程会十分迅捷。通常对纳税人和扣缴义务人而言，耗时且困难的问题在于搜集必要信息和资料并准确在报告表中进行披露。

超 500 万美金利润分配

实践中，超过 500 万美金的利润分配须事先由国家外汇管理局进行批准，但这不能解读为对于常规利润汇出的障碍。

Profit Distribution under New Sino-Germany DTA

Vivian Yao, Rödl & Partner Shanghai, China

The New Sino-Germany Double Tax Agreement ("DTA") has come into force since January 1, 2017. Previously many taxpayers had concerns whether the retained earnings prior to 2017 are subject to the reduced tax rate of 5% or not. Although it was not clarified by the Chinese tax authority officially, along with the application practice, it appears that it does apply to the profit generated before 2017 and distributed after January 1, 2017.

The documents to be submitted for applying treaty benefit have been announced on the website of the Chinese tax authority in 2015 which are applicable for all international treaty benefit applications. Besides the standard reporting forms to be submitted, board resolution and certificate of tax residence (shareholder) are very important for the tax authority to assess the tax obligation and determine whether the profits distributed could enjoy treaty benefit. Only the profit distribution declared after January 1, 2017 is subject to the new DTA.

Application procedures

The standard application procedures start with online-registration of the board resolution. After submitting the documents for applying for treaty benefit and tax payment declaration, the tax authority will approve the tax filing and issue tax certificate for execute bank payment. Due to the different tax practice, the application time may vary, yet our experience is that as long as the documents are prepared correctly and completely, the whole procedure can be very fast and efficient. The time-consuming and difficult issues for the taxpayers or withholding agents are usually to collect the required information and documents and disclose them in the reporting forms correctly.

Profit distribution over USD 5 mio

Profit distribution over USD 5 Mio needs approval from State of Administration of Foreign Exchange ("SAFE") in practice, but it shall not be interpreted as an obstacle of regular profit distribution.

联系人 / Contact**Vivian Yao**

合伙人 / Partner

中国税务咨询师 / Chinese Tax Advisor

电话 / Tel.: + 86 (21) 61 63 – 52 00

邮箱 / E-Mail: vivian.yao@roedl.pro**特别纳税调查调整法规出炉****Frances Gu, Rödl & Partner 中国上海**

继 2016 年国税总局公布关于关联申报和同期资料管理有关事项的新要求（“2016 年第 42 号公告”）后，近日，中国转让定价立法上又完成了重要一步。2017 年 3 月 28 日，国税总局发布了《特别纳税调查调整及相互协商程序管理办法》的公告（“2017 年 6 号公告—6 号公告”），以积极应用税基侵蚀和利润转移（BEPS）行动计划成果，有效执行中国对外签署的避免双重征税协定、协议或者安排。公告自 2017 年 5 月 1 日起施行。

6 号公告整合了之前的国税发[2009]2 号文、国税函[2009]188 号文、国税函[2009]363 号文、国税总局[2014]54 号公告以及国税总局[2015]16 号公告，主要内容如下：

自行调整

6 号公告规定，企业收到特别纳税调整风险提示或发现自身存在特别纳税调整风险的，可以自行调整补税。自行调整补税的，应填报新增的《特别纳税调整自行缴纳税款表》。企业应注意，即使企业已经进行自行调整并补税的，税务机关仍可按照有关规定实施特别纳税调查调整。企业如需要求税务机关确认关联交易定价原则和方法等特别纳税调整事项的，税务机关应当启动特别纳税调查程序。

Integrated Regulations on Special Tax Investigation and Adjustment are coming!**Frances Gu, Rödl & Partner Shanghai, China**

Following the new transfer pricing (“TP”) reporting requirements (“SAT Public Notice [2016] No.42”) issued by the Chinese State Administration of Taxation (“SAT”) in 2016, the TP legislation in China has recently taken an important step forward. On March 28, 2017, the SAT issued the Public Notice on Administrative Rules for the Special Tax Investigation and Adjustment and Mutual Agreement Procedures (“SAT Public Notice [2017] No.6 – The Public Notice”) in response to the OECD’s BEPS actions and also the effective implementation of double tax treaties, agreements or arrangements that China has signed. The Public Notice will be effective from May 1, 2017.

The Public Notice integrates the previous regulations including Guoshuifa [2009] No.2, Guoshuihan [2009] No.363, SAT Public Notice [2014] No.54 and SAT Public Notice [2015] No.16, whose key points are summarized as follows:

Self-Adjustment

The Public Notice regulates that enterprises are entitled to make self-adjustments and pay overdue taxes by themselves if they have received risk warnings on special tax adjustments or if they have discovered their own potential risks in this regard. In this case, enterprises shall fill in the new form of “Self-payment of Overdue Taxes Regarding Special Tax Adjustment”. Enterprises should notice that even if the self-adjustment was made and overdue tax was paid, tax authorities can still carry out the special tax investiga-

特别纳税调整的流程/具体指导

特别纳税调查调整涵盖的范围包括：转让定价、资本弱化、受控外国企业以及不合理商业筹划（一般反避税事宜）。

6 号公告明确了税务机关实施特别纳税调查的具体流程、调查方式、资料要求、相关时限等。

6 号公告明确了中国税务机关认可的转让定价方法与 OECD 的指导相一致，即包括原来的可比非受控价格法、再销售价格法、成本加成法、交易净利润法、利润分割法，以及新增的成本法、市场法和收益法。此前在征求意见稿中提出的价值贡献分配法未被采用。

6 号公告明确了之前转让定价调查案例中存在的争议问题，具体有：

- 针对被调查企业不提供特别纳税调查相关资料，或者提供虚假、不完整资料的，税务机关有权核定其应纳税所得额。
- 对于可比性分析数据库选用，税务机关承诺优先使用公开数据库信息。
- 税务机关明确可比范围的统计方法，可以根据实际情况选择算术平均法、加权平均法或者四分位法等统计方法，逐年分别或者多年度平均计算可比企业利润或者价格的平均值或者四分位区间。而在进行转让定价调查时，税务机关应当按照可比利润水平或者可比价格对被调查企业各年度关联交易进行逐年测试调整。此外，公告仍延续了原 2 号文的规定，即企业实际利润水平低于可比企业利润率区间中位值的，原则上应当按照不低于中位值进行调整。

tion and adjustment according to relevant regulations. If an enterprise requires tax authorities to confirm its pricing principles and methods for transactions and other issues regarding special tax adjustment, tax authority shall start the procedure of special tax investigation.

Guidance of Special Tax Adjustment Procedures

The special tax investigation and adjustment includes transfer pricing, thin capitalization, foreign controlled enterprises and unreasonable business planning (general anti-tax avoidance).

The Public Notice clarifies the detailed procedures and methods of special tax investigation, the requirement on documents/data, relevant timeline etc.

The Public Notice clarifies the recognized transfer pricing methods which is in accordance to the OECD guideline, including the original 5 methods, i.e. comparable uncontrolled price method (CUP), resale price method (RP), cost plus method (CP), transaction net margin method (TNMM), profit split method (PS), and 3 newly added methods, i.e. cost method, market method and profit method. The value contribution allocation method previously proposed in the draft TP regulation is not adopted.

The Public Notice clarifies the disputing questions in previous TP investigation cases, including:

- Tax authorities shall have the right to deem the taxable income for the enterprises that do not provide relevant information on special tax investigation or provide false or incomplete information.
- Regarding the database selection for comparability analysis, tax authorities are committed to use the public database information as priority.
- Tax authorities specify the statistical methods of comparable scope. According to the actual situation, enterprises may select the arithmetic average method, weighted average method or quartile method and other statistical methods to calculate the average profit or price or interquartile range of the comparable enterprise for each year or several years respectively. In the course of transfer pricing investigation, tax authorities shall test and adjust the related parties' transactions of investigated enterprise year by year according to the comparable profit level or price. In addition, the Public Notice still continues the provisions in the previous Guoshuifa [2009] No. 2 that if the actual profit level of enterprises is lower than the median profit margin, in principle, it should be adjusted to the value which is no less than the median.

- 资本性调整只适用于来料加工，且利润水平调整幅度不能超过 10%。
- 明确了应选择功能相对简单的一方作为被测试对象，以解决更倾向于将中国企业选为被测试对象的问题。
- 罚息方面需要注意的是，企业实际关联交易额达到准备同期资料标准，但未按照规定向税务机关提供同期资料的，税务机关将补征税款加收利息。
- Capital adjustment is only applicable to processing trade and the adjustment range on profit level cannot exceed 10%.
- The Public Notice clarifies that the party with relatively simple functions shall be selected as the tested party in an attempt to tackle the tendency to simply select Chinese enterprises as tested parties.
- Regarding the interest penalty, it should be noticed that tax authorities can levy the overdue tax and interest penalty, when enterprises reach the threshold of preparing contemporaneous TP documentation, but fail to provide the documentation to tax authorities according to the regulation.

其他

6 号公告延续了 2015 年 16 号公告对关联劳务交易是否符合公平交易原则的测试口径，即需通过收益性和合理性两方面的测试。然而在相关的措辞上似乎略有放松：对“无实质性经营活动”的关联方支付的服务费可能不再必然意味着“不可税前列支”。如果符合独立交易原则，例如：没有实质经营活动的企业从有实质经营活动的服务提供方买入相关服务再向集团公司收取相关的费用补偿，有可能也将被中国税局所接受。

关于无形资产，中国税务机关参照了 OECD 的基本内容，提出企业仅拥有无形资产所有权而未对无形资产价值做出贡献的，不应当参与无形资产收益分配。无形资产形成和使用过程中，仅提供资金而未实际执行相关功能和承担相应风险的，应当仅获得合理的资金成本回报。此外，公告再次强调双方需定期审核无形资产价值是否发生了根本性变化，即只有当无形资产带来收益时，企业才能进行特许权使用费的支付。

另外，6 号公告明确了单一功能亏损企业是否需要准备同期资料的问题。这些企业无论是否达到同期资料准备标准，均应当就亏损年度准备同期资料的本地文档。

Others

The Public Notice continues the testing specifications regarding arm's length of related service transactions stated in the Public Notice [2015] No. 16, which should pass the tests of profitability and rationality. However, there seems to be a slight loose in the relevant wording: service payments from enterprises "without business substance" no longer necessarily lead to "non-deductible before tax". If the transaction is in accordance with the arm's length principle, for example, if enterprise without business substance purchases relevant services from service suppliers with business substance and charges relevant cost compensation to the group, the transaction could be accepted by the Chinese authority.

Concerning the intangible assets, the Chinese tax authorities refer to the basic content of OECD's guidelines and state that an enterprise that only has the ownership of intangible assets and does not contribute to the value of intangible assets should not participate in the allocation of profit generated by the intangible assets. During the formation and use of intangible assets, if an enterprise only provides funds without actually performing the relevant functions or bearing the corresponding risks, it should only get a reasonable return on capital costs. In addition, the Public Notice reiterates that both parties should regularly check whether the value of intangible assets has fundamental changes, which means that enterprises can pay the royalties only if intangible assets bring profits.

Furthermore, the Public Notice clarified the issue whether enterprises with single function should prepare TP documentation even in the case of loss. These enterprises, regardless whether they reach the threshold for preparing the contemporaneous TP documentation or not, should prepare the local TP file for the period in which the loss occurred.

救济手段

对税局进行的特别纳税调整纳税人可采取以下救济手段：行政复议、行政诉讼和相互协商程序。值得注意的是，上述救济手段均仅适用于当中国税收居民已缴纳税款或已形成重复征税的情况下。

我们的观察

6 号公告中的内容与 OECD 的指导方针大致相同并对过去转让定价调查中的常见争议进行了明确。需注意的是中国税局除来料加工业务以外仍不接受资本性调整，且仍针对可比区间的中位值进行调整。这与 OECD 的指导方针是不一致的，需要引起企业的注意。

此外，6 号公告中重申了中国税局对无形资产以及关联劳务的看法，即参考了 OECD 的指导方针，又延续了税局对无形资产的支付与其是否给中国企业带来收益以及针对关联劳务的六步测试法的一贯立场。因此集团在制定相关的转让定价策略时，应密切关注是否符合 6 号公告中的要求，例如关联交易是否会导致税务机关关注的风险特征，定价时是否充分考虑交易各方的价值贡献与风险承担等，在合法合规的基础上进行税收筹划。

6 号公告还明确了此前在 2016 年 42 号公告中没有提及的对单一功能亏损企业的监控管理。因此，企业为境外关联方从事来料加工或者进料加工等单一生产业务，或者从事分销、合约研发业务的企业，若出现亏损情况，应及时根据要求准备转让定价同期资料，以避免产生罚息。此外，企业交易额接近同期资料准备标准的，也建议对自身的关联业务按同期资料的要求进行审核，以避免潜在的罚息可能。

6 号公告明确了纳税人对税局做出的特别纳税调整可以采取的救济手段，为纳税人向中国税局做出最终调整决定后进行进一步的申辩提供了法律依据。然而，上述救济手段均只适用于当中国税收居民已缴纳税款或已形成重复征税的情况下。这对纳税人而言，可能还是存在较大的经济负担。

Remedies

For the special tax adjustment performed by tax authorities, taxpayers can adopt following remedies: administrative reconsideration, administrative litigation and mutual agreement procedures. It should be noted that the above mentioned measures are only applicable, when the Chinese tax residents have paid taxes and the fact of double taxation is constituted.

Our Observation

The content of the Public Notice is roughly the same as the OECD guidance and clarifies common disputes in the previous TP investigation. It should be noted that Chinese tax authorities do not accept any capital adjustment except for processing trade, which is not in accordance with OECD's guidelines and should cause the enterprises' attention.

The Public Notice reiterates the view of Chinese tax authorities on intangible assets and related service transactions. It both refers to the OECD's guideline and continues the position of Chinese tax authorities on whether the payments for intangible assets can bring benefits to Chinese enterprises and the Six-Step Test. Therefore, in formulating the relevant transfer pricing strategies, the group should pay close attention to the requirements stated in the Public Notice, for example, whether the related parties' transactions will lead to the risk characteristics focused by tax authorities, whether the value contribution and taken risks of each parties are fully considered during the pricing, in order to make the tax planning in compliance with the laws.

The Public Notice also clarifies the supervision and administration on enterprises with single function in loss, which was not stated in the Public Notice [2016] No. 42. For enterprises engaging in processing trade or feeding processing trade for overseas related parties or engaging in distribution or contract R&D business in a loss situation, the contemporaneous TP documentation should be timely prepared according to the requirements in order to avoid the interest penalty. Furthermore, if the transaction volume is close to the threshold of preparing TP documentation, enterprise shall check its related parties' transaction according to the requirements of TP documentation to avoid potential risk of interest penalty.

The Public Notice clarifies the remedies that could be adopted by taxpayers to the special tax adjustment performed by tax authorities, which provides taxpayers a legal basis for further defense after the final adjustment decision is made by the tax authorities. However, the mentioned remedies only apply to the situation that the Chinese tax resident has already paid taxes or the fact of double taxation does exist. This may still be a great economic burden to the taxpayers.

联系人 / Contact



Frances Gu

业务合伙人 / Associate Partner

中国注册会计师 / Chinese Certified Public Accountant

电话 / Tel.: + 86 (21) 61 63 – 52 38

邮箱 / E-Mail: frances.gu@roedl.pro

中国进一步开放外资政策

WANG Li, Rödl & Partner 中国上海

2017年1月12日，国务院发布《关于扩大对外开放积极利用外资若干措施的通知》（以下简称《若干措施》）。该《若干措施》明确在利用外资方面深化改革并促进经济发展，并在下述三个主要方面实施一系列新举措：

进一步扩大开放

《若干措施》指出，要通过修订《外商投资产业指导目录》以及相关的政策法规，大幅度放宽服务业、制造业、采矿业领域的外资准入限制。

- 服务业要重点放宽下述领域的外资准入限制：银行类金融机构、证券公司、证券投资基金管理公司、期货公司、保险机构、保险中介机构；会计审计；建筑设计、评级服务、电信、互联网、文化、教育、交通运输；其他。
- 在制造业方面要重点取消以下领域外资准入限制：轨道交通设备制造、摩托车制造；燃料乙醇生产、油脂加工等

China to Further Open to Foreign Investment

WANG Li, Rödl & Partner Shanghai, China

On January 12, 2017 the State Council released the Notification of the State Council on Several Measures for Opening Wider to the Outside World and Making Active Use of Foreign Investment (hereinafter referred to as "Several Measures") in which it sets out its continuation of the reform of China's economy with regard to foreign investment and the implementation of a program of measures in three key areas:

Wider Opening To Outside World

In order to open China wider to foreign investment the State Council identifies in Several Measures the need to revise the existing Catalogue for the Guidance of Foreign Investment Industries and relevant policies and regulations and to substantially relax restrictions for the market entry of foreign investment in the service-, manufacturing- and mining industries.

- With regard to the service industry efforts are to be made to focus on relaxing restrictions for: Banking financial institutions, securities companies, securities investment fund management companies, futures companies, insurance institutions, insurance intermediaries; Service provider in the fields of accounting and audit; Architectural design, rating services, telecommunications, the internet, culture, education, transportation; and other fields.
- For the manufacturing industry restrictions are to be eliminated in the fields of: Manufacturing of rail transport equipment, motorcycle manufacturing; Fuel ethanol production, oil and fat pro-

- 在采矿业方面要放宽以下领域的外资准入限制：页岩油、油砂、页岩气等非常规油气矿产资源。

“中国制造 2025”战略政策措施同等适用于内外资企业，鼓励外商投资高端制造、智能制造、绿色制造等，改造升级传统产业。

支持外资以特许经营方式参与基础设施建设。国家科技计划项目向外商投资企业开放，支持外商投资企业加大研发投资、申报设立博士后科研工作站。

《若干措施》指出，支持海外高层次人才在中国创业发展，为其依法依规提供出入境管理方面的便利。

促进内外资公平竞争

《若干措施》在第二方面明确持续维护内外资企业在中国的公平竞争环境的重要性并着重强调下述事项：

- 强调不得擅自增加对外商投资企业的限制。
- 按照统一标准审核外商投资企业业务牌照和资质申请。
- 促进内外资企业公平参与中国标准化工作。
- 政府采购对外商投资企业生产的产品平等对待。
- 强化对外商投资企业知识产权的保护。
- 支持外商投资企业拓宽投融资渠道，外商投资企业可在主板、中小企业板、创业板上市，在新三板挂牌，在债券市场融资。

cessing and other fields.

- For the mining industry efforts are to be made to relax restrictions for: Oil shale, oil sands, shale gas and other fields of unconventional oil, gas and other mineral resources.

Several Measures points out that foreign invested enterprises and domestic enterprises are to be equally eligible for policy measures under the “Made in China 2025” strategy and are to be encouraged to invest in high-end manufacturing, smart manufacturing, green manufacturing etc. to transform and upgrade traditional industries.

Foreign investors are also to be supported to participate in infrastructure construction based on the model of concession operations in accordance with laws and regulations and national science and technology programs are to open to foreign investors who are to be supported to invest in research and development (“R&D”) and to apply for the setting up of post-doctoral research stations.

Several Measures further states that top overseas talents are to be provided with support when starting businesses and seeking development in China and that facilitation with respect to exit and entry management is to be provided pursuant to laws and regulations.

Fair Environment For Competition

As second area Several Measures identifies the importance of continuing to create a fair environment for competition for both domestic and foreign investment in China. A particular emphasis is made on the following points:

- New restrictions are not to be imposed on foreign invested enterprises at will.
- Consistent standards are to be applied to applications by foreign invested enterprises for business licenses and qualifications.
- Domestic and foreign invested enterprises are to be promoted to participate in China's standardization work.
- Products of foreign invested enterprises are to be treated fairly in the bidding and bid submission for government procurement.
- Intellectual property rights of foreign invested enterprises are to be rigorously protected in accordance with laws and regulations.
- Foreign invested enterprises are to be supported to broaden their financing channels. Foreign invested enterprises are to be allowed to raise funds by listing on the Main Board, the Small and

- 落实内外资企业统一注册资本制度等。

加大吸引外资力度

《若干措施》在第三方面明确通过下述举措加大吸引外资力度：

- 允许地方政府在法定权限范围内制定出台招商引资优惠政策，对就业、经济发展、技术创新贡献大的项目予以支持。
- 修订《中西部地区外商投资优势产业目录》，扩大中西部地区、东北地区鼓励外商投资产业范围，并可给予投资中西部、东北地区的外商投资企业以税收、土地、资金优惠等。
- 继续对集约用地的鼓励类外商投资工业项目优先供应土地。
- 推进外资跨国公司本外币资金集中运营管理改革。
- 提高外商投资企业境外融资能力。
- 简化外商投资项目程序和外商投资企业设立、变更管理程序等。

实施

《若干措施》是当前和今后一段时期中国利用外资工作的指导性政策。中国通过《若干措施》的贯彻实施，着力推进新一轮高水平对外开放，为外资创造更加开放公平便利的投资环境。

发展改革委、商务部等各部门将协同合作以确保《若干措施》的贯彻落实。我们期待中央和地方层面出台更详细的相关配套措施。

Medium-sized Enterprise Board and the Growth Enterprise Market, listing on the New Third Board and using debt financing instruments.

- Domestic and foreign invested enterprises are to be subject to a unified registered capital system.

Attract More Foreign Investment

As third area Several Measures identifies that more efforts need to be made to attract foreign investment through the following measures:

- Local governments are to be allowed to formulate and promulgate preferential policies to attract foreign investment within the scope of their respective statutory authority to support projects that contribute substantially to employment, economic development and technological innovation.
- The Catalogue of Priority Industries for Foreign Investment in Central and Western Regions is to be revised to expand the scope of industries in which foreign investment is encouraged in central, western and northeastern regions. Corresponding preferential policies on enterprise income tax, capital and land, etc. may be applied to foreign invested enterprises in central and western and northeastern regions.
- Foreign invested industrial projects that make intensive use of land and are an encouraged foreign investment industry are to continue to enjoy land supply on a priority basis.
- The reform of centralized operations and management of RMB and foreign currencies by foreign invested multinational companies should be advanced further.
- The ability of foreign invested enterprises to raise funds overseas is to be enhanced.
- Procedures for managing foreign investment projects and the establishment and change of foreign invested enterprises are to be simplified.

Implementation

The State Council intends Several Measures to be a guiding policy for foreign investments in China for the time being and for the future and by enforcing it, intends to promote a new phase of a high-level, opening policy to create an open, fair and convenient environment for foreign investment.

The Development and Reform Commission, the Ministry of Commerce and other governmental departments will cooperate accordingly to ensure the implementation of Several Measures. Further detailed im-

联系人 / Contact**WANG Li, LL.M.**

业务合伙人 / Associate Partner

法律顾问 / Legal Counsel

电话 / Tel.: + 86 (21) 61 63 – 53 52

邮箱 / E-Mail: li.wang@roedl.pro

plementation rules are awaited from the central and local governments.

最近出台的重要法规回顾**增值税 13% 税率将取消**

自 2017 年 7 月 1 日起，增值税税率由四档减至 17%、11% 和 6% 三档，取消 13% 这一档税率；将农产品、天然气等税率从 13% 降至 11%。

更多小型微利企业可享受企业所得税优惠

自 2017 年 1 月 1 日至 2019 年 12 月 31 日，将小型微利企业年应纳税所得额上限由 30 万元提高到 50 万元，符合这一条件的小型微利企业所得减半计算应纳税所得额并按 20% 优惠税率缴纳企业所得税。

科技型中小企业研发费用税前加计扣除比例提高

自 2017 年 1 月 1 日到 2019 年 12 月 31 日，将科技型中小企业开发新技术、新产品、新工艺实际发生的研发费用在企业所得税税前加计扣除的比例，由 50% 提高至 75%。

商业健康保险扣除限额提高

自 2017 年 7 月 1 日起，将商业健康保险个人所得税税前扣除试点政策推至全国，对个人购买符合条

Recent Important Regulation Highlight**VAT rate of 13% will be canceled**

The number of VAT rates applicable to general taxpayers will be reduced to three from July 1, 2017 onwards. The new VAT rates will be 17%, 11% and 6%, and the existing rate of 13% will be canceled. Agricultural products and natural gas will be subject to VAT at a rate of 11% instead of current 13%.

More small and low-profit enterprises can enjoy CIT incentives

The qualification threshold for tax incentives for small and low-profit enterprises will be increased from annual taxable income of CNY 300,000 to CNY 500,000. For the period between January 1, 2017 and December 31, 2019, enterprises meeting the requirements will be taxed on 50% of the taxable income at a reduced rate of 20%.

Super-deduction for R&D activities of small and medium-sized enterprises is increased

The super-deduction (additional deduction) for R&D activities of small and medium-sized enterprises will be increased from 50% to 75% of R&D expenses for the period between January 1, 2017 and December 31, 2019.

Deductibility of commercial health insurance premiums

From July 1, 2017, payments of commercial health insurance premiums will be deductible up to CNY 2,400 annually for nation-wide individual income tax purposes.

件的商业健康保险产品的支出，允许按每年最高2400元的限额予以税前扣。

跨境电商新政过渡期延长

自2016年4月8日起中国对跨境电商零售进口商品实行了新税制。为促进跨境电商零售进口平稳发展，财政部批准跨境电商零售进口监管措施调整的过渡期将延长至2017年12月31日。

Transition Period for Cross-border E-commerce Business Extended

China has implemented the new tax regulations on retail imported merchandise under cross-border e-commerce from April 8, 2016. In order to promote the smooth development of cross-border e-commerce, the Chinese Ministry of Finance approved to extend the transition period for the adjustment of import control measures for cross-border e-commerce retailers to December 31, 2017.

近期活动预告 // Coming Events

Forum Going Global – Köln, Hamburg, Nürnberg

TREFFEN SIE DIE RÖDL & PARTNER CHINA-EXPERTEN IN DEUTSCHLAND!

Vom 20.6.-22.6.2017 laden wir Sie herzlich ein, eine unserer 3 internationalen und interdisziplinären Veranstaltungen rund um Ihr Auslandsengagement zu besuchen!

Die internationale Woche startet am 20. Juni 2017 mit dem 2. Forum International Köln, gefolgt vom 1. Forum International Hamburg am 21. Juni 2017. Den Abschluss bildet das 18. Forum Going Global in Nürnberg.

Auch in diesem Jahr konnten wir ein umfangreiches Programm mit 30 Fachvorträgen für Sie zusammenstellen. Im Fokus stehen beispielsweise Themen wie Markteintritt durch Joint Ventures, Mitarbeiterinsätze im Ausland oder Verrechnungspreise.

Die dynamische Entwicklung und das regulatorische Umfeld **Chinas** finden in den folgenden Fachvorträgen Eingang:

- › Durchsetzung von Rechten: Fokus Asien
- › Wirtschaftsprüfung International: Was zählt bei der Prüfung von Tochtergesellschaften?
- › Markteintritt durch Joint Ventures: Länderspezifische Erfordernisse an den Beispielen China, Indien, Mexiko und Russland
- › Markteintritt China in Zeiten des „New Normal“ – Barrieren überwinden und Chancen nutzen
- › Paneldiskussion: Unternehmerische Erwartung trifft ausländische Realität: Steuerung von Auslandsunternehmen

Das jeweilige **Programm**, weitere Informationen sowie alle Anmelde-möglichkeiten finden Sie auf der Veranstaltungs-website:

20. Juni 2017 – Forum International Köln || www.roedl.de/forum-international-koeln

21. Juni 2017 – Forum International Hamburg || www.roedl.de/forum-international-hamburg

22. Juni 2017 – Forum Going Global Nürnberg || www.forumgoingglobal.de

Wir freuen uns auf Ihren Besuch!



Our Tax Team Contact

Vivian Yao
Partner
Chinese Tax Advisor
E-Mail: vivian.yao@roedl.pro

Our Contact in Germany

Dr. Thilo Ketterer
Partner
German Public Auditor
E-Mail: thilo.ketterer@roedl.com

Our Legal Team Contact in Shanghai

Sebastian Wiendieck
Partner
Attorney-at-Law
E-Mail: sebastian.wiendieck@roedl.pro

Our Legal Team Contact in Guangzhou

Dr. Alexander Theusner
Associate Partner
Attorney-at-Law
E-Mail: alexander.theusner@roedl.pro

Our Offices in China

Shanghai Office
31/F LJZ Plaza
1600 Century Avenue
Pudong District, Shanghai
schanghai@roedl.pro
Tel: +86 21 6163 5200
Fax: +86 21 6163 5310

Beijing Office
Suite 2200 Sunflower Tower
37 Maizidian Street
Chaoyang District, Beijing
peking@roedl.pro
Tel: +86 10 8573 1300
Fax: +86 10 8573 1399

Guangzhou Office
45/F, Metro Plaza
No. 183 Tian He North Road
Guangzhou
kanton@roedl.pro
Tel: +86 20 2264 6388
Fax: +86 20 2264 6390

Special Consultant for International Taxation

Dr. Hans R. Weggenmann
Managing Partner
Certified Tax Consultant
E-Mail: hans.weggenmann@roedl.de

Our Contact in Germany

Mathias Müller
Partner
Certified Tax Consultant, MBA, CPA
E-Mail: mathias.mueller@roedl.pro

Our Legal Team Contact in Beijing

Dr. Martin Seybold
Partner
Attorney-at-Law
E-Mail: martin.seybold@roedl.pro

Our Legal Team Contact in Hong Kong

Florian von Ortenberg
Partner, Attorney-at-Law
Registered Foreign Lawyer (HK)
E-Mail: florian.vonOrtenberg@roedl.pro

Broadening horizons

„We must be continuously on alert for new developments to be able to master challenges in the best possible way. With curiosity and an innovative approach, we are creating forward-looking solutions.“

Rödl & Partner

„The building of human towers requires each team member to again and again attempt something new. In this way, we are able to rise above the challenge together.“

Castellers de Barcelona



„Each and every person counts“ – to the Castellers and to us.

Human towers symbolise in a unique way the Rödl & Partner corporate culture. They personify our philosophy of solidarity, balance, courage and team spirit. They stand for the growth that is based on own resources, the growth which has made Rödl & Partner the company we are today. „Força, Equilibri, Valor i Seny“ (strength, equilibrium, valour and common sense) is the Catalan motto of all Castellers, describing their fundamental values very accurately. It is to our liking and also reflects our mentality. Therefore Rödl & Partner embarked on a collaborative journey with the representatives of this long-standing tradition of human towers – Castellers de Barcelona – in May 2011. The association from Barcelona stands, among many other things, for this intangible cultural heritage.

Imprint: Issue April 2017

Publisher: **Rödl & Partner China**
31/F LJZ Plaza
1600 Century Avenue
Pudong District, Shanghai

Responsible for the content:
Vivian Yao – vivian.yao@roedl.pro

Layout/Type: Elisa Guo – elisa.guo@roedl.pro

This Newsletter offers non-binding information and is intended for general information purposes only. It is not intended as legal, tax or business administration advice and cannot be relied upon as individual advice. When compiling this Newsletter and the information included herein, Rödl & Partner used every endeavour to observe due diligence as best as possible, nevertheless Rödl & Partner cannot be held liable for the correctness, up-to-date content or completeness of the presented information.

The information included herein does not relate to any specific case of an individual or a legal entity, therefore, it is advised that professional advice on individual cases is always sought. Rödl & Partner assumes no responsibility for decisions made by the reader based on this Newsletter. Should you have further questions please contact Rödl & Partner contact persons.