

## INTERNATIONAL BUSINESS

August 2022



Auren International Business is a quarterly publication, made up of contributions from colleagues all around the world. The newsletter compiles country focus articles, international tax cases as well as technical updates on a variety of topics that impact business.

Experts in Auren have the knowledge and experience to help you on your journey, and this issue should be the starting point for your inquiries

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Some of the features of this edition include:

The Re-Domiciliation of Companies in and out of Cyprus, New Tax Reform project in Chile and the Steps of Registering a Company in Poland.

We hope you find the contents of this newsletter useful and informative. Happy reading!

# Index

 **Argentina**  
Focus on strategy and direction  
[more info](#) ➤

 **Chile**  
New tax reform project in Chile  
[more info](#) ➤

 **Colombia**  
Economic Uncertainty 2022  
[more info](#) ➤

 **Cyprus**  
Re-Domiciliation of Companies in and out of Cyprus and why  
[more info](#) ➤

 **Egypt**  
New special Tax relief in Egypt  
[more info](#) ➤

 **Germany**  
Main taxes for companies in Germany and their common tax assessment notices  
[more info](#) ➤

 **Greece**  
Enhanced digitalization of GEMI's functions in Greece  
[more info](#) ➤

 **Israel**  
3 Reasons why you should collaborate with Israeli innovation  
[more info](#) ➤

 **Italy**  
New rules concern the reporting of cross-border transactions so called "esterometro"  
[more info](#) ➤

 **Luxembourg**  
Post-pandemic rules for cross-border home workers in Luxembourg  
[more info](#) ➤

 **Paraguay**  
Real estate capital gains in Paraguay  
[more info](#) ➤

 **Poland**  
How to register a company in Poland  
[more info](#) ➤

 **Portugal**  
Audit: Clients' new challenges  
[more info](#) ➤

 **Serbia**  
In preparation of Labour Law amendments in Serbia  
[more info](#) ➤

 **Spain**  
Beckham Law  
[more info](#) ➤

 **The Netherlands**  
Sustainable Future in the Netherlands  
[more info](#) ➤

 **UAE**  
Automation in finance  
[more info](#) ➤

 **Uganda**  
Sustainable Growth In Small And Medium Practices (SMPS)  
[more info](#) ➤

 **United Kingdom**  
Brexit: spanish vat refund for UK companies  
[more info](#) ➤

 **Uruguay**  
Services rendered from Free Trade Zone to non-free trade areas  
[more info](#) ➤

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## Focus on strategy and direction

The trends in the market are good practices, in CSR regulations and in commitment as a social system. Sustainable management is defined by the social actions and decisions of organizations, based on human, ethical, environmental and economic values.

The growing concern that society has about economic, social, environmental and ethical problems, makes companies acquire a greater commitment and address in depth various issues with stakeholders. They take more active and responsible positions and understand today that CSR is an unavoidable issue on the agenda of an organization, regardless of size or sector.

Today it is essential to achieve sustainable and balanced development that contributes to society, natural resources, people and improves the quality of life. The challenge and commitment in terms of CSR is increasing for a company, it is no longer an action or a slogan, it is not an optional complement, it is a Management commitment, it is a management path, internal and external, a way of being and doing business.

The course is also set by the media and society itself, not only is it defined by compliance with rules and regulations, but society and public opinion play a key role.

However, there is still no clear awareness of the issue and some reports are presented and made only to comply with regulations or as a marketing tool.



Nowadays it is almost impossible to think of good results in an organization without taking into account the needs and degree of satisfaction of the different interest groups, and social commitment. Companies must act and behave in a socially responsible manner, be economically competitive, socially inclusive and environmentally sustainable

Reporting must reflect transparency, accuracy and coherence between the actions communicated and the values, strategy and image of the company. It is essential today to show the commitment of the Management, the value of the brand, the work of the team, the culture, processes and sustainable methodologies of the company

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## New tax reform project in Chile

The Chilean government recently announced major tax changes that it will consider proposing to the National Congress with the aim of raising up to 4.1% of GDP (USD 12.000 million), by increasing taxes to finance the many social needs. Among the main changes to be proposed, and concerning Corporate Taxes, are the following:

- 1. First Category Tax:** The corporate tax rate is reduced from 27% to 25% for all companies.
- 2. Development Tax:** A new tax is created with a rate of 2% on capital gains that may be deducted from the First Category Tax if it is credited to have been destined to R&D (Research and Development), acquisition of manufacturing and high technology services from local suppliers, among others.
- 3. Change in the Tax System:** The integration of corporate income (currently known as the semi-integrated system) is eliminated, separating the taxation of companies that will be taxed at a rate of 25% and the taxation of individuals as partners or shareholders who will be affected by the Global Complementary Tax, without the credit for the tax paid by the company.
- 4. Withholding on dividend payments:** When companies pay dividends to individuals or non-residents, they must withhold at a rate of 22% on the amount distributed; without prejudice that residents may re-settle in the Global Complementary Tax.
- 5. Payment of dividends to non-residents in countries with agreements to avoid double taxation:** The integrated system is maintained for non-residents in Chile with agreements to avoid double taxation. This will imply applying a 35% withholding and applying the credit for tax paid by the company.
- 6. Elements of the taxable base:** The most notable rule announced is related to tax loss carryforwards that maintain unlimited use in future years, but only up to 50% of it may be used in each year.
- 7. Special tax of 1.8% for Holding Companies:** A new tax is created for holding companies that obtain more than 50% of passive income consisting of dividends, interest, etc, and that are kept in the patrimony of the company without withdrawal with the purpose of deferring the payment of final taxes.



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## Economic Uncertainty 2022

During the last few months, several events have come together that have sharpened the management of the world economy, some of these variables have worsened since the beginning of the conflict between Ukraine and Russia (February 24, 2022), increasing the value of food. The management of a possible real estate bubble in China (October 21, 2021) and the delay in the payment of its external debt, generating pressure in the world's stock markets. In addition to the above, the increase in inflation in the United States (year 2022), the last increase recorded 20 years ago, and added to the increase in interest rates, radically affecting the value of currencies worldwide. And to complete the perfect storm, there was a change of government in South America where the majority of the Left parties were elected in the countries of Colombia. Chile, Bolivia, Peru, creating uncertainty for foreign investment, mostly represented by the United States and Europe.

Presented these variables and the fluctuations of the markets, the Governments and businessmen have carried out their respective analyzes and movements, which put us in a Chess game that points to a Checkmate for the best movement, due to the sensitivity of the markets and to the possible world order where the main powers are watching over their interests that affect all citizens on the planet, mainly the emerging economies of Latin America.

With the above, we only have to be aware of the indicators and be able to make intelligent investments that allow us to ensure that the value



of the investments does not decrease and have coverage of coins and / or precious metals so as not to have material losses, although looking from another perspective. It's also a good time to buy some stocks cheaply, hoping to make a profit in the long run. Let us remember that great crises are presented without number of opportunities.

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## Re-Domiciliation of Companies in and out of Cyprus and why

Re-domiciliation of companies refers to the transfer of legal seat from one jurisdiction to another. The company will be under the laws of the country that has its legal seat. As per the Companies Law Cap.113, companies can re-domicile under specific conditions. Companies that are registered in Cyprus can re-domicile abroad and overseas companies can re-domicile in Cyprus.

In order for an overseas company to re-domicile in Cyprus an application should be filed at the registrar of companies in order continue as a legal entity in Cyprus and transfer its registered Office. Two prerequisites for this to take place are, the overseas country to allow the transfer and the memorandum of the company should allow this also.

Together with the application all the below documents need to be submitted,

1. Resolution by shareholders authorizing the overseas company to get registered in Cyprus as a legal entity and should be apostilled.
2. Official letter to the Registrar of the overseas company that the company has the intention to re-domicile.
3. A new Memorandum and Articles needs to be prepared and submitted based on Cyprus Law.
4. Certificate of Good Standing duly apostilled by the relevant authorities.
5. Affidavit prepared by the director of the company that should state the following:
  - Current company name and Name that will be used in Cyprus
  - Country and Date of registration
  - Notification Letter, Resolution and Criminal Record

6. Affidavit as a solvency confirmation that the company will not proceed with solvency in the next 12 months from the transfer.
7. List of Directors and List of Shareholders
8. Legal opinion confirming the jurisdiction of the company and allowance of redomicile as well as the shareholders.

As soon as all the documents are submitted and reviewed by the registrar, the registrar will certify that the overseas company is temporarily registered in Cyprus and will issue a Temporary Certificate of Continuation.

Once the certificate is issued by the registrar the overseas company is considered as a legal entity incorporated under the Laws of Cyprus. The company is eligible to exercise all powers and all statutory obligations of a Cyprus company.

The overseas company has a time limit of 6 months (plus 3 months in case of a reasonable cause) to present to the Cyprus authorities the below,

1. Certificate of Discontinuance – this certificate should be [resented to the authorities as proof that the company does not exist in the overseas registrar. The certificate needs to be duly apostile.
2. Certificate of continuation (temporary) issues by the Republic of Cyprus.
3. Any other document showing that the company ceased to exist.

The overseas company must not be removed of deleted from the foreign registry before the

certificate of continuation is issued in Cyprus. Evidence will be required by the Cyprus authorities concerning the redomicile that the company and the deletion from the overseas registrar. In case this evidence is not submitted then the authorities can delete the company from the registry or give three months extension to receive the relevant evidence. No further extension will be given.

Once the above prerequisites are met and all the documents are submitted to the authorities the Cyprus Registrar will issue the final certificate of continuation, which states and certifies that that the company is registered in the Republic.

Why choose to redomicile you company to Cyprus?

1. Cyprus corporate tax is 12.5%.
2. Low set up fees from other EU countries.
3. Dividends between Cyprus companies are exempt from Tax.
4. Double Taxation treaties are in force.
5. Royalties received by a connected company are exempted from Tax in the other company is registered in the EU.

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## New special Tax relief in Egypt

Override the delay penalty and additional taxes. Also, renewal of Law 79 of 2016 on termination of tax disputes

The Egyptian Parliament has approved a bill to override in return for delay in paying taxes

The House of Representatives approved, during its plenary session on July 4th, 2022 a draft law submitted by the government to override in return for delay penalty and additional tax, in addition to renewal of Law No. 79 of 2016 regarding the termination of tax disputes.

Article 1: covered the agreement on the delay penalty and additional tax dues. The law stipulates the override of 65% from the amount of the delay and additional tax fees if Taxpayer has settled 100% of the original tax payable dues before August 31, 2022, provided that Taxpayer pays the remaining 35% dues before March 1, 2023, from the date of the law's come into force.

The new law has covered cases with regard to the tax or fee debt due or payable, before the effective date of this law, or until August 31. Accordingly, The Egyptian Tax Authority has provided around two months to close current on new cases and reach an agreement before mentioned date.

Covered Tax laws:

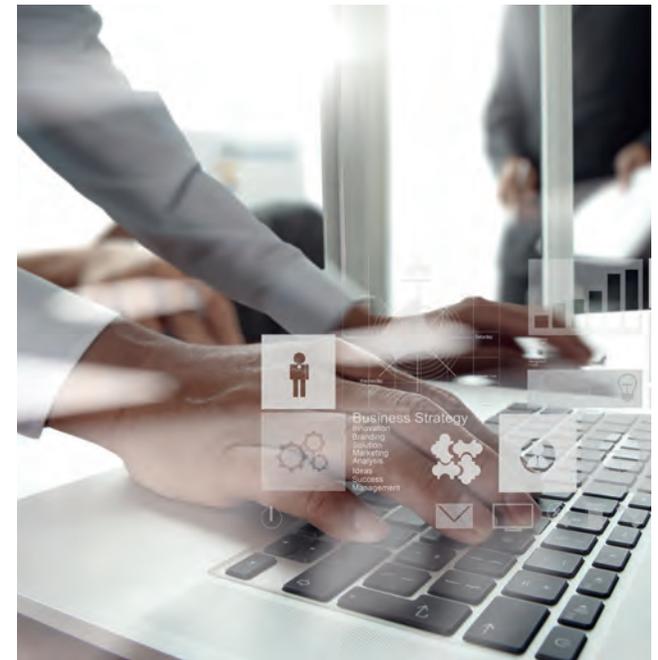
- Customs Law Act No. 66 of 1963.
- Stamp Tax Act No. 111 of 1980.

- Law No. 147 of 1984 by imposing a development fee State Financial Resources
- Income Tax Law promulgated by Law No. 157 of 1984 1981,
- Sales Tax Act of Law No. 11 of 1991.
- Income Tax Act No. 91 of 2005.
- Real Estate Tax Law promulgated by Law No. 196 of 2008.
- Value Added Tax Act no.67 of 2016 and Customs Law 2007 of 2020.

Article Two: Covered the renewal of the provisions and procedures stipulated in Law No. 79 of 2016 regarding the termination of tax disputes, amended by Laws No. 14 of 2018, and 174 of 2018, and renewed/ extended by Laws No. 16 of 2020 and 173 of 2020, until 31 December 2022.

The dispute law facilitates the current outstanding dispute cases with the Egyptian tax authority and the taxpayers and reach conclusion.

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# Main taxes for companies in Germany and their common tax assessment notices

The German tax system is one of the largest and most complex legal systems in the world, and its completeness and details are breathtaking to the professional community and even more so to the general public. Due to the limitation of space, we will mainly focus on the GmbH, which is the more common form of company in Germany. What are the main taxes that a GmbH is subject to? What tax notices do companies generally receive from the German tax authorities or government agencies? Let us tell you all about them.

## I. Main taxes for GmbH in Germany

### 1. Corporate income tax (Körperschaftsteuer)

Corporate income tax, also known as corporation tax, is based on the German Corporation Tax Act (KStG). The basis for taxation is the amount of profits of the enterprise, not the turnover. The corporate income tax is a federal tax with a flat rate of 15%, regardless of the legal form and location of the company.

### 2. Solidarity tax (Solidaritätszuschlag)

The so-called Solidarity Tax was imposed after the reunification of East and West Germany to solve the financial burden of reunification and at the same time to promote the development of the eastern regions. The solidarity tax is based on the amount of corporate income tax and is levied at a flat rate of 5.5%, i.e. 0.825% (=15% x 5.5%) of corporate profits. The taxation method is the same as the corporate income tax.

### 3. Business tax (Gewerbesteuer)

Business tax is a tax levied by the local government on the business income of a company (Gewerbeertrag). Like corporate income tax, the tax base is the amount of profit, not turnover. Unlike the corporate income tax,

the business tax is generally levied in two steps.

First, the federal government sets a flat trade tax rate index of 3.5% (Steuermesszahl), which is multiplied by 3.5% on the basis of corporate profits to obtain the corporate tax base value (Steuermessbetrag). The local governments then determine the tax rate (Hebesatz der Gemeinde) for their own jurisdictions. Depending on the municipality, the tax rate fluctuates between 300% and 500%. In general, the rate is relatively high in large cities with large populations and economic prosperity. In Frankfurt, for example, the rate is 460%, while in Eschborn, another small city in Hessen, it is only 280%.

Let's take a simple example to illustrate the calculation of these taxes above:

A GmbH in Frankfurt has a taxable income of € 100.000 for the financial year, so its

Corporate income tax: € 100.000x15%= € 15.000

Solidarity tax: €15.000 x 5,5% = € 825

Business tax base: € 100.000 x 3,5% = € 3.500

Final amount of the business tax: € 3.500 x 460% = € 16.100

The above taxes are of course not tax deductible.

### 4. Value Added Tax (Mehrwertsteuer/ Umsatzsteuer)

VAT is one of the most important taxes in Germany and is levied on production, sales, imports and services. The VAT is levied on the net price of goods or services. The general tax rate is 19%, while some goods (such as foodstuffs, agricultural products, publications, etc.) are taxed at 7%. Strictly speaking, VAT is not a tax burden on businesses because the actual bearer of VAT is the end consumer and not the business.

## II. The tax assessment notices that companies usually receive

Because under tax law companies are obliged to pay income tax, solidarity surcharge and trade tax in advance, they usually receive the following types of tax assessment notices.

### 1. Business tax base value tax assessment notice (Bescheid Gewerbesteuermessbetrag)

This notice is issued by the tax office to which company belongs and is based on the estimated profits in the tax office questionnaire.

### 2. Business Tax Advance Notice (Bescheid Vorauszahlung GewSt.)

Since the business tax is paid to the local government, not the national tax office, the notice is usually issued by the local government. The business tax is determined on the basis of the business tax base value and paid quarterly in advance.

### 3. Notice of advance payment of corporate income tax and solidarity tax (Bescheid Vorauszahlungen KSt.)

The notice was issued by the tax office to which the company belongs. The tax office will determine the advance payment for corporate income tax and solidarity tax for the current and next year on the basis of the estimated profits from the tax questionnaire completed by the company. This advance is also paid on a quarterly basis.

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## Enhanced digitalization of GEMI's functions in Greece

### Law 4919/2022: The enhanced digitalization of the General Electronic Commercial Registry's functions and other provisions on the promotion of foreign companies' establishment.

In April 2022 a new legislation on General Electronic Commercial Registry (G.E.MI.) was adopted. Law 4919/2022 adheres to the main principles of the existing commercial-law framework while aiming to enhance the use of digital tools and procedures in the field of corporate law to facilitate and accelerate the company incorporations and the establishment of branches and subsidiaries.

Law 4919/2022 optimizes the digital functions of one stop shops and the online registration of companies' details. The **online registration of foreign companies' branches** (either European or of third countries) is one of its main innovations. After the electronical submission of the documents required, the competent G.E.MI. authority will finalize the registration within ten days, according to the new provisions, which thereby shape a specific time frame for completing the establishment process.

It is already known that when a company is registered with G.E.MI. it receives a unique identification number ("G.E.MI. number"), which serves as the company's identity in the eyes of the authorities and the public. Now a new attribute, the **European Digital Identity ("EUID")**, is added to the company's identification details. The EUID is granted simultaneously with the company's registration and consists of data that allow the identification of the Registry's member state and the finding of the G.E.MI. number, so that

identification errors can be avoided.

The Eurocentric orientation of the new law is evident not only in the issuing of EUID, but also in the provision that the General Electronic Commercial Registry will be **interconnected with the national Registries of other member states**, in order to send and receive company information. The General Electronic Commercial Registry will also be interconnected with TAXISNET (the Greek digital system where financial and insurance information of individuals and businesses is kept) to ensure unification of the existing data.

On another note, the articles 52 to 56 provide for the establishment of three new registries:

1. The **Non-Commercial Financial Activity Registry** ("M.E.E.O.D."), where associations, foundations, fundraising committees, and civil law partnerships are obligated to register. The registration with M.E.E.O.D. does not entail the acquisition of commercial status for these entities.
2. The **Registry of Trade Names**, which is a unified system operating under the "first come, first served principle". Through this Registry the companies are able to ensure the singularity of their trade name and the protection against confusion on the part of the public and against unfair competition.
3. The **General Registry of Members of Scientific Bodies** ("GE.M.M.E.F."), where freelancers of certain specialties (doctors, lawyers, engineers,

etc.) can register. It is important to highlight that, although optional, registration with this Registry is a prerequisite for receiving union financial assistance, NSRF and so on.

Another new article, that is not to be overseen, is article 29 on the **registration's suspension**. According to this provision, the G.E.MI. registration of an individual or legal entity will be automatically suspended, if they have not submitted the annual financial statements on time, if they do not appoint administrators or managers for more than six months, if they do not issue a liquidation commencement balance sheet within a year after the liquidation decision, if their VAT number is disabled or deactivated or if they have not certified the payment of the share capital within the prescribed time limit. The last case is crucial, given that a large number of companies have neglected this obligation and are likely to face an unpleasant surprise under the new legal framework.

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## 3 Reasons why you should collaborate with Israeli innovation

### Israel is one of the world's top startup nations.

Israel has seen a rise in startup activity over the last decade. At present, there are about 10,000 active startups in Israel. These businesses have seen an increase in valuation of over \$3 billion. The country's thriving startup ecosystem has attracted entrepreneurs from around the globe. Israel is one of the only nations that has seen a rise in the number of startups per capita. The country has a highly suitable environment for entrepreneurship. Special incubation programs, funding schemes, and mentorship programs are available to aspiring entrepreneurs. As a result, Israel has become a hotspot for innovation and technological advancements.

### Israel is a habitat for some of the most innovative minds on the planet.

Israeli entrepreneurs have always been at the forefront of technological advancements. Israeli researchers' technicals have made many of the world's leading technological and scientific breakthroughs. The country has a long history and culture of innovation, invention, and creativity. For example, several decades ago, the creation of the cherry tomato and the DiskOnKey to new inventions such as Waze, the fields of artificial intelligence, medical breakthroughs, etc. That makes Israeli entrepreneurs stand out from the rest of the world. The Israeli government has taken note of this culture of innovation. It has implemented various initiatives to foster and promote innovation and creativity.

### Over 400 multinational companies have R&D centers in Israel.

There are over 400 R&D centers in Israel owned by multinational companies, for example, 3M, Alibaba, Amazon, Apple, eBay, Facebook, Google, General Motors, Intel, LG, and Microsoft (*It even has a detailed entry on Wikipedia* [↗](#)). These multinational companies recognized the human potential that exists in Israel and decided to open local R&D branches. Such a large concentration of international companies in one place amplifies the effect and nourishes itself. The vast network of R&D labs is a primary reason behind the country's global prominence in innovation and technological advances.

### Bottom line

Israeli entrepreneurs are constantly looking for ways to collaborate with other companies. Collaborating with Israeli companies can help you expand your business and make new connections worldwide. Significantly shorten your time to market and bounce you back to faster business success.

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## New rules concern the reporting of cross-border transactions so called

In Italy, pursuant to article 1 par.3-bis of L.D. 127/2015, for invoices received and issued from 1.1.2019, **up to 30.6.2022**, VAT taxable entities resident or established in Italy submitted a report to the Tax Authority, called “esterometro”, within the last day of the following month at the quarter, with the data relating the transactions:

- carry out with entity not established in Italy;
- received from entity not established in Italy.

**Starting from the 1.7.2022**, the reporting of cross-border transactions must be made through electronic invoices transmitted in the Interchange System so called “SDI” (IT system administered by the Tax Authority).

The entity not established in Italy, but only identified for VAT purposes through a direct identification or tax representative in Italy, are exempt from the mentioned fulfillment.

The “foreign” transactions must be reported, even if is not relevant for VAT purpose in Italy and occurs with private subject (B2C), as only is relevant the circumstance that the entity is not established in Italy.

Are **excluded** from the reporting requirement the transactions for which it has been: issued a customs bill (e.g. imports and exports) or issued or received an electronic invoice, submitted via SDI.

### Purchases from non-residents

For purchases from EU/non-EU entities, the communication must be made by filling out the XML file with:

- **code TD17** (“Integration/self-invoice for purchase of services from abroad”), in case of services received;
- **code TD18** (“Integration for UE purchase of goods”), in the case of UE purchase of goods;
- **code TD19** (“integration/self-invoice for purchase of goods ex art. 17 par. 2 of Presidential Decree 633/72), for purchases of goods from entity not established in Italy pursuant to art. 17 par. 2 of Presidential Decree 633/72 (neither imports nor intra-EU purchases are considered) for which the Italian buyer is VAT taxable.

Submission via SDI of foreign transactions need not to be made, only in case of purchase of goods and services not territorially relevant for VAT purpose in Italy, with an amount not exceed 5,000 euro.

### Sales to non-residents

For sales with EU/non-EU entities, the e-invoice must be made by filling out the XML file with:

- **code TD01** for sale of goods or services,
- **code TD24** or **TD25** in case of deferred transaction/invoice, issued pursuant the cases

strictly provided for in paragraph 4 of Article 21 of Presidential Decree 633/72.

### Time limits for SDI transmission

For transactions from July 1st 2022, it is established that the telematic transmission, via SDI with e-invoice of data relating to transactions:

- carried out to foreign entity, must be issued usually **within 12 days from the sale of goods or services**. Only for sales of goods to UE entities the time limit is fixed within the **15<sup>th</sup> day of the following month** at the delivery of the goods.
- received from foreign entity must be carry out within the **15<sup>th</sup> day of the month following that of receipt of the document** which proves the transaction **or of carrying out the transaction**.

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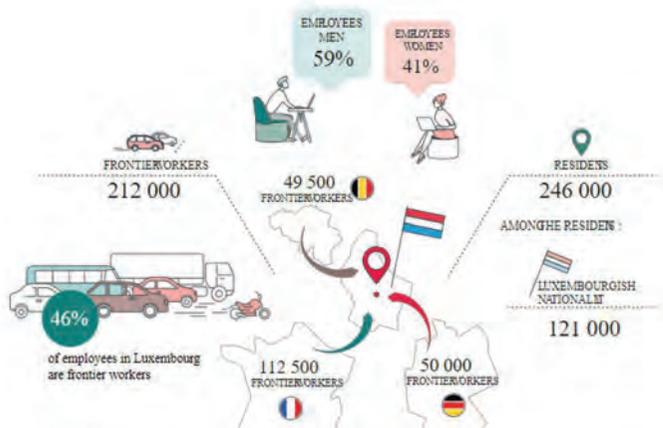
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& ASSOCIATI

Member of



## Post-pandemic rules for cross-border home workers in Luxembourg

The number of cross border employees in Luxembourg is one of the highest in Europe. Indeed, 46% of the 458.00 employees in Luxembourg are cross border commuters (half of them from France).



Exceptional measures were implemented during the COVID-19 pandemic. Among them, special bilateral agreements were signed between Luxembourg and Belgium, France and Germany on the taxation and social security rules for cross-border employees. These agreements allowed all cross-border employees to work from their country of residence without any limitation nor tax implication.

From 1 July 2022, the exceptional COVID-19 measures were lifted with a number of consequences for cross-border employees.

In terms of tax law, former bilateral tax agreements will become applicable once again, imposing limitations of the number of days cross-border employees can work from home as per their country of residence.

These thresholds are:

- 34 days per year for cross-border workers residing in Belgium;
- 29 days per year for cross-border workers residing in France; and
- 19 days per year for cross-border workers residing in Germany.

If these thresholds are exceeded during the year, the cross-border worker will become taxable in their country of residence for the entirety of days worked outside of Luxembourg.

In terms of social security, the European Union set up a transitional period of 6 months starting on 1 July 2022 and ending on 31 December 2022. During this transitional period, a tolerance will be applied, allowing cross-border workers to continue to telework from home, without challenging their social security affiliation if the 25% threshold is exceeded. It will not be the case anymore from 1 January 2023.

As a consequence, a majority of companies are thinking of integrating the notion of Luxembourg



resident and non-resident in their home working policy. The tolerance thresholds established with border countries also seem to be the limit that some employers think to impose because of the tax rules in force.

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## Real estate capital gains in Paraguay

The capital gain is the increase in the value of a real estate property over time, which depends on several factors, such as:

### **Location factor:**

If the property is located in a radius close to housing developments, near educational institutions, shopping centers, medical, leisure and basic services, the increase in the value of the property is certain.

It is possible that the capital gain will increase exponentially in the event of future projects such as urban development.

If the property is located in areas of conflict, risk, exposed to natural disasters or close to industrial plants, high voltage electrical towers, prisons, water canals, peasant occupants, it tends to devalue.

### **Easy access roads factor**

It is essential to analyze whether the property is located near major avenues or connecting national/international routes, which are in optimal conditions for the easy movement of machinery and agro-industrial production.

The accessibility of these communication routes has a direct impact on capital gains due to the road connections that exist between sites of interest for services or transportation.

The lack of road structures or the fact that it only has right-of-way easements limit the increase in real estate value.

### **Topography Factor**

By classifying the terrain as plane or flat, undulating, swampy, marshy, marshlands, and mountain ranges, it is important to observe how they affect slope and erosion.

Very steep terrain generally affects production and productivity, depending on the use of the land, since, if it is agricultural land, the negative effect is greater due to the inconvenience for the work of the machines.

Worked topography is a key operation for economic returns and benefits.

### **Soil factor**

Depending on the type, use and yield of the land, whether it is sandy, clayey, stony, red or mixed, generally influences the final value of the rural property.

### **Enabled Area Factor**

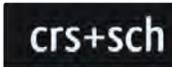
A rural property generally requires 60% of the area for production in order to be profitable. If a property does not meet this requirement of estimated percentage of development of the property, and is only native field or has wooded area, it is priced much lower in the market, taking into account the Zero Deforestation Law in the Eastern Region of Paraguay.

Before making a real estate investment in Paraguay, it should be clearly established what is the objective of the investment and what is expected to be achieved?



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Member of  
  
Alliance of  
independent firms

# How to register a company in Poland

**Registering a company in Poland can be full of advantages and difficult experiences for a foreign investor, but with a good and professional Legal Office such as Tias Financial and Legal Office the process will be easy and smooth.**

## Why invest in Poland?

Poland is a country in which opportunities abound. The attractive location between Western and Eastern Europe, good economic factors such as 5,7% GDP<sup>1</sup> and 5.1% unemployment rate<sup>2</sup> are the key points for successful business. Especially during the war in Ukraine, Poland can be a place with many possibilities for the companies that want to withdraw their operations from Ukraine and Russia but don't want to leave that region. Polish Investment Zone - the governmental project offering plenty of benefits for new investments anywhere in Poland can also be one of the main reasons to choose that country. Companies can receive the tax exemption of up to 70% of eligible investment costs regarding CIT or PIT for a period of 10 or even 15 years. Young and well-educated employees who speak foreign languages, a huge group of IT specialists (circa 587,000 people<sup>3</sup>) and many other factors make Poland very attractive for business enterprises.

## Starting business in Poland

Before the company can be established in Poland, it is necessary for the investor to decide about legal solutions that will best suit the company's business targets, such as the company type, and who the

<sup>1</sup> GUS (*Statistics Poland*)  - 2021

<sup>2</sup> GUS (*Statistics Poland*)  - May 2022

<sup>3</sup> Eurostat - 2021

shareholders and directors will be, etc. A professional Legal Office will advise the business partner from abroad on the best possible solutions available. If the company needs more consulting on the investment, the Legal Office will also guide the client through the whole, or just a part of this process. It can list up advantages and risks, prepare location analysis, negotiate conditions with the government and local authorities regarding public aid, tax exemption, environmental issues. It will also advise on the potential costs such as labor, infrastructure, taxes, and will set the timeline for the whole process.

## Steps to register a company in Poland - with a professional Legal Office's support:

### 1/ establishment of a Legal Entity in the Polish National Court Register (KRS):

- advising an investor on the registration process requirements regarding the type of the company, shareholders and directors, business activity codes (PKD), share capital (minimum PLN 5,000), the division of shares in the company, etc.
- collecting and preparing documents: the certificate of business registration, the articles of association, statement on bringing share capital, list of shareholders, Power of Attorney, and many others
- assisting in applying for a PESEL number for all shareholders and members of the management board and helping with the registration on the ePuap platform (Trusted Profile)
- supporting with leasing the virtual office or advisory on the fixed location
- submitting the documents to the National Court Register to receive the KRS number, NIP (taxpayer number) and REGON (statistical number)

### 2/ registration of a company in the Central Register of Beneficial Owners (CRBR)

### 3/ opening a bank account – assisting with all required formalities

### 4/ VAT registration

- filling out the required application forms and documents, and submitting them to the tax office competent for the registered office of the company
- appointing of a fiscal representative if foreign entity is from outside the EU and conducts business-taxable activities in Poland

### 5/ White List (list of taxpayers) – submitting the required application forms to the adequate tax office

### 6/ EORI Number – supporting with the registration process

After completing all the aforementioned requirements, the foreign company can legally start its business activities in Poland.

We wish you all the best in your business endeavors and spectacular success in Poland!

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## Audit: Clients' new challenges

The companies we advise are undergoing a profound and rapid process of change. The climate emergency, remote working, along with the entry of the Z generations into the world of work, are significantly impacting the business models, culture and management of companies and governments. Organisations are changing operations, leadership processes, adopting new HR and communication strategies, investing in new technology and cyber security. All this in an environment of growing complexity and unpredictability, whether social, environmental, political or technological.

In this context, how should Audit adapt, reinforcing its agility and ensuring more and more complete answers to its clients?

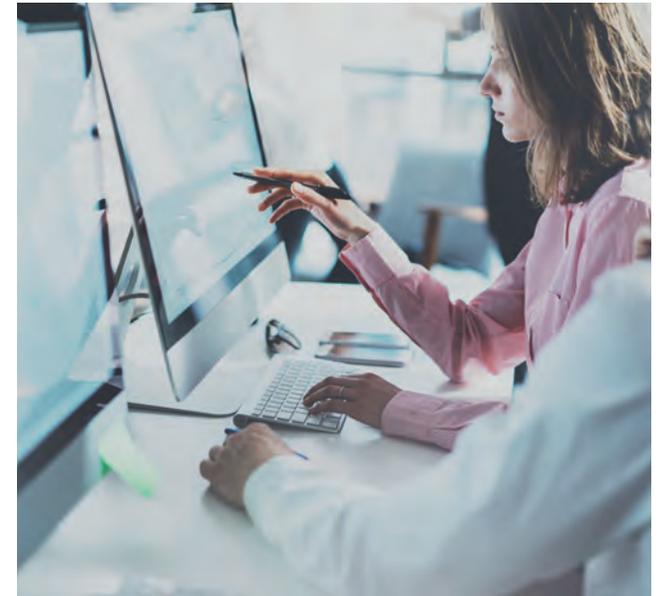
A first answer is the widening of the scope of audit and statutory audit. All over the world, the question of sustainability becomes central in the defence of companies' reputation. The European Green Deal, the European NFR (Non-Financial Reporting) Directive, as well as the standards under development in EFRAG (European Financial Reporting Advisory Group), to be adopted in October 2022, are clear signs of how corporate reporting will have to encompass information on the environmental and social impact of companies, clearly quantifying issues such as carbon footprint or gender equality, the pay gap between different job categories or diversity.

Which brings us to a second level of response, the creation of multidisciplinary audit teams. It is critical to continue to strengthen the teams with professional

profiles of non-auditors. Technological profiles, which ensure the understanding of information architectures, the correct collection and analysis of large amounts of data, using AI (artificial intelligence) and online collaborative platforms. Consulting profiles, with experts in critical areas for the success of companies: sustainability, social impact, cyber security, online commerce, digital marketing, etc. These new profiles are key to providing insights and context to financial analyses, as well as tracking, in real time, innovations in the market. Obviously, all these changes only make sense if audit firms truly align their policies and practices with Agenda 2030 and an innovation culture. In other words, audit firms' response to clients' new challenges depends, to a large extent, on their own capacity for organizational change.

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## In preparation of Labour Law amendments in Serbia

New proposed amendments to the Labour law are expected to substantially improve the position of workers, correct all shortcomings of the current law, and clearly define the areas concerning the rights and obligations of workers and employers.

The changes are said to guarantee individual and collective rights, protection before courts and inspection bodies, and labour disputes in noticeably short deadlines and without prolonged delays in proceedings.

Also, abuse of work contracts is to be eliminated. It will be possible for workers to work for a maximum of one-year definite period, after which they will have to receive a permanent solution. The trial period will last a maximum of three months, during which the employer will have to decide on keeping or dismissing the employee.

What is more, the minimum wage will be defined so that it covers the minimum consumer basket, and the per diems for overtime, work on Sundays and holidays will be increased.

The new proposal is more comprehensive as it consists of, as many as, 374 articles which, in addition to what is regulated by the current Labour Law, also regulate areas from the law on agency employment, strike, inspection, socio-economic council and peaceful settlement of labour disputes. Procedures for establishing employment in the private sector



will also be amended since the current law does not contain exhaustive provisions for employment procedures, unlike employment in public services.

Furthermore, for the first time, remote work will be defined as up until now there was no such definition, with no difference between working from home and working remotely.

In closing the new model also determines delicate issues regarding the supervision over the work of employees who work remotely and liability for damage.

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## Beckham Law

The Special Regime for workers posted to Spanish territory in the Personal Income Tax Law (also known as Beckham Law), is a special tax regime that may offer a better taxation for those who move their residence to Spain due to work reasons.

The main benefit is that salaries are taxed at a flat rate of 24% up to € 600,000 (47% above that amount). Furthermore, only income with Spanish source is taxed in Spain (with the exception of salaries).

This regime is optional, but a number of requirements must be met in order to apply for it. Anyone wishing to opt for the special regime will have to submit an application to the Spanish Tax Authorities. Once the Tax Authorities have reviewed the documentation, it will be decided whether the application is approved.

The regime will apply for 6 years (current year plus five extra years), although it can also be cancelled earlier.

It is a tax regime that can be very advantageous for those who meet the requirements, and this is because the main purpose of the Beckham Law is precisely to offer advantages to attract qualified workers to Spain.

As for the name, it is known as the Beckham Law after the footballer David Beckham, who was one of the first people to benefit from it.

### Requirements to apply the regime:

It is important to note that, although the taxpayer can decide whether or not to apply for the regime, he or she must meet the following requirements:

1. **Residence:** The person wishing to apply for the regime cannot have been a tax resident in Spain for the last 10 years.
2. **Work:** It is essential that there is a new job that justifies the taxpayer's move to Spain. There are different alternatives to meet this requirement,

but it is absolutely necessary that the move is caused by work reasons.

3. **Income:** The person applying for the regime cannot obtain income through a permanent establishment located in Spanish territory.
4. **Timing:** It is absolutely essential to comply with the deadlines set by Law.

### Main advantages of the regime:

The Beckham Law is a special tax regime under which you can be taxed in a similar way to non-residents, which essentially means lower tax rates and taxation only on income generated in Spain.

1. **24% flat rate:** The main advantage of the regime is that the general taxable base (which includes earned income, rents, etc.) is taxed at an almost flat rate of 24%, up to a maximum of 600,000 euros. From 600,000.01 euros the applicable tax rate is 47%. The general tax rate applicable to Spanish residents can exceed 50%.
2. **Only income earned in Spain is taxed:** One of the main advantages of the regime is that only income obtained in Spain is taxed. Taxpayers under this regime will also need to declare their worldwide work income. Under the general regime, all worldwide income would be taxed in Spain.
3. **Wealth tax is only levied on assets located in Spain:** Wealth Tax is a tax levied on the net value of the taxpayer's wealth on a global basis. The advantage of the regime is that only the net value of assets located in Spain would be taxed.
4. **No obligation to file Form 720:** Since the taxpayer is treated as a non-resident for tax purposes, one of the consequences is that the taxpayer will not be required to file Form 720, an informative declaration on foreign assets and rights.

### Main disadvantages of the Beckham Law

As with other tax regimes, the Beckham Law also has some disadvantages, including the following:

1. **Double taxation:** Taxpayers using this regime will not be able to apply most double taxation treaties.
2. **Deduction of expenses:** Another major disadvantage is that the individual will not be entitled to the tax benefits available to other taxpayers under the ordinary regime, such as the deduction of social security expenses.
3. **Application of tax exemptions:** A taxpayer under this regime, will not be entitled to apply certain tax exemptions foreseen for ordinary taxpayers, such as the exemption foreseen in case of dismissal. However, exemptions established for salaries in kind are indeed applicable.

Undoubtedly, the application of this law entails interesting advantages and some disadvantages, which is why it must be analysed on a case-by-case basis. Such an analysis will serve to determine, firstly, whether the requirements are met and, secondly, whether the advantages outweigh the disadvantages.

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## Sustainable Future in the Netherlands

The Netherlands' sustainability initiatives prove that the country has highly green ambitions. As a signatory to the 2015 Paris Climate Agreement, the Netherlands is committed to achieve a circular economy and reduce greenhouse gas emissions to zero by 2050. With strengths in transportation, renewable energy and agrifood, along with a future-focused government approach, the Netherlands is leading the way in creating a sustainable future.

### Working towards a sustainable future

It's not surprising that a country known for its windmills is on the forefront of developments in renewable energy. The Netherlands is one of the largest offshore wind farms and the largest floating solar energy park in Europe. The Dutch are also committed to providing 50% of electricity through renewable sources like wind and solar by 2025. Meanwhile, the Port of Rotterdam is working with businesses to produce sustainable biofuels. The Dutch government supports initiatives by offering incentives to stimulate energy innovation and promote use of renewable energy sources.

In addition, the Dutch government works with industry, knowledge institutions, civil-society organizations and other authorities to achieve a sustainable economy. Ranked first worldwide for material re-use, first for waste management and second in food system sustainability, the Netherlands is fully committed to developing that products and / or services as a model for the rest of the world.

The Netherlands' sustainability efforts are also embodied in the Dutch Smart City Strategy. The multi-stakeholder approach invests in smart

technology and infrastructure to meet major social challenges like climate change. In fact, nearly one in eight Dutch households have solar panels on their roof, according to energy research institute DNER . The country is also home to the first 'live' smart grid community in Europe and has the second largest fleet of plug-in electric vehicles in the world.

### Eco-friendly as a way of life

The Netherlands' sustainability values are deeply rooted in the Dutch culture. The country's robust and eco-friendly transportation infrastructure is just another way that sustainability is woven into the Dutch way of life. Already in 2017, the Dutch Railways decided to run its trains using 100% wind energy. The Netherlands also currently houses the world's highest density of charging stations for electric vehicles. Looking ahead, the Dutch are committed to making all cars electric by 2030.

The Dutch cycling culture is not to be overlooked either. The Netherlands has long been known as a bike-friendly nation and a leader in sustainable transportation with more bicycles per capita than any other country in the world. The country has 33,000 km dedicated to cycling infrastructure, which makes it easy for Dutch citizens to incorporate sustainable transportation into their daily routines.

Find out more about sustainable and other incentives and taxes 2022 in The Netherlands:

[https://investinholland.com/wp-content/uploads/2022/01/InvestinHolland-Incentives-Taxes-Factsheet-2022.FINAL\\_.pdf](https://investinholland.com/wp-content/uploads/2022/01/InvestinHolland-Incentives-Taxes-Factsheet-2022.FINAL_.pdf) 



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## Automation in finance

Over the last few years there have been rapid development in technology which affects every industry and in a highly competitive global market. It's very important to adopt these technologies to stay competitive in the market. The finance department within a company is a key for measuring the performance of the company, managing the risk and assessing the return on investment.

Therefore it's important to keep the finance department up to date with latest technology. One of the way to increase the efficiency of the finance department is the automation.

### What is automation in finance?

Using the latest technologies execute financial processes and operations without any manual intervention. It may be using different technologies such as robotic process automation or artificial intelligence or combination of both to increase the productivity of the finance department.

With the use of these technologies the time of the finance staff can be effectively utilized in high level strategic activities.

### Scope

Some of the processes that can be automated in finance is as follows.

- **Accounts receivables and payables:** Most of the manual work involved in the receivables and payables can be automated.

For instance

- Sending reminders to customers for the payment,
- Posting of entries in ERP using automated tools like Automation anywhere software by automatically extracting the data from supplier invoice, posting it to the system and sending for approval. It's effectively eliminating the need for a data entry staff.
- **Payroll:** timely payment of staff dues is important to keep employees motivated. It's a difficult task for human resource department because of the reconciliation and cross verification with different time keeping systems.

With the use of automated tools these activities can be automated in real time without the need to reconciliation at the end of the month.

### Benefits

**Savings in staff cost:** With the use of these tools labor cost can be saved as most of the repetitive task can be eliminated or automated.

**Elimination of errors:** Errors in the process can be eliminated or avoided as no manual tasks are involved.

**Employee satisfaction:** higher employee satisfaction due to less manual work or repetitive work.

**Timely decisions:** The data is processed in real time so that the management can get the insights from the data and take decisions in a timely manner.

**Scalability:** when the business develops the data streaming to the company will be higher and these automated tools are scalable eliminating the additional staffing requirement if it's doing manually.

The automation is clearly a game changer and in the future every process will be automated. Those who are outdated will be out of the market and those who embrace the changes in the technology will have an edge over its competitors. It's a great opportunity to every business to automate the whole finance department to the extent possible.

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## Sustainable Growth In Small And Medium Practices (SMPS)

Small and Medium Practices (SMPs) play a big role in provision of accountancy services; and their roles cannot be overlooked. Particularly, they provide business support to small - and medium-sized enterprises (SMEs) as well as large entities, who, for some reason, do not seek the services of big audit firms and second tier practices. In Uganda and many developing countries, SMEs constitute the overwhelming number in the private sector enterprises. This is also true for developed economies. SMPs are therefore key advisers to SMEs and other entities. SMPs therefore play a great role in building capacity and support in the areas of audit and assurance services, statutory compliance services e.g. tax and NSSF, investment guidance among others.

However, despite the seemingly large client base, SMPs sometimes grapple with growth, let alone survival. With growing competition, Practitioners have to be strategic and set themselves apart (create their unique brand) as a way of competing in the industry so as to survive and ensure steady growth.

### How to ensure systematic growth for SMPs

#### 1. Value the human capital

Practitioners must understand that the biggest resources for an SMP is the human capital. All work undertaken by the practice is done by people. Therefore, it is imperative to value your staff because

without them, there is no work, and eventually no firm. There is need to recognise good efforts and give credit where it is due. Partners should try as much as possible to remunerate staff well, within the firm means. There is need to create a conducive working environment for staff where they feel free to express themselves, especially the millennials. When staff feel valued, they're more likely to go above and beyond for the firm and take responsibility for their work. Some staff have 'named' themselves after the assignments they undertake and it is fun to see staff happily taking responsibility and credit for work.

Also, Partners should not create gaps between themselves and staff. When employers disregard the opportunity to connect with their team and show staff they they are valued, they lose a secret weapon in building a dedicated team. Celebrate the achievements of your staff, for example when they excel in professional examinations, recognise them. Staff are the biggest asset and they make or break a practice.

#### 2. Build a team

Survival of an SMP lies in the ability by Partners to create a strong team to deliver client results. At Dativa and Associates we believe in teamwork. This is the premise upon which we have built a performance model that we continue to see developing to our expectations but most of all to the expectations of our clients. There is need by SMPs to shape the

attitudes of team members to positively impact on customer service delivery to leave the client with no other option than to become an 'apostle' of the firm. Developing a quality service culture goes a long way to ensure a solid client base and growth of an SMP. Build and maintain a great company culture; a good place to work and great staff will catapult the firm to growth.

#### 3. Deliver to client satisfaction

Serving the 21<sup>st</sup> Century customer requires building a strong brand. Practitioners need to take time to know their clients and deliver good service. There is need to perform and surpass client expectations. When an audit firm offers good service, the client cannot forget her. This will result into referrals that can expand the client base. Even after the contract period ends, such clients will remain loyal and can invite the firm again for work after the rotation period has ended. Unlike many outfits out there, at Dativa and Associates, we do not take cascade clients in grades to offer customized service. To us, clients are the reason we exist so we offer them unbiased service and the team is cultured to do just that. Our teams nurture existing clients and is always on the lookout for new opportunities. Apart from general Terms of Reference for audit, we go an extra mile to Transfer Knowledge to our clients where necessary. Quality work cannot be overemphasized. SMPs must deliver quality to clients in order to grow.



#### 4. Hire talent

SMPs should ensure due care when recruiting staff because hiring the wrong employee can potentially ruin business. Talented people want to work with other talented people. Hiring through media may not necessarily give you the best talent because some people have very good papers but hardly deliver to expectations. One can opt to go to universities offering business courses and request for excellent graduates. Head hunting and referrals can also yield good results. Hiring talented staff will ensure quality work for the SMP, client satisfaction which are a precursor to growth.

#### 5. Ensure good leadership

True leaders lead others to leadership and empower their staff to deliver value to clients. SMPs should embrace good leadership and inspire the team to contribute to the building of the firm and ultimately growth. 'Leadership is a process of influencing the activities of an organized group of people in efforts towards goal setting and goal achievement' (Ralf Stogdill).

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## Brexit: spanish vat refund for UK companies

As we are aware, the United Kingdom (UK) is no longer a member of the European Union (EU). Therefore, the VAT refund procedure regulated by Directive 2008/9/EC for the benefit of taxable persons established in another EU Member State, will no longer apply to companies established in the UK.

Accordingly, UK companies incurring VAT in Spain (SP), would have to apply for a refund of Spanish VAT pursuant the procedure established on Article 119 bis of Spanish Law 37/1992, which constitutes the transposition of European Council Directive 86/560 / EEC, on the harmonization of the laws of the Member States relating to turnover taxes, and arrangements for the refund of value added tax to taxable persons not established in European territory.

### RECIPROCITY BETWEEN UK AND SP RELATING TO THE REFUND OF SPANISH VAT FOR UK COMPANIES

Article 119 bis of Spanish Law 37/1992 establishes that professionals or businesses not established in Spain can apply for the refund of Spanish VAT as long as they are located in an estate in which Spanish professionals or business are entitled to obtain the refund of VAT paid in the said estate (reciprocity of treatment).

In this regard, in order to deal with the new legal landscape created as a result of Brexit, on 4th January 2021 the Spanish General Directorate of Taxes has issued a resolution to clarify some aspects related to the VAT refund to companies established in the UK and in Northern Ireland.

The said resolution includes the following:

- SP recognizes the existence of reciprocity with UK for the purposes of Article 119 bis of the Spanish VAT Law and accordingly, UK companies are entitled to claim the refund of the Spanish VAT incurred,
- UK companies must appoint a tax representative resident in Spain so to apply for the reimbursement of VAT quotas.
- In the UK the following transactions are excluded from the mentioned reciprocity agreement:
  - 50% of the VAT paid for the rental or financial lease of an automobile vehicle.
  - For the acquisition of goods and services that are not used in the business activity.
  - For the acquisition of automobile vehicles.
  - For goods and services to be resold.
  - For goods and services that relate to entertainments or recreational services.

Accordingly, on a reciprocity basis, UK companies are not entitled to obtain Spanish VAT refund for the transactions mentioned above.



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## Services rendered from Free Trade Zone to non-free trade areas

Recently, the Internal Tax Revenue Office stated the services that Free Trade Zone users may render to the non-free trade zone within the national territory.

The Bureau bases its response in line with Article 10(b) of Decree No. 309/018.

Said rule states the following:

*“Services. - The users that are set up in the free trade zone may render all types of services within the referred zone, which shall not be restricted by the national regulations and additionally:*

*a) .....*

*b) from the free trade zone to other countries. In this case, the referred services may also be provided to the non-free trade zone within the national territory to taxpayers subject to IRAE (Income from Business Activities Tax). The latter shall notify such status to the users, under the terms and conditions established by the Internal Tax Revenue Office”.*

In this regard, the Advisory Committee holds that a Free Trade Zone user may provide services to taxpayers subject to the Income from Business Activities Tax (IRAE) outside the Free Trade Zone if they render the same services abroad.

Concerning the possibility that services may be rendered to IRAE taxpayers who obtain untaxed income, but with the potential to obtain taxed income in the future, given that the above-mentioned rule refers to “taxpayers subject to IRAE”, the Bureau understands that the purpose of the rule was not to

admit the rendering of services to IRAE taxpayers regardless of whether they obtain taxed, exempt or non-included income, since in this case the expression “IRAE taxpayer” should have been used.

Therefore, it considers that Free Trade Zone users may render services to taxpayers subject to IRAE to the extent that they obtain income taxed by such tax.

Likewise, the inquiry lists three types of entities and questions whether a Free Trade Zone user can render services to the following:

- 1) Companies covered by the Internal Tax Revenue Office Resolution No. 51/997 (trading operations).
- 2) Associations and foundations when they obtain taxable income as referred to in item A) of Article 3 of Title 4.
- 3) Entities included in item A) of Article 3 of Title 4, whatever their activity and when they have as their only asset:

- Real estate in Uruguay
- Bank accounts in Uruguay
- Equity participation in entities domiciled in Uruguay
- Public Debt Securities
- Investments abroad

Based on the previously held criterion that Free Trade Zone users may render the same services they render abroad to IRAE taxpayers, the answer is

that a user may render the referred services to the entities included in paragraphs 1) and 2), as long as they are related to the obtaining of IRAE taxable income for the user.

The user may not render services to the entities included in item 3) as long as they do not obtain taxable income.

According to the Internal Tax Revenue Office Resolution No. 231/2019, to ensure that whoever receives the service obtains taxable income and that the services rendered are linked thereto, the service providers must notify the users in writing before rendering the service that the conditions stated above are verified.

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