



## 税务快讯

### 个人税收递延型商业养老保险试点实行

2018年4月12日，财政部网站公布了[《关于开展个人税收递延型商业养老保险试点的通知》](#)（财税[2018]22号，以下简称“22号文”），明确自5月1日起，在上海、福建（含厦门）、苏州工业园区三地试点实施个人税收递延型（以下简称“税延型”）商业养老保险。根据该项试点政策，试点地区个人购买商业养老保险产品可享受税收递延优惠待遇，即符合规定的商业养老保险产品购买支出可在个人所得税前扣除，相关的个人所得税义务递延至商业养老金领取环节。

随后，财政部、国家税务总局、中国银行保险监督管理委员会、人力资源和社会保障部等部委相继发布后续文件，对相关的实施规则，以及符合条件的养老保险产品开发设计要求等进行了明确和规范。

#### 要点概述

#### 1. 可享受税收递延优惠政策的试点地区和群体有哪些？

##### 1.1 试点地区

三个试点地区为上海市、福建省（含厦门市）和苏州工业园区。试点期限暂定一年。

##### 1.2 试点政策适用群体

- 取得工资薪金所得或连续性劳务报酬所得的个人（后者需连续不少于6个月为同一单位提供劳务），其个人所得税扣缴义务人位于试点地区；
- 取得个体工商户生产经营所得或对企事业单位的承包承租经营所得的个体工商户业主、个人独资企业投资者、合伙企业自然人合伙人和承包承租经营者，相应的个体工商户、企业和单位的实际经营地位于试点地区。

## 2. 税收递延优惠政策的具体内容是什么？

自 2018 年 5 月 1 日起的一年内，适用试点政策的个人购买符合规定的商业养老保险产品可享受如下政策：

- 个人缴费部分允许在一定标准内税前扣除：
  - 取得工资薪金、连续性劳务报酬所得的个人，其缴纳的保费扣除限额为当月工资薪金、连续性劳务报酬收入的 6% 和 1,000 元之间较低者；
  - 取得个体工商户生产经营所得、对企事业单位的承包承租经营所得的个体工商户业主、个人独资企业投资者、合伙企业自然人合伙人和承包承租经营者，其缴纳的保费扣除限额为当年应税收入的 6% 和 12,000 元之间较低者。
- 计入个人商业养老资金账户内的投资收益，暂不征收个人所得税。
- 个人领取商业养老金时按照优惠的税率征收个人所得税：其中 25% 部分予以免税，其余 75% 部分按照 10% 的比例税率计算缴纳个人所得税。

## 3. 符合哪些条件才能享受税收递延优惠？

### 3.1 符合规定的商业养老保险产品

税收递延优惠仅适用于个人购买符合规定的商业养老保险产品（以下简称“税延养老保险产品”），相关产品需符合“收益稳健、长期锁定、终身领取、精算平衡”的开发设计原则，满足参保人对养老账户资金安全性、收益性和长期性管理要求，并采取名录方式确定。中国银行保险监督管理委员会等部委后续发布的产品开发指引（银保监发[2018]20 号）对税延养老保险产品的保险期间、交费方式、收益类型、保险责任和领取方式等事项均提供了明确的规范。参与试点的保险公司，应当按照指引要求和有关保险产品监管规定，开发设计税延养老保险产品；若商业养老保险产品不符合指引中的相关规定，则购买产品的个人将无法享受税收递延优惠。

### 3.2 指定账户与信息平台管理

享受优惠政策的个人须指定具有唯一性的商业养老资金账户，与居民身份证件绑定，作为用于归集税延型商业养老保险缴费、收益以及资金领取等的商业银行个人专用账户。该账户将在中国保险信息技术管理有限责任公司建立的信息平台（以下简称“中保信平台”）进行登记。中保信平台将与税务系统、商业保险机构和商业银行对接，并出具《个人税收递延型商业养老保险扣除凭证》（以下简称“税延养老扣除凭证”），交由个人办理税前扣除等手续。

## 4. 享受税收递延优惠，各方需遵循哪些流程，履行哪些义务？

### 4.1 缴费环节

- 取得工资薪金、连续性劳务报酬所得的个人：

个人应及时将税延养老扣除凭证提供给个人所得税扣缴单位；当缴费金额发生变化、未续保或退保时，应当及时告知扣缴单位。

扣缴单位应在收到上述扣除凭证后，计算当期扣除限额并作相应的税前扣除以扣缴个人所得税；填报当期的扣缴个人所得税报告表时，应将当期可扣除的金额填至相应的“税前扣除项目”栏“其他”列中，注明“税延养老保险”，并同时填报《个人税收递延型商业养老保险税前扣除情况明细表》。

- 取得个体工商户生产经营所得、对企事业单位的承包承租经营所得的个体工商户业主、个人独资企业投资者、合伙企业自然人合伙人和承包承租经营者，应在年度申报时凭税延养老扣除凭证，将当期可扣除的金额填报至《个人所得税生产经营所得纳税申报表（B表）》的“允许扣除的其他费用”行，注明“税延养老保险”，同时填报《个人税收递延型商业养老保险税前扣除情况明细表》；当缴费金额发生变化、未续保或退保时，应及时告知主管税务机关。

个人在试点地区范围内从两处或者两处以上取得所得的，只能选择在其中一处享受试点政策。

## 4.2 领取商业养老金环节

个人达到规定条件（例如，达到国家规定的退休年龄）领取商业养老金时，保险公司应按“其他所得”税目代扣代缴个人所得税，并在个人购买税延养老保险的机构所在地办理全员全额扣缴申报。

## 5. 新政何时生效？是否可以追补享受？

新政已于 2018 年 5 月 1 日生效。个人因未及时提供税延养老扣除凭证而造成往期未扣除的，扣缴单位可追补至应扣除月份扣除，重新计算相应月份的应扣缴税款，在收到扣除凭证的当月办理抵扣或申请退税。

### 德勤评论

税延型商业养老保险试点的实行，是中国养老保险体系在现有的基本养老保险和企业年金制度基础上的进一步完善和补充。尽管企业年金也提供了税收递延待遇，但企业年金的实施一般以企业为主导，给个人享受税收优惠政策带来了一定的局限性，而本次试点的税延型养老保险以个人参保为主导，从而能够为个人享受税收递延的优惠政策带来更大的便利度和灵活性。同时，相关部门表示，税延型养老保险产品具有准公共产品的属性，因此在产品设计方面，其费用水平和保险保障功能将体现让利于民的原则。有鉴于此，税延型商业养老保险政策一经发布便引起了社会的广泛关注，预期未来在个人养老保险市场会发挥突出作用。作为继 2017 年税优型商业健康保险在全国推广实施后（注：计算个人所得税时，个人购买税优型商业健康保险产品支出可在限额内作税前扣除）的另一项社会保障与商业保险领域的重要税收优惠政策，虽然税延型商业养老保险现阶段只是在三个地区试点实行，但其有望将来在全国范围内实施以成为普惠全民的优惠政策。

税延型商业养老保险试点的税收递延优惠政策一定意义上也可视为中国个人所得税改革的前哨。未来的个人所得税改革将更多考虑个人的家庭费用税前扣除，包括子女教育、大病医疗等专项费用扣除，以达到合理减负，鼓励纳税人通过劳动增加收入、迈向富裕的效果。税延型商业养老保险的制度安排正呼应了个人所得税改革的这一大方向。同时，多部委协同金融机构为税收递延的实现而进行的准备工作，包括信息平台的

设立以及多机构的系统联网等，也为今后个人所得税改革的实施奠定了必要的设施基础。

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# Deloitte.



# Tax Newsflash

## Pilot program launched for tax-deferred commercial pension insurance

On 12 April 2018, China's Ministry of Finance published Circular 22 that officially launched a pilot program for tax-deferred commercial pension insurance in Fujian, Shanghai and Suzhou Industrial Park as from 1 May 2018. Individuals in pilot areas who purchase qualified commercial pension insurance may enjoy a favorable tax deferral treatment, i.e. the insurance premium paid may be pre-tax deductible, and income tax will be triggered only when the individual withdraws from the pension account.

Further guidance has been issued by government departments to clarify the implementation details and the criteria for commercial insurance products to qualify for the pilot program.

### Key points

#### **1. Who may enjoy the tax-deferral policy under the pilot program?**

##### **1.1 Pilot areas**

The program is being piloted in Fujian (including Xiamen), Shanghai and Suzhou Industrial Park for one year.

##### **1.2 Eligible participants**

- i) Individuals who receive wages and salaries or recurring remuneration for consecutive independent services (where the individual provides independent services to the same entity for no less than six consecutive months) from parties that act as the income tax withholding agents and are located in pilot areas; and
- ii) Private business owners (e.g. owners of individual industrial and commercial households, investors in sole proprietorships, individual partners of partnerships, etc.) who derive income from business activities conducted in pilot areas.

#### **2. What is the tax-deferral policy under the pilot program?**

As from 1 May 2018, the following rules apply to eligible participants who have purchased qualified commercial pension insurance:

- The insurance premium payment is deductible for individual income tax purposes, subject to a cap that is determined as:
  - 6% of the monthly salaries/service remuneration or CNY 1,000, whichever is lower for individuals in 1.2 i); and

- 6% of the annual taxable revenue or CNY 12,000, whichever is lower for individuals in 1.2 ii).

- No income tax is imposed when investment income is credited to the individual's personal commercial pension account.
- 75% of withdrawals from a commercial pension account will attract a 10% income tax, with the remainder being tax-exempt.

### **3. How can an eligible individual enjoy tax-deferral under the pilot program?**

#### **3.1 Qualified commercial pension insurance products**

The tax-deferral policies under the pilot program apply only to eligible individuals who purchase qualified commercial pension insurance products. In other words, tax deferral is not available for non-qualified products. The Chinese Banking and Insurance Regulatory Commission has released guidance (i.e. Yin Bao Jian Fa [2018] No. 20) to insurance companies on the criteria for a commercial pension insurance product to qualify for the tax deferral. The regulators will maintain and publish a list of qualified products.

#### **3.2 Designated account and centralized information platform management**

To enjoy the tax-deferral treatment, an eligible participant must appoint a bank account to handle the commercial pension insurance matters (i.e. payment of insurance premiums, receiving investment income, withdrawals). The bank account will have to be linked with the individual's Chinese ID number and registered on the information platform developed by the China Insurance Information Technology Management Co., Ltd. (CIITC Platform). The CIITC Platform is interconnected with the systems of tax bureaus, insurance firms and banks, and will be responsible for issuing a certificate to the individual for claiming the deduction for the insurance premium.

### **4. What obligations must each party fulfill under the pilot program?**

#### **4.1 Payment of insurance premiums**

- For individuals in 1.2 i):

The individual must provide the certificate to the withholding agent and notify the agent in a timely manner if there is any change to the insurance premium, or if the insurance policy is cancelled or not renewed.

After receiving the certificate, the withholding agent must deduct the relevant premium from the gross income to calculate the tax to be withheld and complete an information form. When the agent is preparing the reporting form of withholding tax, the deductible premium must be included in "Other (deductible) items," marked "tax-deferral pension insurance."

- For individuals in 1.2 ii), the individual must, when filing his/her annual income tax return, include the deductible premium in "Other deductible expenses," marked "tax-deferral pension insurance," and complete an information form. The individual must notify the competent tax authorities in a timely manner if there is any change to the insurance premium or if the insurance policy is cancelled or not renewed.

Individuals that receive income from two or more sources in the pilot areas may only claim the deduction of premiums from one source.

## **4.2 Withdrawal**

After an individual fulfills the prescribed conditions (e.g. reaching the statutory retirement age) to withdraw from the pension account, the insurance firm will withhold and report the individual income tax on behalf of the individual for each withdrawal to the competent tax authorities where the insurance firm is located.

## **5. What is the time period for the tax-deferral policy? Can individuals enjoy the policy retroactively?**

The policy under the pilot program applies for one year from 1 May 2018. Where insurance premiums for the previous periods were not deducted because the individual did not provide a certificate in a timely manner, the withholding agent is allowed to make retroactive adjustments for the previous periods in the month the certificate is received by the agent; overpaid tax for the previous periods may be used to offset the future tax payable or be refunded.

### **Deloitte comments**

The tax-deferred commercial pension insurance policy is considered an important supplement to the government-sponsored basic pension fund and employer annuity plans. Although similar tax-deferral treatment is granted for annuity plans, tax-deferred commercial pension insurance could provide more flexibility for individuals since they are free to choose the insurance product in the market that best suits their needs. In addition, the regulators have indicated that a qualified pension insurance product will have low premiums and broad coverage. In view of this, the pilot program has attracted considerable attention from the public, and the tax-deferral pension insurance business is expected to grow rapidly in the pension market. It also is worth noting that the government has rolled favorable treatment out nationwide that allows individuals to claim a deduction for qualified commercial health insurance premiums. The tax-deferral treatment for qualified commercial pension insurance also is expected to be expanded nationwide.

The launch of the pilot program may aim to test the waters before more deductions are introduced, as the government has expressed its intention to introduce further deductions for living expenses (e.g. child education expenses and medical expenses) in the next step of the reform of the individual income tax. The CIITC Platform and its interconnection with



systems of the tax authorities, insurance firms and banks will enable the Chinese tax authorities to gain experience in the construction of infrastructure to better address the challenges that the reform may bring to the administration of taxes.

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