Austria: New refund procedure for WHT

In Austria, a new two-step procedure for the refund of Austrian withholding taxes (WHT; including WHT on dividends) is applicable to all refund requests filed as of 1 January 2019. According to Sec. 240a Federal Fiscal Code, a preliminary notification must be filed with the competent tax authority in electronic form prior to submission of the actual refund request. This preliminary notification is admissible in the year following the year in which the WHT was withheld (not earlier) or subsequent years (subject to the statute of limitations).

The preliminary notification must be submitted electronically via a web form; there are different forms depending on the type of refund. The pre-notification submitted to the tax office as such is not a valid claim, but merely a means to have the info pre-processed electronically. The filing date of the final refund claim is decisive and must be submitted to the tax office before the statute of limitation.
Revised Tax Treaty Austria – UK entered into force

Austria and the UK signed a revised Double Taxation Treaty (DTT) on 23 October 2018. On 1 March 2019, the revised DTT between Austria and UK entered into force.

In Austria, the revised DTT is first applicable for fiscal years beginning on or after 1 January 2020. In the UK, the revised DTT is applicable from 1 April 2020 for corporation taxes, and from 6 April 2020 for income and capital gains taxes.

For more information please see our International Tax Review No. 13/2018 of 18 December 2018.

OECD Developments

- The Latest on BEPS - 25 February 2019  
- OECD releases Slovakia peer review report on implementation of BEPS Action 14 minimum standard  
- OECD opens public consultation on addressing tax challenges arising from digitalization of the economy: time-sensitive issue impacting all multinational enterprises  
- OECD releases first annual peer review report on BEPS Action 6  
- OECD releases Slovenia peer review report on implementation of BEPS Action 14 minimum standard  
- OECD releases fifth batch of peer review reports on BEPS Action 14  
- OECD releases Iceland peer review report on implementation of BEPS Action 14 minimum standard  

EU Developments

- European Commission opens new State aid investigation into rulings obtained by Luxembourg subsidiary of a Finnish Group  
- General Court of the European union annuls Commission's decision on Belgian excess profit rulings  
- CJEU rules on application of Danish withholding tax on dividends and interest payments  

Argentina

- Argentina issues procedure for mining companies that benefit from the tax stability regime to request a tax refund  
- Argentina - United Arab Emirates Tax Treaty enters into force
Country Updates

- Argentina extends deadlines to elect the tax revaluation option
- Argentina modifies the compensatory interest rate and punitive interest rate

Botswana
- Botswana issues 2019 budget

Brazil
- Brazil modifies transfer pricing rules
- Brazil publishes decree approving Amendment Protocol to Brazil-Denmark Double Tax Treaty

Canada
- Canada: Manitoba issues budget 2019/20
- Canada: British Columbia issues budget 2019/20
- Canada: Nunavut issues budget 2019/20

Denmark
- Denmark adopts easement of taxation of Danish and foreign investment funds

France
- France: Draft bill proposing partial freeze of the French corporate income tax rate decrease submitted to Council of Ministers

Germany
- German tax audit trend impacts withholding tax on fees for online advertising

Hong Kong
- Hong Kong releases 2019/20 Budget
- Hong Kong passes new legislation to grant profits tax exemption to all privately-offered funds

Hungary
- Hungarian regime remains attractive post - ATAD financing rules - APAs available

Indonesia
- Indonesia broadens list of mergers and restructures eligible for tax-free treatment using tax book value
Country Updates

Ireland
- Japan and Ireland submit instruments of ratification for MLI [Read more]

Italy
- Italian tax authorities assess foreign financial institutions regarding loans to Italian individual clients [Read more]
- Italian Tax Authorities allow withholding tax exemption under EU-Switzerland Agreement in absence of actual dividend taxation at Swiss parent company [Read more]

Japan
- Japan and Ireland submit instruments of ratification for MLI [Read more]

Jordan
- Jordan clarifies withholding tax rules on employment compensation and local professional services [Read more]

Kenya
- Kenya’s Court of Appeal issues landmark ruling on income “paid” for withholding tax purposes [Read more]

Luxembourg
- Luxembourg introduces draft budget law 2019 including amendment to interest limitation rule [Read more]
- Luxembourg Tax Authority clarifies application of new foreign permanent establishment definition [Read more]

The Netherlands
- Dutch House of Representatives approves MLI [Read more]

New Zealand
- New Zealand’s Tax Working Group recommends Capital Gains Tax [Read more]

Portugal
- Portugal approves new REIT regime [Read more]

Russia
- Russia updates tax registration rules for foreign entities [Read more]
Country Updates

- Russia removes 10 Jurisdictions from Tax Service's Offshore Blacklist
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- Russia’s Finance Ministry publishes Guidance on Mutual Agreement Procedure under Tax Treaties  
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Singapore

- Singapore releases Budget 2019  
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South Africa

- South Africa’s Finance Minister delivers 2019 Budget Review  
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- South Africa: Update on foreign income exemption  
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Spain

- Spanish Parliament rejects 2019 State Budget Bill; Government calls for elections  
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Turkey

- Turkey issues guidance regarding withholding taxes imposed on online advertising services  
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United States

- Report on recent US international tax developments - 8 March 2019  
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- Report on recent US international tax developments - 1 March 2019  
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- Report on recent US international tax developments - 22 February 2019  
  Read more
- Report on recent US international tax developments - 15 February 2019  
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- US Final Section 965 regulations have implications for S corporations, partnerships and individuals  
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- US Advance Pricing and Mutual Agreement Program releases Functional Cost Diagnostic Model to be used in certain APAs  
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