

## 马来西亚中国服务部税务月刊

### 信息自动交换标准（“**AEOI**”）

由经合组织（“**OECD**”）在统一报告标准（“**CRS**”）基础上推出的全球税务透明化制度，信息自动交换标准（“**AEOI**”），将于 2017 年在马来西亚实施生效。

随着全球一体化，跨境活动已即为普遍，因此，税务当局应当共同努力，以确保纳税人已向相关的税务管辖区缴纳正确的税款。在 **CRS** 的框架下，政府会与其他税务管辖区自动交换纳税居民在其他管辖区所持有的金融账户信息。

另外，中国和马来西亚也为 **CRS** 基础下的 **AEOI** 的管辖区之一。这表示，马来西亚内陆税收局（“**MIRB**”）将有权获取在马来西亚具有纳税居民资格的中资企业和个人在中国金融机构持有的金融账户信息。另一方面，中国税务局也拥有等等的权力获取中国纳税居民在马来西亚金融机构持有的金融账户信息。

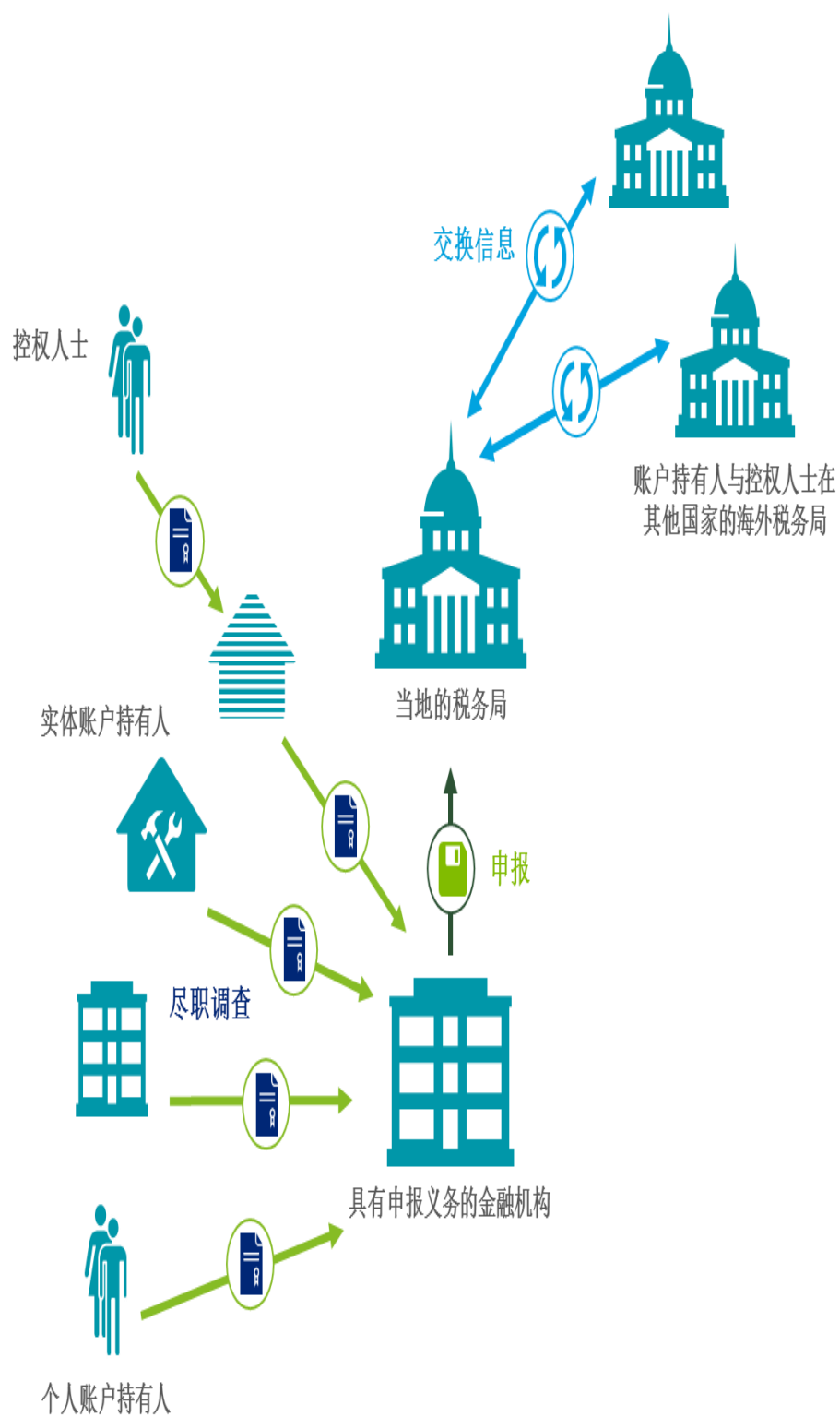
在这方面，我们很乐意为您提供一些相关的资讯。

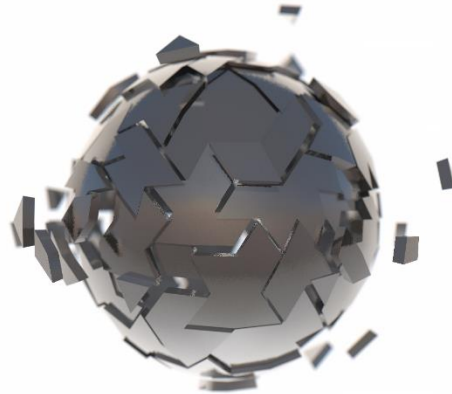
## 信息自动交换标准的概述

1.	什么是信息自动交换标准 (“ <b>AEoI</b> ”)?	AEoI 是一种全球法规,旨在与其他税务局交换离岸金融资产有关的金融账户信息,并会在每年自动交换这些信息。  在 CRS 参与税务管辖区的金融机构,将扮演着代理人的角色,或是搜集金融账户信息并提交至当地的税务局,然后再转交到其他的税务局。		
2.	由谁申报?	根据 AEoI 标准,每一家具有申报义务的金融机构,需要履行由 OECD 颁布并在 CRS 里规定的尽职调查程序,以识别和申报在其机构有义务申报的金融账户。		
		具有申报义务的金融机构		
		存款机构 (例如: 商业银行)	一般接受存款的银行或相似机构	
		托管机构 (例如: 受托代管公司)	代他人持有金融资产的机构 (超过总收入 20%或以上)	
		投资机构 (例如: 资产管理经理, 信托公司)	(i) 主要业务为代表客户对特定资产提供管理或金融服务的机构; 或 (ii) 其总收入主要来源于金融资产的投资,再投资或交易的机构,如果其机构是受另外一家金融机构管理 (总收入 50%或以上)	
		特定的保险机构 (人寿保险商)	从事有现金解约价值的保险业务和年金业务的保险公司	
3.	谁将被申报?	<u>具有申报义务的人士</u> 在税务管辖区为纳税居民的个人或实体。		
		<u>被动非金融实体 (“Passive NFE”)</u> <ul style="list-style-type: none"><li>任何为非主动的 NFE</li><li>超过 50%的被动收入</li><li>超过 50%的资产被动收入 (例如: 股息, 利息, 租金, 专利使用费)</li></ul>		
		<u>控权人士</u> <ul style="list-style-type: none"><li>拥有一家公司控制权 (25%) 的自然人</li><li>如果是信托基金, 控权人士为托管财产者, 财产保护人, 财产受益人 (们)。与信托架构相似的法人, 将采用相似的申报制度 (例如: 基金会)。</li></ul>		
4.	需要申报些什么?	持有或拥有存款账户, 托管账户, 投资机构的股权或债权权益, 现金值保险合约和年金合约的个人和实体账户持有人以及被动非金融机构的控权人士, 所将被申报的信息如下: -		
		身份信息	账户信息	金融信息
		<ul style="list-style-type: none"><li>名字</li><li>地址</li><li>税收居民国</li><li>纳税人识别号 (“TIN”)</li></ul>	<ul style="list-style-type: none"><li>账户号码</li><li>金融机构的名称和识别编号</li></ul>	<ul style="list-style-type: none"><li>账户结余或价值</li><li>账户中持有的金融资产所产生的利</li></ul>

		<ul style="list-style-type: none"> <li>• 出生日期</li> </ul>	<ul style="list-style-type: none"> <li>• 息，股息和其他收入</li> <li>• 销售 / 赎回金融资产而获取或存入账户的收益</li> </ul>
5.	什么时候需要申报？	每一家具有申报义务的马来西亚金融机构（“MYFI”）必须于次年的 6 月 30 日或以前（从 2017 日历年起）向马来西亚内陆税收局（“MIRB”）提交申报。MIRB 随后会将信息于次年的 9 月 30 日前转交到其他参与税务管辖区的海外税务局。	
6.	参与税务管辖区的列表	承诺实施 AEOI 的国家如下:-  <b><u>2017 年开始交换信息的管辖区</u></b> 安圭拉岛，阿根廷，巴巴多斯，比利时，百慕大群岛，英属维尔京群岛，保加利亚，开曼群岛，哥伦比亚，克罗地亚，库拉索岛，塞浦路斯，捷克共和国，丹麦，爱沙尼亚，法罗群岛，芬兰，法国，德国，直布罗陀，希腊，格陵兰岛，格恩西岛，匈牙利，冰岛，印度，爱尔兰，马恩岛，意大利，泽西岛，韩国，拉脱维亚，列支敦士登，立陶宛，卢森堡，马尔他，墨西哥，蒙特萨拉特岛，荷兰，纽埃岛，挪威，波兰，葡萄牙，罗马尼亚，圣马力诺，塞舌尔，斯洛伐克共和国，斯洛文尼亚，南非，西班牙，瑞典，特克斯和凯科斯群岛，英国  <b><u>2018 年开始交换信息的管辖区</u></b> 阿尔巴尼亚，安道尔，安提瓜和巴布达，阿鲁巴岛，澳大利亚，奥地利，巴哈马群岛，巴林岛，伯利兹，巴西，文莱达鲁萨兰国，加拿大，智利，中国，库克群岛，哥斯达黎加，多米尼加，加纳，格林纳达，香港（中国），印度尼西亚，以色列，日本，科威特，黎巴嫩，马绍尔群岛，澳门（中国），马来西亚，毛里求斯，摩纳哥，瑙鲁，新西兰，巴拿马，卡塔尔，俄罗斯，圣基斯和尼维斯，萨摩亚群岛，圣卢西亚岛，圣文森特和格林纳丁斯，沙特阿拉伯，新加坡，圣马丁，瑞士，特立尼达和多巴哥，土耳其，阿拉伯联合酋长国，乌拉圭，瓦努阿图	
7.	信息交换过程中可能会发生的例子	<b><u>例子 1</u></b> 不具有马来西亚纳税居民资格的中资企业或个人，若是在马来西亚任何一家当地或外国银行开设账户，中企和个人的金融账户信息将有可能被具有申报义务的金融机构提交至马来西亚内陆税收局（“MIRB”）。MIRB 随后再将上述的信息转交到中国税务局。  <b><u>例子 2</u></b> 具有马来西亚纳税居民资格的中资企业或个人，若是在中国任何一家当地或外国银行开设账户，中企和个人的金融账户信息将有可能被具有申报义务的金融机构提交至中国税务局。中国税务局随后再将上述的信息转交到 MIRB。	

# 信息自动交换标准 如何操作？





## **Deloitte Malaysia Chinese Services Group Publication**

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### **Automatic Exchange of Information**

Common Reporting Standard ("CRS") on Automatic Exchange of Information ("AEOI") has been introduced by the Organisation for Economic Co-operation and Development ("OECD") as a worldwide tax transparency regime coming into force in Malaysia in 2017.

As the world becomes increasingly globalised and cross-border activities become the norm, tax administrations need to work together to ensure that taxpayers pay the right amount of tax to the right jurisdiction. Under the CRS, governments of the participating jurisdictions agree to exchange information automatically with one another on the information on financial accounts held by tax residents in each other's jurisdictions.

China and Malaysia are among those participating jurisdictions to the AEOI under the CRS. This would mean that the Malaysian Inland Revenue Board may have access on the information on financial accounts held with financial institutions in China by both Chinese companies and individuals whom are tax residents in Malaysia. On the other hand, the Chinese tax authorities may also have access to the financial account information of Chinese tax residents maintained with financial institutions in Malaysia.

In this connection, we are pleased to provide you with some related information.

## Overview of Automatic Exchange of Information

1.	<b>What is Automatic Exchange of Information ("AEOI")?</b>	<p>AEOI is a global methodology for the sharing of financial account information relating to offshore financial assets amongst tax authorities and such information shall be exchanged automatically and annually.</p> <p>Financial institutions in the CRS participating jurisdictions will act as an agent or conduct to gather financial account information to be reported to local tax authorities which will then be transmitted to other tax authorities.</p>	
2.	<b>Who reports?</b>	Under the AEOI Rules, every reporting financial institution shall identify the reportable account from the financial account maintained by the reporting financial institution by applying the due diligence procedure as specified in the CRS issued by the OECD.	
		<b>Reporting Financial Institutions</b>	
		Depository institutions (e.g. Commercial banks)	Entities that accept deposits in the ordinary course of a banking or similar business
		Custodial institutions (e.g. Nominee companies)	Entities that hold financial assets for the account of others (20% or more gross income)
		Investment entities (e.g. Asset managers, unit trusts)	Entities (i) whose primary business involves certain asset management or financial services for or on behalf of a customer or (ii) whose gross income is primarily attributable to investing, reinvesting or trading in financial assets, if the entity is managed by another financial institution (50% or more gross income)
		Specified insurance companies (life insurers)	Insurance companies that issue or are obligated to make payments for cash value insurance contracts or annuity contracts
3.	<b>Who is reported?</b>	<b><u>Reportable persons</u></b> A tax resident individual or entity in a reportable jurisdiction.	
		<b><u>Passive Non-Financial Entity ("Passive NFE")</u></b> <ul style="list-style-type: none"><li>Any NFE that is not an active NFE</li><li>More than 50% passive income</li><li>More than 50% assets producing passive income (e.g. dividends, interest, rents, royalties and etc)</li></ul>	

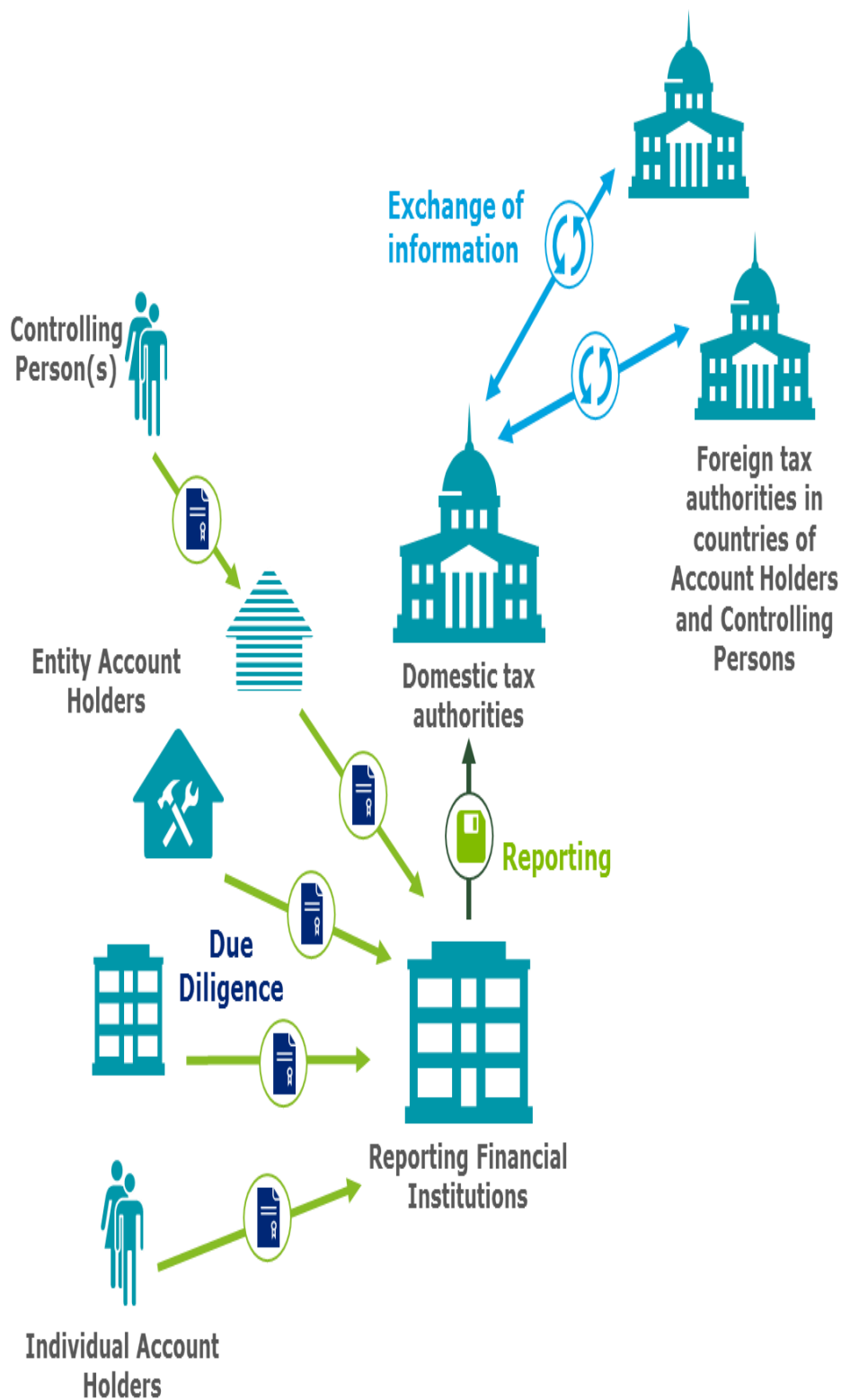
		<b><u>Controlling Persons</u></b> <ul style="list-style-type: none"> <li>• Natural person who exercises control (25%) over an entity</li> <li>• In case of a trust, controlling person means the settlor, protector, beneficiary(ies). Similar application for legal persons functionally similar to trusts (e.g. foundations)</li> </ul>		
4.	<b>What is reported?</b>	Information required to be reported in relation to depository accounts, custodial accounts, equity or debt interest in an investment entity, cash value insurance contract and annuity contract held or owned by individual and entity account holders and controlling persons of passive non-financial entities are as follows:-		
		<b>Identification information</b>	<b>Account Information</b>	<b>Financial Information</b>
		<ul style="list-style-type: none"> <li>• Name</li> <li>• Address</li> <li>• Jurisdiction of residence</li> <li>• Taxpayer identification number</li> <li>• Date of birth</li> </ul>	<ul style="list-style-type: none"> <li>• Account number</li> <li>• Name and identifying number of the financial institution</li> </ul>	<ul style="list-style-type: none"> <li>• Account balance or value</li> <li>• Interest, dividends and other income generated with respect to the assets held in the account</li> <li>• Proceeds from the sale / redemption of financial assets paid or credited to the account</li> </ul>
5.	<b>When is it reported?</b>	Every reporting Malaysian-based Financial Institution ("MYFI") is required to furnish a return to the Malaysian Inland Revenue Board ("MIRB") on or before 30 June of the year following the calendar year (commencing calendar year 2017). The MIRB will then transmit the information to foreign tax authorities of the other participating jurisdictions by 30 September of the year following the calendar year.		
6.	<b>List of participating jurisdictions</b>	The status of commitments is as follows:- <b><u>First Year of Reporting - 2017</u></b> Anguilla, Argentina, Barbados, Belgium, Bermuda, British Virgin Islands, Bulgaria, Cayman Islands, Colombia, Croatia, Curaçao, Cyprus, Czech Republic, Denmark, Estonia, Faroe Islands, Finland, France, Germany, Gibraltar, Greece, Greenland, Guernsey, Hungary, Iceland, India, Ireland, Isle of Man,		

		<p>Italy, Jersey, Korea, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Montserrat, Netherlands, Niue, Norway, Poland, Portugal, Romania, San Marino, Seychelles, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Turks and Caicos Islands, United Kingdom</p> <p><b><u>First Year of Reporting - 2018</u></b></p> <p>Albania, Andorra, Antigua and Barbuda, Aruba, Australia, Austria, The Bahamas, Bahrain, Belize, Brazil, Brunei Darussalam, Canada, Chile, China, Cook Islands, Costa Rica, Dominica, Ghana, Grenada, Hong Kong (China), Indonesia, Israel, Japan, Kuwait, Lebanon, Marshall Islands, Macao (China), Malaysia, Mauritius, Monaco, Nauru, New Zealand, Panama, Qatar, Russia, Saint Kitts and Nevis, Samoa, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sint Maarten, Switzerland, Trinidad and Tobago, Turkey, United Arab Emirates, Uruguay, Vanuatu</p>
7.	<b>Examples on how sharing information may take place</b>	<p><b><u>Example 1</u></b></p> <p>If a Chinese company or individual, who is a non-tax resident in Malaysia, opens an account in any local or foreign banks in Malaysia, the information on financial accounts of the company or individual may be reported to Malaysian Inland Revenue Board ("MIRB") by the reporting financial institution ("FI"). Subsequently, MIRB may transmit the abovementioned information to the China tax authority.</p> <p><b><u>Example 2</u></b></p> <p>If a Chinese company or individual, who is a tax resident in Malaysia, opens an account in any local or foreign banks in China, the information on financial accounts of the company or individual may be reported to China tax authority by the reporting FI. Subsequently, China tax authority may transmit the abovementioned information to MIRB.</p>



# Automatic Exchange of Information

## How does it work?



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