



國際租稅要聞

International Tax Newsletter



Welcome

近幾年來國際租稅的環境劇烈變遷，跨國企業要掌握不斷變化的國際租稅議題與趨勢，是一項重大挑戰。資誠每月出版《國際租稅要聞》，提供專論，並整理 PwC Global Network 專家的觀點，提供全球稅務新知及分析發展趨勢。

我們希望本刊物對您有所幫助，並期待您的評論。

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作者：曾博昇 執業會計師 / 陳薇芸 協理

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簡述

2025年5月28日，香港立法會通過了關於實施全球反稅基侵蝕(GloBE)規則及香港最低補充稅(HKMTT) 的草案(Bill)，以及在委員會階段所做的修正案(CSA)。該法案於2025年6月6日在憲報公告成為修訂條例。

修訂條例公告後，GloBE規則（包括所得涵蓋原則(IIR)及徵稅不足支出原則(UTPR)）和HKMTT的生效日期如下：

項目	生效日期
IIR 和 HKMTT	2025年1月1日或之後開始的會計年度
UTPR	將在憲報公告中註明
香港居民實體的定義	追溯至2024年1月1日

本文總結立法會通過的GloBE和HKMTT立法的主要特點。

詳細內容

背景

作為經濟合作暨發展組織(OECD)/二十國集團(G20)稅基侵蝕與利潤移轉(BEPS)包容性架構的成員，香港致力於實施BEPS 2.0第二支柱下的GloBE規則。GloBE規則針對跨國企業(MNE)集團，其年度合併收入至少達7.5億歐元，並在過去四個會計年度中的兩個或以上年度達標，確保它們在其營運的每個司法管轄區的利潤至少繳納15%的稅款。

香港實施GloBE規則和HKMTT的草案(Bill)於2024年底公佈。在考慮利害關係人的回饋意見以及OECD發佈的最新行政指南(administrative guidance, AG)後，政府於2025年4月提出了委員會階段修正案(CSA)，整合進法案。經委員會階段修正案修訂後的法案已於2025年5月28日由立法會通過，並於2025年6月6日在憲報公告成為修訂條例。

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GloBE及HKMTT立法的主要特點

概述

該立法採用混合立法方式，將GloBE範本規則(model rules)直接納入《稅務條例》(IRO)內，並進行有限的修訂。為確保一致性，該立法的解釋方式將與OECD發佈的現有GloBE逐條注釋(commentary)和行政指南保持一致。該立法已經納入了OECD發佈的截至2025年1月為止所有的行政指南。預計將來OECD發佈的行政指南將透過附屬立法予以納入，附屬立法的制定速率更高於主要立法。

GloBE和HKMTT制度下的補充稅被視為利得稅。因此，《稅務條例》中的現有稅務管理機制，例如稅款徵收以及處理反對和上訴，也適用於補充稅。然而，由於其獨特性質，GloBE及HKMTT制度被納入《稅務條例》新的第4AA部分，與第4部分下的一般利得稅制度分離，且這些新條款不適用於一般利得稅。

避風港

該立法納入GloBE規則下的所有避風港，包括：

(i) 過渡性國別報告避風港；(ii) 過渡性UTPR避風港；(iii) 合格國內最低稅負制(QDMTT)避風港；及(iv) 非重大成員實體的簡化計算避風港。

在符合某些條件的情況下，避風港將適用，以減輕跨國企業集團執行完整GloBE計算的合規負擔，但需每年作出選擇。

香港居民實體的定義

目前，由於香港不以實體的居住地為稅務依據，因此《稅務條例》未包含一般用途的“居民”定義。然而，由於實體的稅務居住地對於GloBE和HKMTT制度的適用至關重要，因此該立法規定，對於《稅務條例》的一般目的而言，如果實體 (i) 在香港成立/組成，或 (ii) 若在香港境外成立/組成，但在香港通常管理或控制，則該實體為香港稅務居民。該定義自2024年1月1日起追溯適用，以便適用於母公司位於某些已在2024年執行GloBE規則的司法管轄區的跨國企業集團。

HKMTT

HKMTT旨在成為符合QDMTT資格的制度規定，並有資格適用QDMTT避風港規定。這是為了確保跨國企業集團的香港成員實體(HKCE) (及香港合資企業實體) 僅需根據HKMTT計算其支柱二的稅務責任，而無需在其他司法管轄區根據GloBE規則繳納任何額外稅款。

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對於HKMTT設計中的一些關鍵政策決定如下：

- HKMTT是對跨國企業集團所有香港成員實體的全部補充稅總額徵收的，不論集團持有HKCE的所有權權益比重如何。投資實體和保險投資實體被排除在外，以保持稅務中立。
- 在滿足某些條件時，跨國企業集團香港成員實體的財務會計淨收入或虧損必須根據本地會計準則確定。“本地會計準則”的定義包括：
 - (i) 國際財務報告準則（即IFRS）；(ii) 香港財務報告準則（即HKFRS）；(iii) 香港私營實體財務報告準則；及(iv) 中小型企業財務報告框架和財務報告準則。
- 如果香港成員實體的任何所有權都不是由受合格IIR約束的母公司直接或間接持有，則處於國際活動初始階段的合格跨國企業集團可在長達五年內豁免HKMTT。
- 跨國企業集團持有的香港合資企業實體也在HKMTT的範圍內，但須遵守某些特殊規則。

管理和合規

GloBE和HKMTT制度下的主要管理規定和合規義務如下：

管理規定	期限
提出補充稅評稅	會計年度結束後那個課稅期間截止後8年（非逃稅案件）和12年（逃稅案件）
更正錯誤或遺漏並申請退還多繳的補充稅（限於有限情況下）	會計年度結束後那個課稅期間截止後8年
啟動究責程序	犯罪行為發生之日起8年
對補充稅評稅提出反對	評稅通知書之日後2個月內

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合規義務	到期日/期限
提交補充稅通知 (可指定一名香港成員實體代表集團提交)	會計年度結束後6個月
提交補充稅申報表 (可指定一名香港成員實體代表集團提交)	<ul style="list-style-type: none">• 一般情況下為會計年度結束後15個月• 過渡年度 (即跨國企業集團首次受以下任一情況約束的年度) 延長至18個月：<ul style="list-style-type: none">(i) 在香港或其他司法管轄區的合格IIR或合格UTPR；或(ii) HKMTT
繳納補充稅 (可每年以書面形式作出不可撤銷的選擇，指定一個或多個香港成員實體繳納UTPR補充稅或HKMTT)	<ul style="list-style-type: none">(i) 申報表提交截止日期屆滿後1個月；或(ii) 評稅通知書之日後1個月，以較晚者為準
保存記錄	交易、行為或操作完成後至少保存9年

GloBE和HKMTT制度下的處罰條款一般沿用《稅務條例》中的現行處罰條款，並進行了修改。值得注意的是，原先在草案中曾經存在一條關於範圍內跨國企業實體和服務提供者的董事及其他高級職員的處罰條款，在最終立法中已經刪除了。

此外，香港稅務局(IRD)在考慮是否對違反GloBE和HKMTT規則的行為追訴或採取處罰行動時，將參考OECD關於過渡性處罰減免的指南，並據此提供指引。

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反避稅條款

經修改後，《稅務條例》第 61A 條下的唯一或主要目的測試(sole or dominant purpose test) 將以一般反避稅條款的形式適用於 GloBE 和 HKMTT 制度。根據修訂後的第 61A 條，在確定交易是否以獲得補充稅優惠作為唯一或主要目的而訂立時，需要考慮的其他事項包括：

- (i) 跨國企業集團的整體補充稅負上所產生的任何變化;和
- (ii) 交易結果是否與OECD的GloBE範本規則不一致 (範本規則的適用是用OECD的GloBE規則指南來解釋的)。

稅務局將發布指引，闡明修改後的第61A條通常不適用於2021年11月30日或之前進行的交易，並解釋修改後的第61A條如何適用於GloBE和HKMTT制度。

與一般利得稅的相互作用

該立法還解決了GloBE/HKMTT制度與一般利得稅之間相互作用的問題，包括補充稅墊付償還的利得稅處理、外國補充稅的雙重課稅減免，以及在離岸所得豁免徵稅制度(FSIE)下，根據參與要求(participation requirement)的課稅條件(subject to tax)如何處理外國補充稅。

範圍內的跨國企業集團實體必須以電子方式提交利得稅申報表

此外，該立法規定，範圍內的跨國企業集團實體必須以電子方式提交利得稅申報表，第一階段將從2025/26課稅年度開始。在「一旦適用，永遠適用」的模式下，一旦實體落入強制電子申報制度的範圍，它將永久受制該制度的約束，無論其在後續課稅年度是否繼續屬於GloBE和HKMTT制度範圍內的跨國企業集團的一部分。

香港稅務局(IRD)在2024年與香港會計師公會的年度會議上澄清(這場會議紀錄最近剛發布)，上述強制電子申報要求也將適用於已收到香港稅務局發出的I.R.C. 1812”未向公司發出年度申報表通知”的納稅人。為此，香港稅務局將向範圍內跨國企業集團發送信函，索取相關信息，因為目前稅務局並不掌握這些集團內所有實體的詳細信息。

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要點

GloBE和HKMTT制度的實施標誌著一個重要里程碑，展示了香港致力於使其稅務框架與國際稅務標準保持一致。這一發展為範圍內跨國企業集團在評估其在香港的補充稅風險時提供了更大的確定性。由於GloBE規則不斷發展，且預計OECD在不久的將來還會發布進一步指南，範圍內跨國企業集團應繼續密切注意這些發展，並在必要時尋求專業機構協助。

本文作者為資誠聯合會計師事務所

曾博昇 執業會計師

Tel: 02-2729-5907

Email: paulson.tseng@pwc.com

陳薇芸 協理

Tel: 02-2729-6666 轉 23601

Email: vivian.w.chen@pwc.com

要聞

Legislation

立法

香港

建議加強海運服務稅務優惠，並引入大宗商品貿易優惠稅率

繼 2024 年施政報告和 2025/26 年度香港財政預算案的公告後，香港政府最近向立法會經濟發展事務委員會提交了一份施政文件，詳細說明了(1) 加強現有海運服務業稅務優惠，以及 (2) 為大宗商品貿易商引入減半稅率優惠的立法建議。

政府預計將於 2026 年上半年向立法會提交相關修正法案。在修正法案通過後，這些建議將於 2025/26 課稅年度生效。

資誠觀點

總體而言，這些建議是對行業需求和不斷變化的國際稅收標準 (特別是全球最低稅負制，通常稱為 GloBE 規則) 的全面且妥善的回應。船東和大宗商品貿易商是海運服務的主要使用者。提供稅收優惠不僅能鼓勵其在香港設立和擴展業務，還能增加對相關服務的需求，並進一步鞏固香港作為國際金融、航運和貿易中心的地位。另外，將綠色海運燃料納入為符合資格項目，有助於發展綠色海運倡議和建立香港綠色港口。

在 GloBE 規則實施後，15% 的有效稅率已成為新的最低標準，透過獎勵措施確保最低企業稅率可能不再對符合條件的跨國企業集團那麼具有吸引力。值得鼓舞的是，香港海運港口發展局 (Hong Kong Maritime and Port Development Board) 最近成立，由主要行業領袖組成，將從多個角度就海運政策和策略向政府提供建議。預計這種多管齊下的方法將進一步利用香港的獨特優勢，並在持續的地緣政治挑戰中增強該行業的全球競爭力。

Hong Kong

Proposed enhancement of maritime service tax concessions and introduction of commodity trading tax concession in Hong Kong

Further to the announcements made in the 2024 Policy Address and the 2025/26 Hong Kong Budget, the government has recently submitted an administration paper to the Legislative Council (LegCo) Panel on Economic Development, detailing the legislative proposals for (1) enhancing the existing tax concessions for the maritime service industry, and (2) introducing a half-rate tax concession for commodity trading businesses.

The government anticipates introducing the relevant amendment bill to the LegCo within the first half of 2026. Subject to the passage of the amendment bill, the proposals will take effect from the year of assessment 2025/26.

For more information see our [PwC Alert](#).

PwC observation:

Overall, the proposed recommendations constitute a comprehensive and well-calibrated response to both industry needs and evolving international tax standards, specifically the global minimum tax rules, commonly referred to as the GloBE rules. Ship owners and commodity traders are the primary users of maritime services. Granting tax concessions would not only encourage them to establish and expand their operations in Hong Kong, but would also increase demand for related services and further strengthen Hong Kong's position as an international centre for finance, shipping and trade. Furthermore, the inclusion of green maritime fuel as a qualifying item supports the development of green maritime initiatives and the establishment of a green port in Hong Kong.

In a post-GloBE environment where a 15% effective tax rate has become the new minimum, securing the lowest corporate tax rate through incentives may no longer be as attractive for in-scope multinational enterprise groups. It is encouraging to note the recent establishment of the Hong Kong Maritime and Port Development Board, comprising key industry leaders who will advise the government on maritime policies and strategies from multiple perspectives. This multipronged approach is expected to further leverage Hong Kong's unique advantages and bolster the industry's global competitiveness amid ongoing geopolitical challenges.

北馬其頓

北馬其頓正式實施支柱二全球最低稅負制

北馬其頓於 2025 年 1 月 3 日發布了全球最低企業所得稅法 (Minimum Global Corporate Income Tax)，使其稅法與 OECD GloBE 規則和歐盟全球最低稅負制指令保持一致。該法規引入了所得涵蓋原則 (IIR)，適用於自 2024 年 1 月 1 日開始的財務年度，以及徵稅不足支出原則 (UTPR)，自 2025 年 1 月 1 日起生效。

北馬其頓根據 OECD 的支柱二全球最低稅負規則引入了合格國內最低稅負制 (QDMTT)，以確保符合條件的跨國企業的最低有效稅率為 15%。QDMTT 通常自 2024 財務年度起適用於北馬其頓的居民企業，且其所屬的跨國集團在過去四個財務年度中至少有兩個年度的合併營收至少達到 7.5 億歐元。過渡期需在財務年度結束後的 18 個月內進行首次申報。之後的申報則需在財務年度結束後的 15 個月內進行。

資誠觀點

考慮到北馬其頓 10% 的低企業所得稅率、技術產業開發區 (Technological-Industrial Development Zones, TIDZ) 企業的免稅，以及其他與企業所得稅相關的國家援助措施，全球最低稅負制應該會影響大型跨國集團下的北馬其頓公司。在北馬其頓所節省的稅款將不再對跨國集團層面產生影響，因為在北馬其頓當地節省的稅款將在母公司所在國繳納，直至達到 15% 為止。

在北馬其頓設有分支機構且適用全球最低稅負制的跨國企業應分析其在當地的稅務後果，以確定有效稅率。在分析過程中，跨國企業應考慮可能適用的全球最低稅負制的豁免，例如對低收入和低利潤的當地公司的免稅 (de minimis exclusion)，以及當地公司因在該國從事實質經濟活動所產生的部分利潤的免稅 (substance-based carve-out)。



North Macedonia

North Macedonia officially implements Pillar Two GloBE Rules

North Macedonia published the Law on Minimum Global Corporate Income Tax on 3 January 2025, aligning the country's tax regulations with the OECD GloBE rules and the EU Global Minimum Tax Directive. The regulation introduces the Income Inclusion Rule (IIR) applicable from fiscal years starting January 1, 2024, and the Undertaxed Profits Rule (UTPR), effective from January 1, 2025.

North Macedonia introduced a qualified domestic minimum top-up tax (QDMTT) in line with the OECD's Pillar Two global minimum tax rules to ensure a minimum effective tax rate of 15% for in-scope Multinational Enterprises (MNEs). The QDMTT generally applies from the fiscal year 2024 for resident MNEs of groups with annual consolidated revenue of at least EUR 750m in at least two of the preceding four fiscal years. Initial reporting is required within 18 months for the transitional period following the end of the fiscal year. Subsequent reporting is required within 15 months following the end of the fiscal year.

For more information see our [PwC Alert](#).

PwC observation:

Considering the low corporate income tax rate (CIT) of 10% in North Macedonia, the tax exemption for companies in the Technological-Industrial Development Zones (TIDZ) exemption, as well as other individual state aid measures related to CIT, the global minimum tax rules should affect Macedonian companies which are members of larger MNEs. The tax savings realized from the business operations in Macedonia would not have an effect at the Multinational group level anymore, because the tax that is saved locally in North Macedonia, would be paid in the country of the parent company until it reaches 15%.

MNEs that are present in North Macedonia and qualify for global minimum tax should analyse its tax consequences at the local level to determine the effective tax rate. In the analysis, MNEs should take into account potentially applicable exemptions from the global minimum tax, such as the tax exemption for local companies with low income and profit (de minimis exclusion), and the tax exemption for the part of the profit of the local company that results from performing essential economic activities in the country (substance-based carve-out).



波蘭

關於投資基金扣繳稅豁免的計劃修正

波蘭政府提出一項企業所得稅法修正草案。這些修正涉及投資基金。

在波蘭，受監管的投資基金 (例如歐盟的 UCITS 或 AIFM 管理的基金) 滿足特定條件的可以享受免稅待遇。雖然該豁免名義上是針對歐盟或歐洲經濟區 (EEA) 的投資基金，但通常情況下，第三國的類似基金 (例如設在美國的受監管投資公司) 也可以申請 (儘管法規尚未正式允許)。

直到最近，波蘭還沒有計劃修改這個豁免規定，以便其正式適用於第三國基金。因此，目前適用的法規仍然違反歐盟條約 (因為資本自由流動原則禁止歧視第三國的類似實體)。

另外，要申請豁免，相關基金必須「由在其所在國的主管金融市場監管機構授權下運營的實體管理」。該條件備受爭議，因為實際上將所謂的自管基金被排除在豁免範圍之外，導致這些實體在波蘭面臨扣繳稅風險。

根據波蘭稅務條例 (Polish Tax Ordinance) 的一般規定，如果違反了歐盟法律、憲法法庭或歐盟法院 (CJEU) 判決存在這類違規行為，那麼在波蘭應退還被扣繳的稅款及逾期利息 (逾期利息的年利率目前為 13%，但近年來在 8% 到 16.5% 之間變動)。需要注意的是，某些限制和條件可能仍然適用。

請注意，波蘭財政部於 2025 年 6 月 26 日發布了企業所得稅法的修正草案，其中涵蓋了關於投資基金的稅收規則。計劃中的修正案旨在消除以下歧視性稅收待遇：

- a) 非歐盟/歐洲經濟區的投資基金，以及
- b) 自管基金：在這方面，修正案引用了歐盟法院最近在 C-18/23 案中的判決。

該修正案還規定，豁免須符合反濫用條款，並且與相關基金所在國簽訂資訊交換協議。該修正案不會終止對非歐盟/歐洲經濟區的養老基金 (例如美國的 ERISA 基金) 的歧視性待遇。

資誠觀點

這些計劃中的修正對於自管基金和非歐盟/歐洲經濟區投資基金的退稅程序而言意義重大。如果修正案獲得通過，將消除在未來案例中申請逾期利息的可能性。從好的方面來看，一旦修正案通過，此類基金的退稅程序應該會更直接。無論如何，目前在波蘭可以申請重點銀行類型的退稅，外國投資基金和養老基金 (須符合可比性分析標準) 有權獲得被不當扣繳稅款的退還。

Poland

Planned changes regarding the withholding tax exemption for Investment Funds

The Polish Government has presented a draft of planned changes to corporate income tax (CIT) law. These changes involve investment funds.

In Poland, regulated investment funds (e.g. UCITS or AIFM managed funds based in the EU) may benefit from a tax exemption (subject to meeting certain conditions). While the exemption in question is formally directed at investment funds based in the EU or the European Economic Area (EEA), it was a common practice that third country comparable funds (such as US based Regulated Investment Companies) could also claim it (although the rules formally did not allow for it).

Until recently there were no plans to amend the exemption in question, so that it also formally covers third country funds. Consequently, for the time being the applicable rules remain in breach of EU treaties (as the free movement of capital principle precludes discrimination of third country comparable entities).

In addition to the above, to claim the exemption the fund in question must be “managed by entities that operate under the authorization of the competent financial market supervisory authorities of the country in which these entities are based”. The condition in question was highly contested as it effectively eliminated so-called self-managed funds from the exemption resulting in withholding tax exposure for such entities in Poland.

Further to general rules provided by the Polish Tax Ordinance, taxes withheld tax in Poland in breach of EU law or in cases where the Constitutional Tribunal or the Court of Justice of the European Union (CJEU) issued a verdict stating such breach, should be refunded with late payment interest (which are currently set at 13% per annum, but in recent years were varying between 8% - 16,5%). Note that certain limitations and restrictions may still apply.

Note that on 26 June 2025, the Ministry of Finance in Poland published a draft amendment to the CIT Law covering rules regarding taxation of investment funds. The planned amendment intends to remove discriminatory tax treatment of:

- a) Non EU/EEA based investment funds and
- b) Self-managed funds – in this respect the amendment recalls a recent judgment of CJEU in case C-18/23

The amendment will also make the exemption applicable subject to anti-abuse provisions and having an exchange of information agreement in place with the country of the given fund’s seat. The amendment will not end the discriminatory treatment of non-EU/EEA based pension funds (such as US-based ERISA funds).

PwC observation:

The planned changes are significant from the perspective of potential refund proceedings covering withholding tax by self-managed funds and non-EU/EEA based investment funds. In case the amendment is passed, it will remove the possibility of claiming late payment of interest in future cases. On the plus side, once it is passed, it should make refund proceedings for such funds more straight forward. In any case, focus bank type refund claims are currently available in Poland and foreign investment and pension funds (subject to meeting comparability analysis criteria) are entitled to refund of tax unduly withheld.

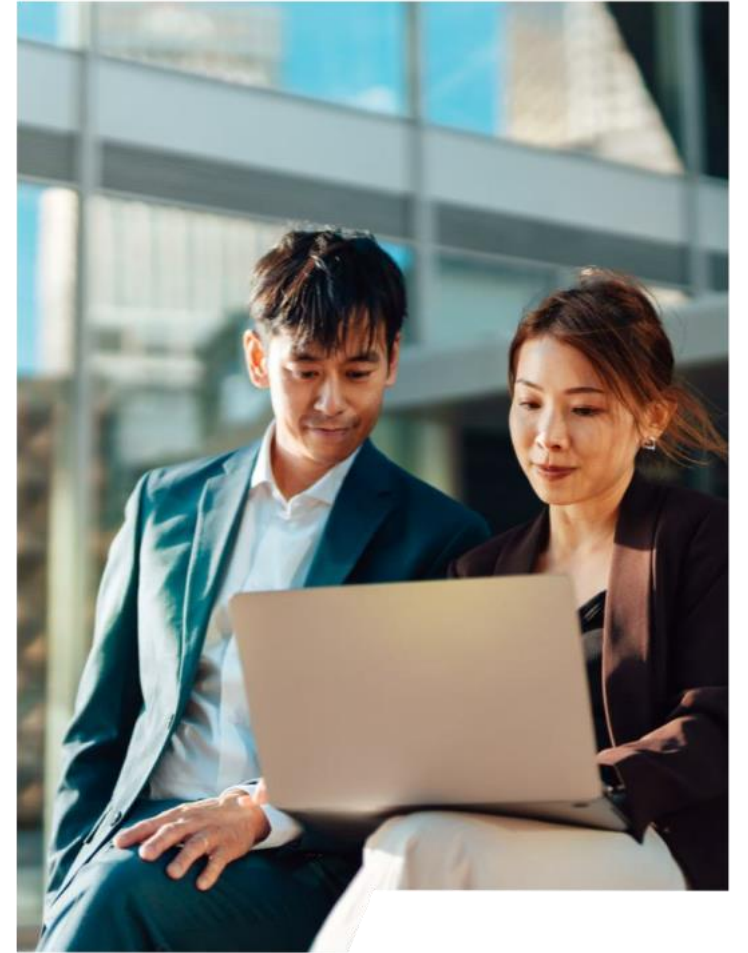
新加坡 所得稅法的擬議修正

新加坡財政部 (MOF) 發布了 2025 年財政 (所得稅) 法案草案 (以下簡稱「法案草案」)，提議修正 1947 年所得稅法 (Income Tax Act, ITA) 和 2024 年跨國企業 (最低稅負) 法 (Multinational Enterprise (Minimum Tax) Act, MMTA)，並於 2025 年 6 月 18 日至 7 月 11 日期間進行公開諮詢。

所得稅法的修正草案包括 2025 年預算聲明以及財政部對新加坡所得稅制度的定期審查所產生的修正。跨國企業 (最低稅負) 法的擬議修正旨在闡明該法中的各種定義和規定，賦予了法律順利運作所需的制定法規的權力，以及其他編輯上的修改。

資誠觀點

雖然財政部已聲明，擬議修正可能不會作為最終法律頒布，且不應被用作個人或企業決策的依據，但可能受到影響的納稅人仍應考慮可能的影響並做好相關準備。企業和個人也應評估和規劃相關機會，以充分利用現行稅收待遇的改善措施。



Singapore

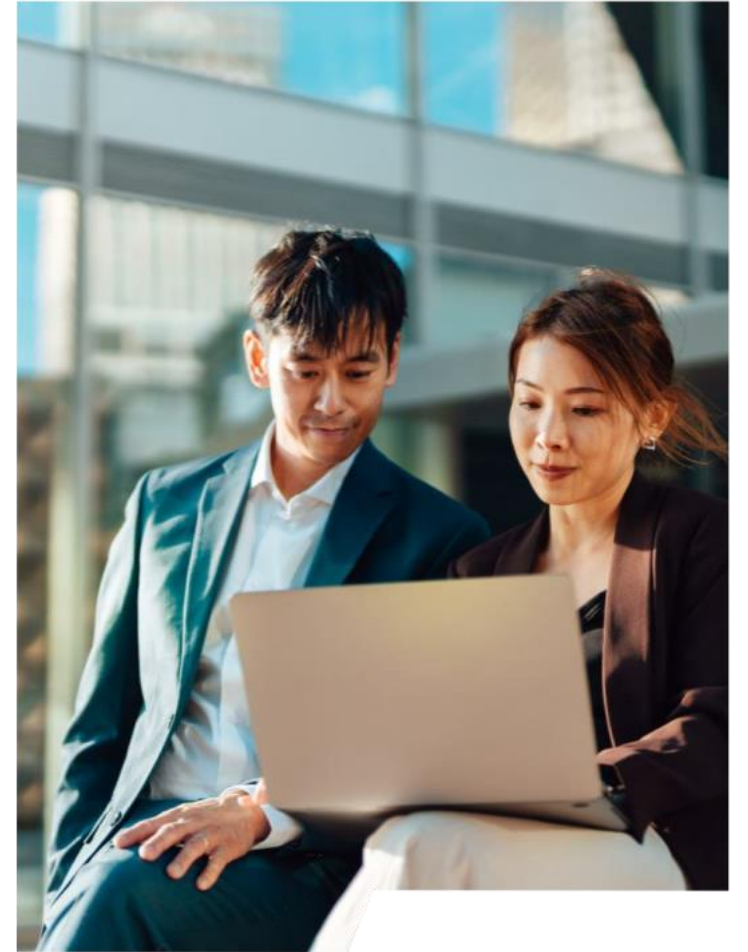
Proposed changes to income tax legislation

The Ministry of Finance (MOF) published a draft Finance (Income Taxes) Bill 2025 (the draft Bill) which proposes amendments to the Income Tax Act 1947 (ITA) and the Multinational Enterprise (Minimum Tax) Act 2024 (MMTA) for public consultation exercise from 18 June 2025 to 11 July 2025.

The draft amendments to the ITA include those arising from the 2025 Budget Statement as well as from the MOF's periodic review of Singapore's income tax system. Proposed changes to the MMTA clarify various definitions and rules in the MMTA, provide regulation-making powers required for the smooth operation of the law, and other editorial changes.

PwC observation:

Although the MOF has stated that the proposed legislation may not be enacted as final law and should not be used for individual or business decisions, taxpayers who may be affected by the proposals may nonetheless wish to consider the potential implications and make relevant preparations. Businesses and individuals should also assess and plan for opportunities to make the most of enhancements to current tax treatments.



越南

越南企業所得稅的修正

越南國民議會剛剛批准了新的企業所得稅法。新的企業所得稅法將於 2025 年 10 月 1 日生效，並適用於 2025 年及以後的課稅年度。新法的一些顯著變化包括：

- **稅率** - 標準企業所得稅稅率維持在 20%。然而，針對較小型企業引入了新的分級稅率：年收入不超過 30 億越南盾的企業稅率為 15%，收入在 30 億越南盾到 500 億越南盾之間的企業稅率為 17%。重要的是，這些較低的稅率不適用於隸屬於本身不符合中小企業資格的大型企業的中小企業。核定企業所得稅稅率適用於小型企業、收入可識別但成本不明的合作社，以及有越南來源收入的外國公司。具體的核定稅率將在即將發布的法令中列明。
- **國際稅務一致性** - 新的企業所得稅法承認國際稅務的最新發展，允許政府實施更有利的 OECD/UN 的規定，明確越南來源所得的課稅權。
- **海外投資所得申報時間** - 新的企業所得稅法恢復了在海外所得取得時課稅的規定，取消原按匯回時課稅的規定。越南公司可以扣抵在海外已繳納的企業所得稅。

資誠觀點

在越南經營的企業應開始分析這些新規定對財務和管理的影響。



Vietnam

Corporate income tax changes in Vietnam

The National Assembly has just ratified a new Law on Corporate Income Tax (CIT). The new CIT Law shall take effect from 1 October 2025 and will apply for the tax year 2025 onwards. Some of the notable changes under this new law include:

- **Tax rates** - The standard CIT rate remains 20%. However, new tiered rates are introduced for smaller enterprises: 15% for annual revenue up to VND 3 billion and 17% for revenue between VND 3 billion and VND 50 billion. Importantly, these reduced rates do not apply to SMEs affiliated with larger enterprises that do not themselves qualify as SMEs. Deemed CIT rates apply to small enterprises, cooperatives with identifiable revenue but unclear costs, and foreign companies having Vietnam-sourced income. Specific deemed rates will be outlined in a forthcoming decree.
- **International tax alignment** - The new CIT law recognises international tax developments by allowing the government to implement more favourable OECD/UN regulations regarding taxing rights on income sourced in Vietnam.
- **Timing of declaration of income from overseas investment** - The new CIT Law reverts to taxing overseas income when earned, not upon remittance as under previous law. Vietnamese companies are allowed to credit CIT paid overseas.

For more information see our [PwC Alert](#).

PwC observation:

Businesses operating in Vietnam should start analyzing the financial and administrative impact of these new rules on their organization.



要聞

Administrative

行政

澳洲

澳洲稅務局 (ATO) 關於公開國別報告豁免的指南草案

澳洲稅務局發布了指南草案 (PS LA 2025/D1)，概述其擬議的授予新的公開國別報告義務豁免的方法。澳洲的公開國別報告制度於 2024 年 7 月 1 日或之後開始的報告期開始實施，要求某些大型跨國集團公開披露澳洲、特定國家/地區及全球其他業務的特定稅務和財務資訊。由於全部或部分豁免並非自動獲得，ATO 的指南草案明確了指導稅務專員 (Commissioner) 酌情決定報告義務豁免的原則以及申請豁免的流程。

該指南草案列出了ATO 工作人員在評估豁免申請以及是否批准豁免時將考慮的因素。酌情決定權僅擬在特殊情況下行使。

受影響的國別報告母公司也應考慮向 ATO 註冊，以便有效處理相關請求 (包括豁免申請)。

資誠觀點

適用澳洲公開國別制度的跨國集團應審查其業務，並評估是否存在可能適用豁免的特殊情況。即使某個實體在另一個租稅管轄區的類似公開國別制度中獲得豁免，也不保證在澳洲也能獲得豁免。能豁免的情況很少見，需要提供強有力的具體證據支持。提前與 ATO 溝通和備妥足夠的文件將是關鍵。



Australia

ATO draft guidance on public country-by-country reporting exemptions

The Australian Taxation Office (ATO) has released draft guidance (PS LA 2025/D1) outlining its proposed approach to granting exemptions from the new public country-by-country (CBC) reporting obligations. Australia's public CBC reporting regime, commencing for reporting periods starting on or after 1 July 2024, requires certain large multinational groups to publicly disclose selected tax and financial information for Australia, specified countries, and the rest of their global operations. Since full or partial exemptions are not automatic, the ATO's draft guidance provides clarity on the principles guiding the Commissioner of Taxation's discretion to provide an exemption from the reporting obligation and the process for applying for it.

The draft guidance sets out a range of factors that will be considered by ATO staff in assessing applications for exemption and whether or not it will be granted. The discretion is intended to be exercised only in exceptional circumstances.

Affected CBC reporting parent entities should also consider registering with the ATO as this is intended to enable efficient processing and handling of related requests, including exemption applications. For further information refer to this [Tax Alert](#).

PwC observation:

Multinational groups subject to Australia's public CBC regime should review their operations and assess whether exceptional circumstances may apply that might warrant an exemption. Where an entity has an exemption from a similar public CBC regime in another jurisdiction, this does not guarantee an exemption will be granted in Australia. Exemptions will be rare and require strong, specific justification supported by evidence. Early engagement with the ATO and carefully prepared documentation will be key.



澳洲

澳洲稅務局關於支柱二申報義務、處罰和核釋的指南草案

澳洲稅務局發布了實務合規指南草案 (PCG 2025/D3)，概述了其在澳洲支柱二規則下產生的申報義務相關處罰執行方面的過渡方法。澳洲稅務局的指南草案闡明了在實施初期對受影響納稅人的期望，包括如何處罰以及何時可以獲得減免。該指南草案還總結了符合條件的跨國企業集團應向 ATO 提交的所需表格和通知。

在涵蓋 2026 年 12 月 31 日或之前開始以及 2028 年 6 月 30 日或之前結束的財務年度的過渡期間，ATO 不會向所有跨國企業集團提供處罰減免。但是，如果納稅人可以證明是出於善意行事，並採取了合理的措施來理解和遵守其義務，ATO 通常會免除處罰。

資誠觀點

由於澳洲的首批支柱二申報義務將在不到 12 個月內到期 (2026 年 6 月 30 日)，ATO 的指南為目前正在應對新的全球和國內最低稅負規則的跨國企業集團提供了值得歡迎的清晰度和務實的合規方法。

在最初的過渡期間，ATO 將側重於對善意行事並採取合理步驟遵守規定的集團提供教育、支持和處罰減免。但是，納稅人有責任證明其所做的努力，並在出現問題時積極與 ATO 溝通。跨國企業集團現在應審查其系統、流程和治理框架，以確保做好充分準備以履行其義務並從 ATO 的過渡合規方法中受益，並實施工作計劃以確保其能夠隨著時間的推移滿足 ATO 對納稅人日益提高的期望。



Australia

ATO draft guidance on Pillar Two lodgment obligations, penalties and rulings

The ATO has released draft Practical Compliance Guideline [PCG 2025/D3](#), outlining its transitional approach to the enforcement of penalties in relation to lodgment obligations arising under Australia's Pillar Two rules. The ATO's draft guidance provides clarity on what is expected of affected taxpayers during the initial years of implementation, including how penalties will be applied and when relief may be available. The draft guidance also summarizes the required forms and notifications that will be due to the ATO for in-scope MNE Groups.

The ATO will not be providing a blanket penalty concession to all MNE Groups during the transition period covering fiscal years commencing on or before 31 December 2026 and ending on or before 30 June 2028. However, the ATO will generally remit penalties in full where taxpayers can demonstrate they have acted in good faith and taken reasonable measures to understand and comply with their obligations. For further information refer to this [Tax Alert](#).

PwC observation:

With the first Pillar Two lodgment obligations in Australia due in less than 12 months (by 30 June 2026), the ATO's timely guidance provides welcome clarity and a pragmatic compliance approach for MNE groups currently navigating the new global and domestic minimum tax rules.

During the initial transition period, the ATO will focus on education, support, and penalty relief for groups that act in good faith and take reasonable steps to comply. However, the onus is on taxpayers to demonstrate their efforts and engage proactively with the ATO if issues arise. MNE groups should review their systems, processes, and governance frameworks now to ensure they are well positioned to meet their obligations and to benefit from the ATO's transitional compliance approach, as well as implementing a workplan to ensure they are able to meet the ATO's increased expectations of taxpayers over time.



巴林

巴林支柱二的最新進展

巴林國家稅務局 (NBR) 於 2025 年 7 月 2 日發布了預繳稅款手冊 (該手冊)。該手冊清晰概述了國內最低補充稅 (Domestic Minimum Top Tax, DMTT) 預繳流程，並提供了分步驟指南，以幫助納稅人透過 NBR 線上入口網站準確填寫所需的表格。

巴林的預繳稅款義務

在巴林的跨國企業集團的申報組成實體 (Constituent Entity, CE) 有責任在全年透過季度預繳的方式結清其國內最低補充稅負。但是，該手冊明確規定，選擇適用特定國內最低補充稅減免措施 (例如過渡性國別報告避風港、微利排除或國際活動初始階段排除) 的跨國企業集團不需要申報或預繳稅款，因為國內最低補充稅負被視為零。

如果情況發生變化，導致跨國企業集團不再符合先前選擇的國內最低補充稅減免條件，並且申報組成實體選擇結清其國內最低補充稅負，則其必須更新其註冊詳細資訊以移除先前選擇的國內最低補充稅減免。

資誠觀點

為了遵守國內最低補充稅法及其實施細則 (Executive Regulations)，跨國企業集團需要規劃季度和年終合規要求。重要的是要定期重新評估任何國內最低補充稅減免措施 (例如避風港或排除) 的適用性，以確保持續符合資格。如果跨國企業集團不再符合減免條件，則必須及時更新其註冊詳細資訊，並確保遵守預繳義務，並使用提交繳納稅款表格後所生成的參考編號完成繳款。



Bahrain

Recent Pillar Two Developments in Bahrain

The National Bureau for Revenue (NBR) has published the Advance Payment Manual on 2 July 2025. The manual provides a clear overview of the Domestic Minimum Top Tax (DMTT) advance payment process and provides step-by-step guidance to help taxpayers navigate the NBR online portal and accurately complete the required forms.

Advance payment obligations in Bahrain

The Filing Constituent Entity (CE) of a Multinational Enterprise (MNE) Group in Bahrain is responsible for settling its DMTT liability through quarterly advance payments over the course of the year. However, the administrative manual clarifies that MNE Groups electing to apply specific DMTT relief measures, such as the transitional Country-by-Country Reporting (CbCR) safe harbour, the de minimis exclusion, or the initial phase of international activity exclusion, are not required to declare or remit advance payments as the DMTT liability is deemed to be NIL.

Should the circumstances change such that the MNE Group no longer qualifies for the previously selected DMTT relief, and the Filing CE opts to settle its DMTT liability, it must update its registration details to remove the DMTT relief previously selected.

For more information see our [PwC Alert](#).

PwC observation:

To comply with the DMTT Law and its Executive Regulations, an MNE Group needs to plan for both quarterly and year-end compliance requirements. It is important to reassess the application of any DMTT relief measures, such as safe harbours or exclusions, on a periodic basis to ensure continued eligibility. Where an MNE Group no longer qualifies for a relief, it must update its registration details accordingly and ensure compliance with the advance payments obligations, payment services, using the reference number generated upon submission of the payment form.



宏都拉斯

針對特殊制度下免稅實體的新監管框架

宏都拉斯頒布了第 143-2025 號協議，建立了一個新的監管框架，用於控管、檢查和可能撤銷在一般和特殊制度下授予的免稅待遇，這些制度包括自由區 (Free Zones, ZOLI)、旅遊區 (Tourism Zones, ZOLITUR) 和臨時進口制度 (the Temporary Import Regime, RIT)。

該法規第 2 條明確規定適用於所有享受免稅待遇的行為和交易，並要求對在 PAMEH 平台 (由財政部管理的官方免稅受益人電子登記處) 註冊的數據進行監督。第 4 條進一步明確，根據一般或特殊稅法獲得優惠的個人和法人實體均屬於該法規的適用範圍。

該監管框架的關鍵要素包括：

- SEFIN (負責管理公共財政的中央政府機構)、稅務管理局 (SAR) 和海關之間的跨部門協作。
- 使用自動化提醒系統來檢測適用免稅優惠時出現的不一致情況。
- 在不合規的情況下，可能會進行現場檢查、發布技術查核報告、暫停或取消優惠。

這一監管發展反映了宏都拉斯實現稅收獎勵監督現代化，並與 OECD (經濟合作與發展組織) BEPS (Base Erosion and Profit Shifting, 稅基侵蝕與利潤轉移) 標準 (尤其是與優惠制度中的透明度和實質要求相關的標準) 保持一致的意圖。

資誠觀點

在 ZOLI、ZOLITUR 或類似制度下運營的公司應採取積極措施，檢查是否持續遵守豁免要求。這包括確保在 PAMEH 中申報的所有數據準確且及時，以及營運活動與最初授予優惠時的實質要求保持一致。

定期內部檢視以及與法律和稅務團隊的協作可以減少在 SEFIN、SAR 或海關進行查核期間所面臨的暫停風險或挑戰。

Honduras

New verification framework targets tax exempt entities under special regimes

Honduras enacted Agreement No. 143-2025, which establishes a new regulatory framework for the control, verification, and potential cancellation of tax exemptions granted under both general and special regimes including Free Zones (ZOLI), Tourism Zones (ZOLITUR), and the Temporary Import Regime (RIT).

Under article 2, the regulation explicitly applies to all acts and transactions benefiting from tax exemptions, and mandates supervision over data registered in the PAMEH platform (the official electronic registry of tax-exempt beneficiaries managed by the Ministry of Finance). Article 4 further clarifies that both individuals and legal entities receiving benefits under general or special tax laws fall within the scope of this regulation.

Key elements of the framework include:

- Inter-agency coordination between SEFIN (central government agency responsible for managing public finances), the Tax Administration (SAR) and the Customs Authority.
- Use of automated alerts to detect inconsistencies in the use of tax exemptions.
- The possibility of onsite inspections, the issuance of technical audit reports, and the suspension or cancellation of benefits in cases of non-compliance.

This regulatory development reflects Honduras' intent to modernize oversight of tax incentives and align with OECD BEPS standards particularly those related to transparency and substance in preferential regimes.

PwC observation:

Companies operating under ZOLI, ZOLITUR, or similar regimes should take proactive steps to validate their continued compliance with exemption requirements. This includes ensuring that all data reported in PAMEH is accurate and up to date, and that operational activities align with the substance expectations tied to the original granting of benefits.

Periodic internal reviews and coordination with legal and tax teams may reduce exposure to suspension risks or challenges during audits carried out by SEFIN, SAR, or Customs.

科威特

科威特支柱二的最新進展

科威特財政部 (MoF) 於 2025 年 6 月 30 日根據第 (55) 號部長級決議發布了針對跨國企業的國內最低補充稅 (DMTT) 的「實施細則」(Executive Regulations)。實施細則補充了於 2024 年 12 月 30 日發布的 DMTT 法 (第 157 號法律法令)。總體而言，DMTT 法對在過去四個財務年度中至少兩個年度的全球合併營收至少為 7.5 億歐元的跨國企業的科威特利潤徵收 15% 的稅。這包括總部設在科威特的跨國企業以及在科威特開展業務的外國跨國企業。但是，DMTT 法不適用於僅在科威特開展業務或不符合營收測試的當地企業。DMTT 法自 2025 年 1 月 1 日起生效。

正如預期，實施細則與 GloBE 範本規則基本一致。對於已經在適用範圍內的實體，DMTT 法要求其在法律生效日期起的九個月內 (即 2025 年 9 月 30 日前)，必須向稅務機關完成註冊，否則將面臨行政處罰。

另外，對於在 2025 年 1 月 1 日不在適用範圍內的實體，DMTT 法以及實施細則第 75 條要求此類實體在其適用 DMTT 之日起 120 天內完成註冊。

資誠觀點

DMTT 法和實施細則的結合，明確表明了科威特政府及財政部根據 GloBE 範本規則實施 DMTT 法的堅定意圖。這些規則納入了逐條注釋 (Commentary) 和行政指南 (Administrative Guidance) 的現行內容，同時還為後續發布的行政指南提供了更新機制。DMTT 法中包含了一些沒有納入 GloBE 範本規則的額外細節。但這些細節主要與 DMTT 法是科威特的主要所得稅制度這一事實有關。因此，這對於確保 DMTT 的正常運作是必要的。



Kuwait

Recent Pillar Two Developments in Kuwait

The Ministry of Finance (MoF) published the “Executive Regulations” for the Domestic Minimum Top-Up Tax (DMTT) for Multinational Enterprises (MNEs) under Ministerial Resolution No. (55) of 2025 on 30 June 2025. The Executive Regulations supplement the DMTT Law (Decree by Law No. 157) released on 30 December 2024. As a general overview, the DMTT Law applies a 15% tax to Kuwait profits of MNEs with global consolidated revenues of at least EUR 750 million in at least two of the previous four fiscal years. This includes MNEs headquartered in Kuwait as well as foreign MNEs with operations in Kuwait. However, the DMTT Law does not apply to local businesses with operations limited to Kuwait or that do not meet the revenue test. The DMTT Law is effective from 1 January 2025.

As anticipated, the Executive Regulations are largely in line with the GloBE Model Rules. For entities already in-scope, the DMTT Law requires that within a period of nine months from the law’s effective date (i.e. until 30 September 2025), in-scope entities must register with the tax administration without incurring administrative penalties.

Further, for entities not in-scope on 1 January 2025, the DMTT Law alongside Article 75 of the Executive Regulations requires such entities to register within 120 days from the date they become subject to tax (DMTT).

For more information see our [Tax Alert](#).

PwC observation:

The combination of the DMTT Law and the Executive Regulations clearly shows an express intent of the Kuwait Government and the MoF to implement a DMTT Law in accordance with the GloBE Model Rules. The rules incorporate the current elements of the Commentary and Administrative Guidance, whilst also providing mechanisms to update areas where further Administrative Guidance is issued. There are a few areas of additional detail that are included in the DMTT Law but not included in the GloBE Model Rules. However, these largely relate to the fact that the DMTT Law is the primary income tax regime in Kuwait. Therefore, such elements are necessary to ensure that the DMTT functions correctly.



波蘭

財政部關於在扣繳稅背景下適用受益所有人條款的說明

波蘭財政部於 2025 年 7 月 9 日發布了關於在扣繳稅 (WHT) 背景下適用受益所有人條款的最終版本說明 (該說明)。該說明對支付和接收款項時須繳納扣繳稅的實體尤其重要，因為根據稅務條例 (Tax Ordinance)，納稅人或付款人遵守稅務說明可獲得特殊保護。

該說明闡明了將受益所有人身份作為適用扣繳稅優惠條件的理解。其引用了企業所得稅法中的三個標準，一個實體必須滿足這些標準才能被視為受益所有人，即：

- 為自身利益收取款項，
- 沒有義務將全部或部分款項轉移給另一個實體，
- 進行實質的商業活動。

該說明指出，前兩個標準應一起考慮，並理解為收款人必須對特定款項擁有經濟控制權。該說明還列舉了可能對收款人是否擁有經濟控制權產生質疑的示例情況，例如實現微薄利潤、在短時間內將收到的款項轉移給另一個實體，或該活動缺乏相關風險。關於實質商業活動的要求，該說明指出，如果實體不具備進行活動的自有資源，則無法滿足此條件。在此背景下，根據該說明，應考慮行使此類控制權的實際能力 (包括人力、資訊或基礎設施資源) 來檢查對特定款項的經濟控制權。

根據該說明，受益所有人的要求僅適用於消極性付款。這意味著對於無形服務 (例如廣告或諮詢服務)，付款人沒有義務核實受益所有人的條件。同時，受益所有人條件必須同時適用於參與豁免和租稅協定產生的優惠，無論相關條款是否明文規定。

資誠觀點

在向關聯實體付款時，該說明對付款人的職責範圍採取了較為嚴格的處理方式。關於共享實質要件，該說明指出，在評估收款人是否擁有所需的資產和人員要件時，可以考慮集團中其他公司提供的資源。該說明還允許在一定程度上適用所謂的穿透概念，強調其適用不是付款人或稅務機關的義務 (應當事方的請求方可適用穿透概念)。

Poland

Ministry of Finance Explanations regarding the application of the beneficial owner clause in the context of withholding tax

The Ministry of Finance in Poland published the final version of the explanations concerning the application of the beneficial owner clause in the context of withholding tax (WHT) on 9 July 2025. The document is particularly important for entities making and receiving payments subject to WHT, because according to the Tax Ordinance, compliance by the taxpayer or payer with the tax explanations grants special protection.

The explanations specify the understanding of the status of the beneficial owner as a condition for applying preferences in WHT. They refer to three criteria from the CIT Act, which must be met for an entity to be recognized as a beneficial owner, namely:

- receiving payments for one's own benefit,
- no obligation to transfer all or part of the payments to another entity,
- conducting actual business activity.

The explanations indicate that the first two prerequisites should be considered together and understood as the necessity for the recipient to have economic control over a given payment. They also describe example situations that may raise doubts regarding the recipient's possession of such economic control, e.g., realizing small margins, transferring received payments to another entity in a short period, or the lack of risk associated with the activity. Regarding the requirement of conducting genuine business activity, the explanations indicate that an entity that does not possess its own resources enabling it to conduct such activity cannot meet this condition. In this context, according to the explanations, economic control over a given payment should be examined considering the actual capacity to exercise such control (including human, informational, or infrastructural resources).

The requirement of the beneficial owner applies according to the explanations only to passive payments. This means that in the case of intangible services (e.g., advertising or consulting services), the payer is not obligated to verify the condition of the beneficial owner. At the same time the beneficial owner condition must apply both to participation exemptions as well as to preferences resulting from a tax treaty, regardless of whether the relevant provisions literally indicate such a condition.

PwC observation:

The explanations take a rather strict approach to the scope of the remitter's duties when making payments to related entities. In regards to shared substance, the explanations indicate the possibility of considering resources made available by other companies in the group when assessing whether the payment recipient possesses the required asset-personnel substrate. The explanations also allow for the application of the so-called look-through concept to some extent, emphasizing that its application is not an obligation for the payer or the tax authority (we understand this as its application occurs at the request of the party).

要聞

Judicial

司法

法國

法國稅務機關 (FTA) 關於持續虧損的核釋

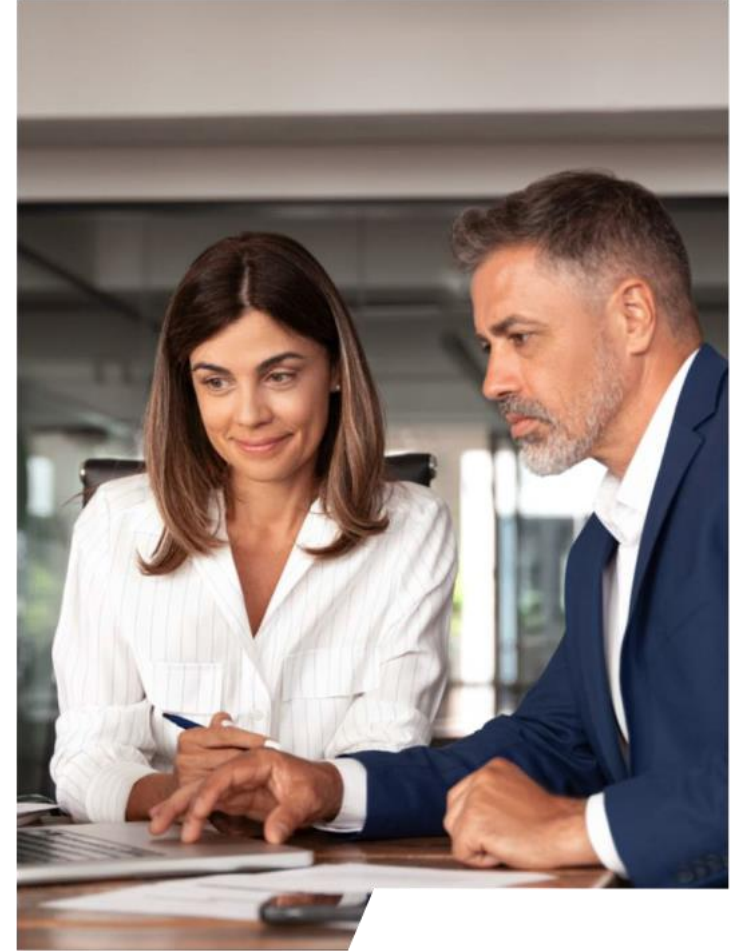
法國稅務機關重新評估了一家持續虧損的法國子公司，理由是該法國公司向集團的義大利總部間接移轉了利潤。FTA 認為，該法國公司為集團利益承擔了大量勘探和促銷費用。

FTA 認為，由於外部費用非常高，該法國公司的淨利潤率為負，而同期可比的獨立公司的淨利潤率為正。

法國最高行政法院認為持續虧損或淨利潤率低於可比公司不足以證明存在利潤移轉，FTA 尤其應證明哪些費用是僅為了集團中其他公司的利益而產生的。

資誠觀點

在持續虧損的情況下，法國公司應準備強大的移轉訂價文檔來支持其立場，因為 FTA 對此主題的審查越來越嚴格。



France

French tax authorities ruling on recurring losses

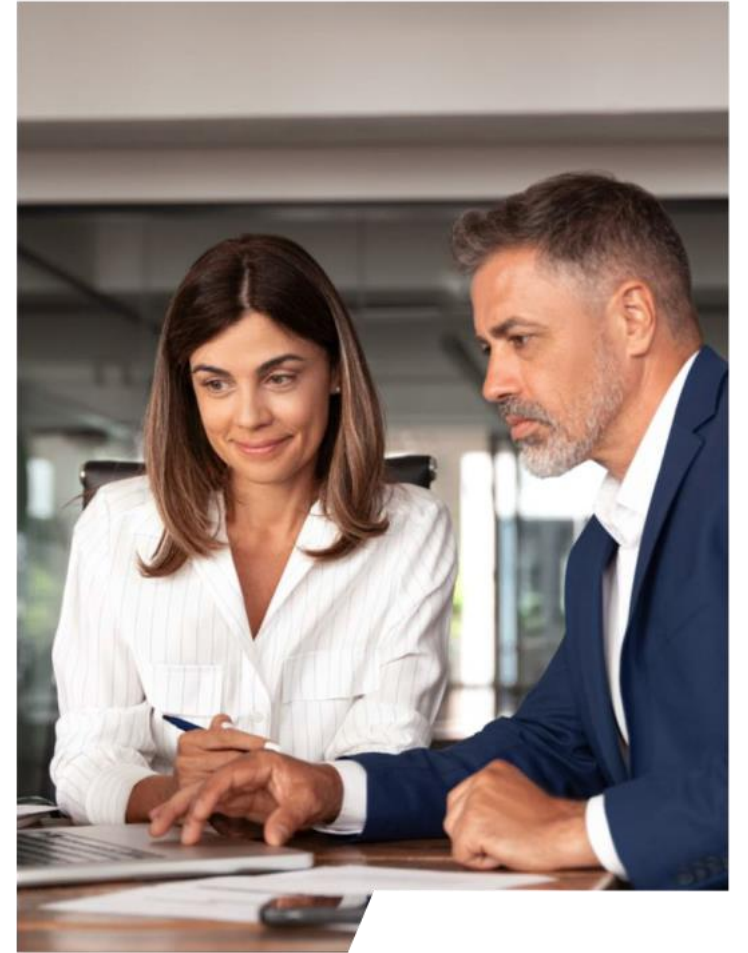
The French tax authorities (FTA) reassessed a structurally loss-making French subsidiary on the basis of an indirect transfer of profits to the Italian head of the group. FTA considered that the French company incurred significant prospecting and promotional expenses for the benefit of the group.

FTA argued that the net margin achieved by the French company was negative due to very high external charges, whereas comparable independent companies had achieved positive net margins over the same period.

The French Administrative Supreme Court ruled that the recurring losses or net margins lower than those of comparable companies are insufficient to demonstrate the existence of a transfer of profits and that the FTA should have demonstrated, in particular, which expenses had been incurred in the sole interest of the other companies in the group.

PwC observation:

In the case of recurring losses, French companies should prepare robust TP documentation to support their position as this topic is increasingly under scrutiny from the FTA.



法國

法院判決詳細說明了隱匿常設機構的稅務處理

在 2025 年 6 月 4 日的一項裁判中，巴黎行政上訴法院維持了對一家在香港註冊成立的公司法國徵稅的決定。儘管該公司在國外註冊，但實際上是在法國開展業務，因此構成了一個隱匿的常設機構。

法國稅務機關充分行使了調查權，在該集團法國子公司的場所進行了搜查，扣押文件並請求國際行政協助。結果顯示，該香港公司的活動是由當地員工在法國進行的，會計和決策職能設在巴黎，並使用了法國的基礎設施。

由於沒有進行任何稅務申報，所以被視為是被隱匿的業務，因此適用延長的 10 年追溯期。這也可能導致適用 80% 的罰款，如果因重新評估產生超過 10 萬歐的應納稅款且適用此類罰款，則案件將被移交給檢察官處理。

資誠觀點

這個法院判決說明，法國稅務機關對外國集團在法國的活動和常設機構問題的審查越來越嚴格。



France

Court decision provides details on the taxation of hidden permanent establishments

In a ruling dated 4 June 2025, the Paris Administrative Court of Appeal upheld the taxation in France of a company incorporated in Hong Kong. Although domiciled abroad, the company was in fact operating from France, thereby constituting a hidden permanent establishment.

The French tax authorities exercised their full investigative powers, conducting a search in the premises of the French subsidiary of the group, seizing documents and requesting international administrative assistance. These actions revealed that the activity of the Hong Kong company was carried out in France by local staff, with accounting and decision-making functions based in Paris, and the use of French infrastructure.

In the absence of any tax filings, the activity was deemed hidden, justifying the application of the extended 10-year statute of limitations. This classification may also lead to the application of an 80% penalty and, where such penalty is applied on reassessments that trigger a tax liability over €100,000, referral of the case to the public prosecutor.

PwC observation:

This court decision illustrates the increasing scrutiny exercised by French tax authorities on the activities of foreign groups in France and the issue of permanent establishments.



新加坡

所得稅審查委員會關於一般反避稅規則的決定

最近的一個所得稅審查委員會案件(GIS 等人訴稅務官員 [2025] SGITBR 3)涉及新加坡一般反避稅規則的適用。該案中，三名個人透過一系列共同和單獨擁有及控制的公司提供專業醫療服務，將其聯合醫療業務公司化。該安排具有顯著節稅效果，這得益於公司和個人之間的稅率差異、新加坡股利免稅以及針對初創企業和中小型企業的稅收優惠。

稅務官員 (Comptroller) 認為，該安排的主要目的之一是避稅，並援引了 1947 年所得稅法第 33 條的一般反避稅規則。納稅人被課徵了額外稅款和巨額罰款，納稅人對此提出了上訴。但審查委員會駁回了納稅人的上訴。

資誠觀點

這一決定為一般反避稅規則的司法先例增添了新的內容。需要注意的是，此前上訴法院的判決已為稅務官員援引一般反避稅規則設定了相對較低的門檻。即使納稅人可以證明一項安排是出於真實的商業目的，但只要減稅或避稅是該安排的主要目的之一，就可能違反了反避稅規則。此後，新加坡稅務機關更加傾向於援引一般反避稅規則。



Singapore

Income Tax Board of Review decision on the general anti-avoidance rules

A recent Board of Review case GIS and others v The Comptroller of Income Tax [2025] SGITBR 3 deals with the application of Singapore's general anti-avoidance rules. This case involves three individuals who corporatised their joint medical practice by providing their specialist medical services through a series of companies they jointly and individually owned and controlled. The arrangement resulted in significant tax savings arising from the tax rate differential between corporates and individuals, the tax exemption for Singapore dividends and certain tax exemptions for start-ups and small and medium-sized enterprises.

The Comptroller of Income Tax took the view that the arrangement had been entered into with tax avoidance as one of its main purposes and invoked the general anti-avoidance rule in section 33 of the Income Tax Act 1947. He imposed additional taxes and significant penalties against which the taxpayers appealed. The Board of Review dismissed the taxpayers' appeal.

PwC observation:

This decision adds to a small but growing body of judicial precedence on the general anti-avoidance rules. Note that an earlier Court of Appeal judgment set the bar relatively low for the Comptroller of Income Tax to invoke the general anti-avoidance rules. An arrangement, even one which the taxpayer can prove was entered into for bona fide commercial reasons, can fall foul of the anti-avoidance rules as long as tax reduction or avoidance is one of the main purposes of the arrangement. Since then, the Singapore tax authorities have shown a stronger inclination for invoking the general anti-avoidance rules.



要聞

OECD/EU

經合組織/歐盟

歐盟

歐盟執委會公布「自有資源」提案

7月16日，歐盟執委會 (European Commission) 提出一項總額達 2 兆歐元的 2028 年至 2034 年的多年期財政框架 (MultiAnnual Financial Framework, MFF) 提案。該提案包括擴大現有的自有資源，以及新增一項自有資源，即歐盟企業資源 (CORE)。MFF 需要根據一項特殊的立法程序獲得通過並要求歐盟執委會一致同意。

這一雄心勃勃的 MFF 總額接近 2 兆歐元 (歐盟 2028 年至 2034 年期間的平均國民總收入的 1.26%)。該框架旨在為歐盟提供長期投資預算。計劃的一部分是設立一個新的 4,090 億歐元的歐盟競爭力基金，以投資戰略技術 (如 Letta 和 Draghi 報告所建議的)。在新基金中，將撥出 1,310 億歐元用於支持國防、安全和太空領域的投資。

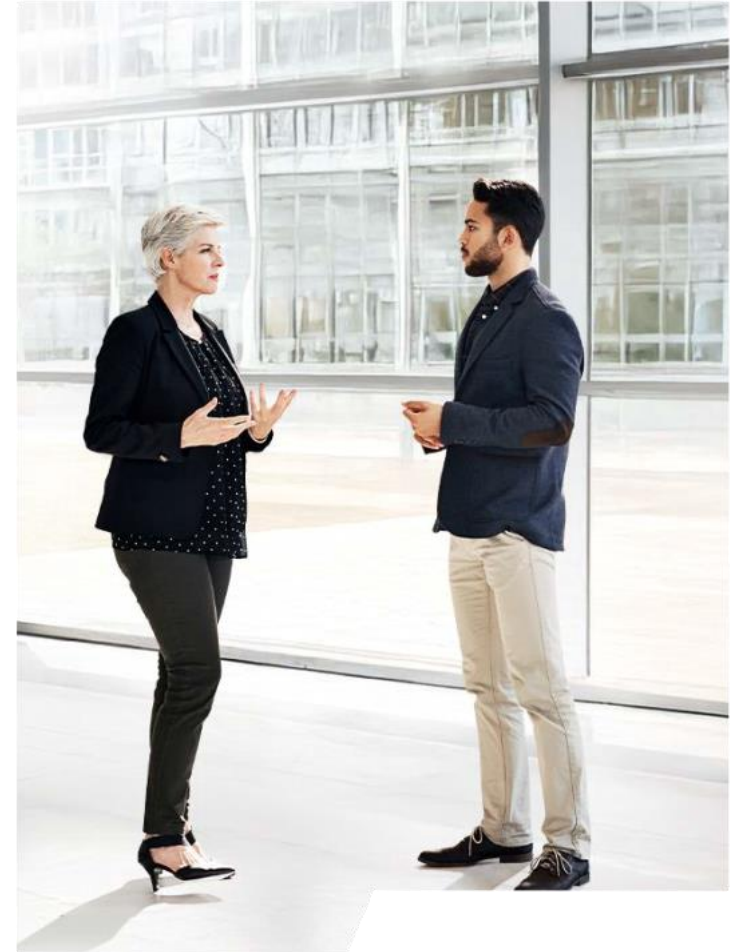
為了 (部分地) 為新預算提供資金，歐盟執委會提議擴大現有的自有資源，並設立一項額外的自有資源，即 CORE。

新增自有資源 (2028-2034 年自有資源概況) 將包括對未回收的電子產品徵收電子垃圾費用，以及與菸草製品及相關產品的統一的最低消費稅率掛鉤的菸草消費稅自有資源 (Tobacco Excise Duty Own Resource, TEDOR)。

該方案還修正了先前自有資源提案的部分內容，包括歐盟排放交易體系 (ETS) 拍賣收入的百分比，以及根據碳邊境調整機制 (CBAM) 對進口碳密集型產品的更新收費率。該提案還更新了現有的自有資源，例如提高塑膠包裝垃圾費用，並調整成員國保留的某些商業稅以負擔徵收成本。

資誠觀點

值得注意的是，歐盟執委會已選擇不引入涵蓋全歐盟的數位服務稅 (DST)。經過初步考慮，並考慮到美國貿易壓力的加劇和加拿大最近宣布廢除數位服務稅，該提案放棄了在全歐盟範圍內對大型科技公司徵稅的提議。



European Union

European Commission unveils ‘own resources’ proposals

On 16 July the European Commission (Commission) presented the proposal for a EUR 2 trillion MultiAnnual Financial Framework (MFF) for 2028 to 2034. The proposal includes expanding existing own resources and a new own resource, CORE (Corporate Resource for Europe). The MFF needs to be adopted under a special legislative procedure which requires unanimity in the Council.

The ambitious MFF amounts to almost EUR 2 trillion (or 1.26% of the EU's gross national income on average between 2028 and 2034). This framework is described as being aimed at equipping Europe with a long-term investment budget. Part of the plan is to create a new European Competitiveness Fund of EUR 409 billion, to invest in strategic technologies as recommended in the Letta and Draghi Reports. In this new fund, EUR 131 billion will be allocated to support investment in defence, security and space.

In order to (partly) fund the new budget, the Commission proposes to expand existing own resources and to create an additional own resource, CORE.

Additional new own resources (Factsheet own resources 2028-2034) would include an e-waste charge on uncollected electronics and a Tobacco Excise Duty Own Resource (TEDOR) tied to harmonised minimum excise rates on manufactured tobacco and tobacco-related products.

The package also revises aspects of previous own resources proposals, including the percentage of auction revenues from the EU Emissions Trading System (ETS), and an updated call rate on imported carbon-intensive goods under the Carbon Border Adjustment Mechanism (CBAM). The proposal also updates current own resources, such as increasing the plastics packaging waste charge and adjusting certain commerce duties retained by Member States to cover collection costs.

For more information see our [Tax Policy Alert](#).

PwC observation:

Notably, the Commission has chosen not to introduce a bloc-wide digital services tax (DST). After initial consideration, and in light of intensifying US trade pressure and Canada's recent DST repeal announcement, the proposal abandons a Europe-wide levy on large technology companies.



歐盟

比利時憲法法院將歐盟全球最低稅負制之 UTPR 條款的有效性案提交歐盟法院審理

2025 年 7 月 17 日，比利時憲法法院就 2023 年 12 月 19 日比利時法 (Belgian Act) 第 35 條和第 36 條的合憲性作出裁判。這些條款是比利時導入歐盟全球最低稅負指令的一部分，實施了 UTPR。根據該指令，如果根據 QDMTT 或 IIR 沒有 (完全) 徵收補充稅，則集團的比利時實體須適用 UTPR。比利時憲法法院沒有就合憲性作出裁判，而是將指令中 UTPR 條款的有效性問題提交給了歐盟法院 (CJEU)。

歐盟法院對此案件的審理仍需數月的時間。但是若歐盟法院確定歐盟全球最低稅負指令中的 UTPR 條款與歐盟基本自由、歐盟憲章、法律確定性原則或稅收屬地原則不相容，則將影響歐盟成員國的 UTPR。另外，這可能會對全球支柱二產生更廣泛的影響，並影響作為支柱二備位機制的 UTPR 的運作。

UTPR 可能在歐盟範圍內失效，也可能影響關於全球最低稅負制的政治討論，並且可能還會影響與最近 G7 協議相關的持續討論。

資誠觀點

將案件提交給歐盟法院意味著可能在 12 到 24 個月內都無法獲得歐盟法院就此事的最終裁判。但是，此案可能會在首批 UTPR 申報截止日之前得出結果。同時，企業需要繼續遵守現行的歐盟全球最低稅負制指令。



European Union

Belgian Constitutional Court refers case to CJEU on validity of EU Global Minimum Tax UTPR provisions

The Belgian Constitutional Court issued a decision on 17 July 2025 regarding the constitutionality of Articles 35 and 36 of the Belgian Act of 19 December 2023. These articles implement the Undertaxed Profits Rule (UTPR) as part of Belgium's transposition of the EU's Global Minimum Tax directive. In line with the directive, the UTPR would be imposed on the Belgian entity of a group if the top-up tax were not (fully) imposed under a QDMTT or IIR. The Court did not rule on the merits of the constitutional challenge, but has instead referred the question of the validity of the UTPR provisions under the directive to the Court of Justice of the European Union (CJEU).

It will still take some months for the CJEU to decide on this case. However, if the CJEU determines that the UTPR provisions in the EU Global Minimum Tax directive are not compatible with the EU Fundamental Freedoms, the EU Charter, the principle of legal certainty or fiscal territoriality, then this would impact the UTPR of EU Member States. Furthermore, this could have broader implications for Pillar Two globally with the impact on the operation of the UTPR as a backstop to Pillar Two.

The possibility that the UTPR could be invalidated EU-wide may also impact the political discourse on the Global Minimum Tax and will likely feed into the ongoing discussion with respect to the recent G7 agreement as well.

For more information see our [Tax Policy Alert](#).

PwC observation:

The referral to the CJEU means that we will probably not have a final decision from the CJEU on this matter for 12-24 months. However, there could be an outcome to this case prior to the date when the first UTPR filings are due. In the meantime, businesses will need to continue to progress with compliance with the EU Global Minimum Tax directive as it stands.



Glossary

Acronym	Definition
ATAD	Anti-Tax Avoidance Directive
ATO	Australian Tax Office
BEPS	Base Erosion and Profit Shifting
CFC	controlled foreign corporation
CIT	corporate income tax
CTA	Cyprus Tax Authority
DAC6	EU Council Directive 2018/822/EU on cross-border tax arrangements
DST	digital services tax
DTT	double tax treaty
ETR	effective tax rate

Acronym	Definition
EU	European Union
MNE	Multinational enterprise
NID	notional interest deduction
OECD	Organisation for Economic Co-operation and Development
PE	permanent establishment
R&D	Research & Development
SBT	same business test
SiBT	similar business test
VAT	value added tax
WHT	withholding tax



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- 兩岸與國際租稅Update (川普2.0：OECD Pillar 2的新走向)：<https://youtu.be/PEvZEGCIRVI>
- 台灣稅務與投資法規Update-6月號(美國關稅政策解析及企業因應之道綜覽)：<https://youtu.be/DScV4jAGJA8>

2025 資誠前瞻研訓院線上講堂 (2月)：

ESG近期發展：<https://youtu.be/IBpBbPF3QtI>

從碳定價到實踐：企業的碳費管理<https://youtu.be/OY7RtlBJUs4>

川普關稅計畫對台商的影响及因應：<https://youtu.be/eyC1eWuIaLs>

台灣稅務法令更新及因應：<https://youtu.be/kI-rUZv1UhA>

兩岸稅務法令更新及因應：<https://youtu.be/U85FioOeA3Q>

美國稅務法令更新及因應：<https://youtu.be/-I88RIp6j-c>

東南亞稅務法令更新及因應：越南X泰國X印尼X馬來西亞X印度<https://youtu.be/nxnqAzLIf2U>

會計暨審計法令更新：<https://youtu.be/knToofM1FCY>

智財法令新近發展：<https://youtu.be/l7d4zhJPhB8>

勞動法令新近發展：https://youtu.be/C_Kxg8AjYtA

證交法令更新：<https://youtu.be/riNhokjPVqc>

中華產業國際租稅學會 敬邀加入會員

本會為依法設立、非以營利為目的的社會團體，以建構產業稅務專業人士的交流平台，研究產業稅務問題，促進公平合理課稅為宗旨。在台灣稅務界，本會成已為稅務專業的意見領袖，產、官、學界的主要諮詢機構。

本會除例行會員集會，相互交換國際稅務新知與經驗交流外，每月提供會員最新國際、國內及大陸之稅務新規，每年舉辦國際與兩岸租稅專題研討會，邀請兩岸稅務機關首長及稅務官員蒞會演講、座談及研討，與業界會員雙向溝通，共同分享最新租稅相關議題。

歡迎兩岸財稅法學者、專家及在工商界服務的稅務專業精英加入本會會員，入會相關事宜可到學會網站(連結如下)。

<http://www.industries-tax.org.tw>



與我們專業國際租稅團隊聯絡：

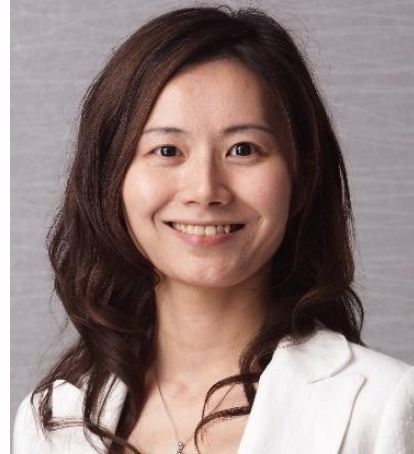


曾博昇

全球稅務服務 主持會計師

Tel: (02) 2729 5907

Email: paulson.tseng@pwc.com



謝淑美

併購稅務服務 主持會計師

Tel: (02) 2729 5809

Email: elaine.hsieh@pwc.com

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