

European Tax Survey Análise de Portugal em detalhe



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Principais conclusões para Portugal

Principais conclusões para Portugal (1/5)

- Aproximadamente dois terços dos inquiridos em Portugal indicou que tem um Centro de Serviços Partilhados no que respeita à função financeira interna, o que é superior ao resultado médio da EMEA. Três quartos destes inquiridos responderam que uma parte ou a totalidade do tax compliance é efectuado através desse Centro de Serviços Partilhados.
- Dois terços dos respondentes em Portugal indicaram que o factor mais importante para o sucesso da sua função é o cumprimento atempado das respectivas obrigações fiscais, o que acompanha os resultados da EMEA. Salientam ainda a importância atribuída à integração efectiva no negócio e na estratégia geral da organização, bem como à certeza quanto às eventuais responsabilidades fiscais.

Por outro lado, a existência de boas relações com a administração fiscal e a redução da taxa de tributação efectiva, são indicados como os factores com menor relevância para os respondentes em Portugal. Deste modo, a redução da taxa efectiva já não é a prioridade principal, quer em Portugal, quer em geral na EMEA.

- Na perspectiva de 73% dos responsáveis pela área dos impostos das sociedades portuguesas inquiridas, o factor mais preocupante são as constantes alterações da legislação fiscal. O resultado em Portugal, neste aspecto, é consideravelmente mais elevado, quando em comparação com a média nos restantes países da EMEA.

Principais conclusões para Portugal (2/5)

Outra preocupação relevante apontada, pelos responsáveis em Portugal é o cumprimento das respectivas obrigações fiscais, em contraponto com os resultados da EMEA, que apontam o aumento do escrutínio por parte das autoridades fiscais como a segunda maior preocupação.

- Neste sentido, os responsáveis portugueses salientaram a necessidade de aumentar a certeza/segurança quanto ao futuro do sistema fiscal, bem como a simplificação do mesmo.

Essas seriam as alterações que, na opinião dos participantes no estudo, teriam maior impacto positivo no sistema fiscal português.

Tais medidas, na sua generalidade, foram igualmente apontadas pelos inquiridos da EMEA. Notamos ainda a reduzida relevância atribuída ao eventual decréscimo das taxas de tributação, quer em Portugal, quer na EMEA.

- A Holanda e o Reino Unido destacam-se como os países onde é mais fácil operar para as sociedades portuguesas, em contraposição com a Rússia, que é indicada como a jurisdição que apresenta maiores dificuldades. Surpreendentemente, as opiniões dos participantes portugueses relativamente a Espanha dividem-se. Neste sentido, a mesma foi indicada como uma jurisdição favorável por 13% dos inquiridos, apesar de 12% a declararem como uma jurisdição desafiante para operar.

Principais conclusões para Portugal (3/5)

- Quanto à pergunta sobre a existência de incertezas no que respeita à fiscalidade em Portugal, 85% dos inquiridos salientou que há um elevado grau de incerteza, principalmente devido às constantes alterações legislativas (89%), uma situação em linha com a tendência dos resultados da EMEA mas com valores mais acentuados para Portugal. Em segundo lugar, com 44%, os respondentes destacam a demora significativa na resolução dos litígios com a administração fiscal como outro factor gerador de incerteza, em contraste com a ambiguidade da parte das autoridades fiscais apontada nas respostas dos restantes países da EMEA.
- Neste âmbito, os inquiridos portugueses ainda consideraram que o grau de segurança ou certeza, a nível fiscal, no seu país, é substancialmente inferior ao dos outros países europeus.
- Quase metade (48%) dos respondentes de Portugal indicaram ter uma boa relação com as autoridades fiscais, sendo que tal relação se manteve inalterada no último ano. Contudo, estes resultados são ligeiramente inferiores à média da EMEA. Apenas 4% dos participantes portugueses indicam ter uma relação má ou muito má com as autoridades fiscais.
- Os inquiridos indicaram que a administração fiscal em Portugal se foca maioritariamente em dois impostos: IRC (73%) e IVA (63%), seguidos por preços de transferência/tributação internacional, IRS e impostos sobre o património.
- 72% das empresas dos respondentes portugueses foram alvo de inspecção por parte da administração fiscal nos últimos três anos.

Principais conclusões para Portugal (4/5)

- Segundo o estudo, 43% dos inquiridos mostram-se dispostos a contestar uma decisão da administração fiscal, caso a considerassem injusta. Neste sentido, mais de um quarto dos respondentes indicaram ainda que a contestação de tal decisão dependeria das circunstâncias concretas. Tal resultado apresenta-se em claro contraste com os resultados de 2012, em que 70% dos inquiridos indicaram estar dispostos a contestar uma decisão da administração fiscal.
- Menos de metade dos respondentes foram interpelados pelos *stakeholders* internos, com o objectivo de apresentar uma justificação da estratégia fiscal adoptada pela organização. Por outro lado, apenas a 27% dos inquiridos foi solicitada tal justificação por parte de *stakeholders* externos, incluindo accionistas.
- Os participantes portugueses indicam que actualmente há um maior nível de discussão e escrutínio quanto à estratégia fiscal, em comparação com o ano anterior. Consequentemente, um terço dos respondentes indicam que estão a adoptar uma nova abordagem ao planeamento fiscal, enquanto outro terço declara que não irá efectuar qualquer alteração.

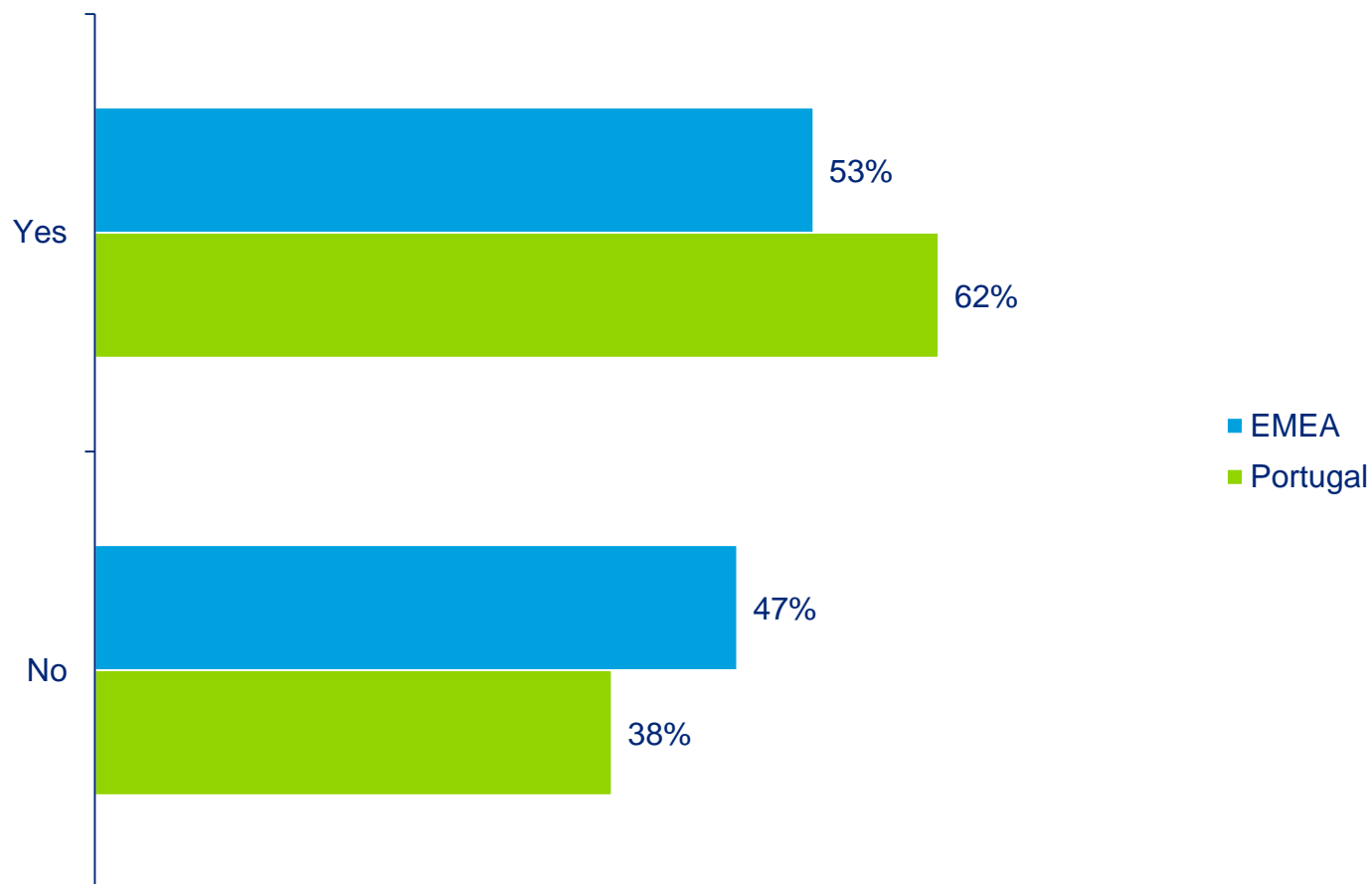
Neste âmbito, a garantia de que a estratégia fiscal é apoiada formalmente pela organização, mencionada pelos inquiridos da EMEA como a reacção mais frequentemente adoptada, não é observada em Portugal.

Principais conclusões para Portugal (5/5)

- Mais de metade dos inquiridos portugueses indica que a estratégia fiscal da empresa foi sancionada pela respectiva administração, um resultado que acompanha os restantes países da EMEA. As questões de índole fiscal são discutidas pela administração, em 99% dos casos, apesar da frequência da discussão ser substancialmente variável.
- Por último, os respondentes destacam que não se dedicam exclusivamente ao tratamento de assuntos fiscais, indicando que actividades como a gestão do respectivo departamento, a interligação com outros departamentos da empresa e a interacção com a administração ocupam a maior parte do seu tempo.

Análise em detalhe

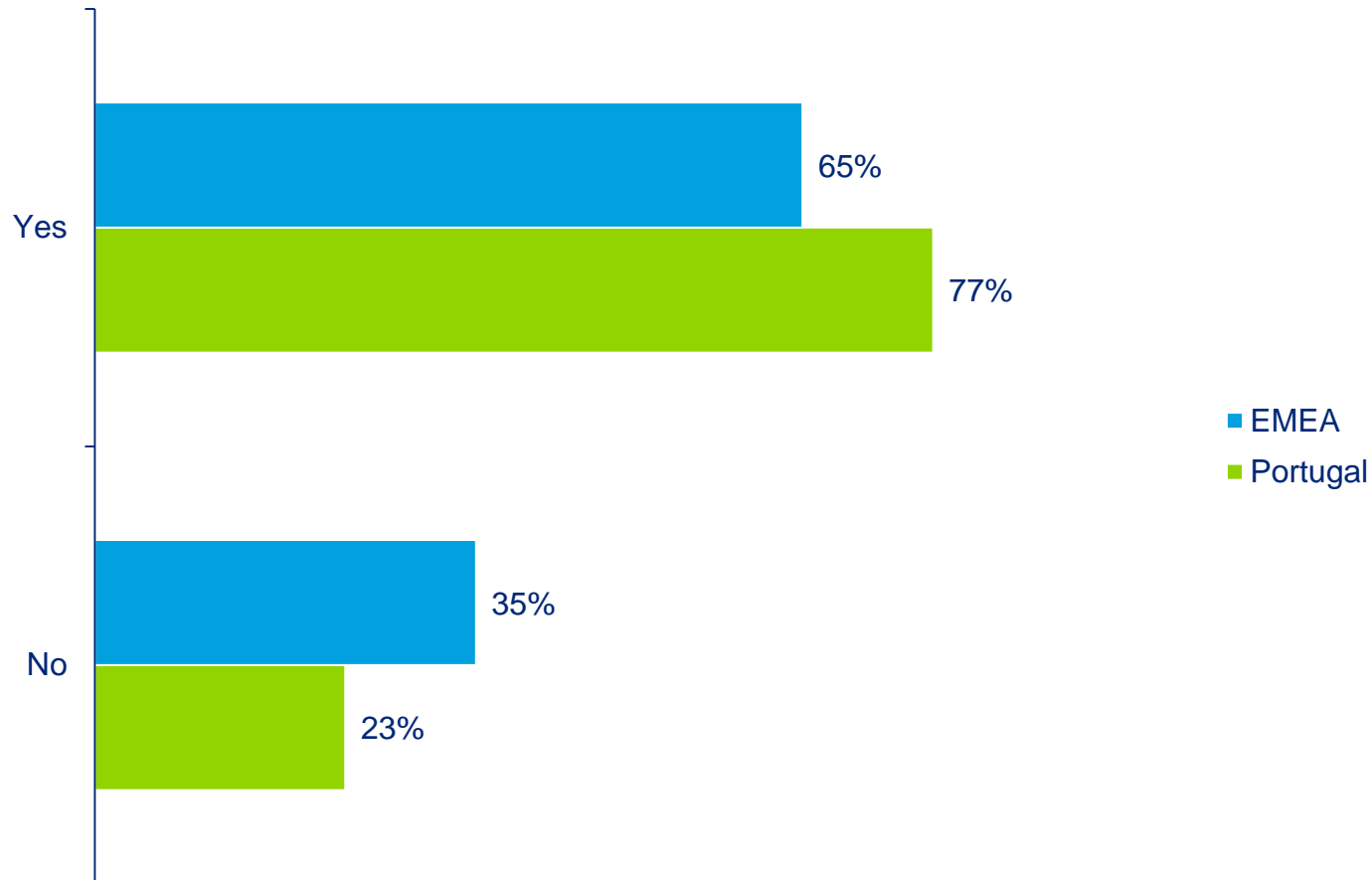
9. Do you have a shared service centre for Finance within your company?



**Key
takeaway**

Currently, 62% of respondents have a shared service centre for Finance in Portugal, which is clearly higher than the average of the EMEA.

9a. If yes, is any part of tax compliance delivered by your company's shared service centre?



**Key
takeaway**

Only 23% of Portuguese respondents do not have the shared service center delivering a part of the tax compliance.

10. When thinking of what success looks like for your department, which of the following are most important? Rate each item Low, Medium or High, where High is critical to success and Low is not a key measure in your organisation.

	Low		Medium		High	
	PT	EMEA	PT	EMEA	PT	EMEA
Low Effective Tax Rate	7.4%	12.9%	38.3%	43.3%	52.1%	43.8%
Tax returns and compliance filed on time	3.2%	4.2%	28.7%	24.5%	66%	71.3%
Good relationship with the tax authority	11.7%	5.7%	45.7%	43.6%	39.4%	50.7%
Close integration with the business and its strategy	1.1%	5.3%	36.2%	32.7%	60.6%	62%
Certainty around tax liabilities	3.2%	2.8%	34%	29.2%	60.6%	68%

Key takeaway

Low Effective Tax Rate is no longer the highest priority, in line with EMEA.

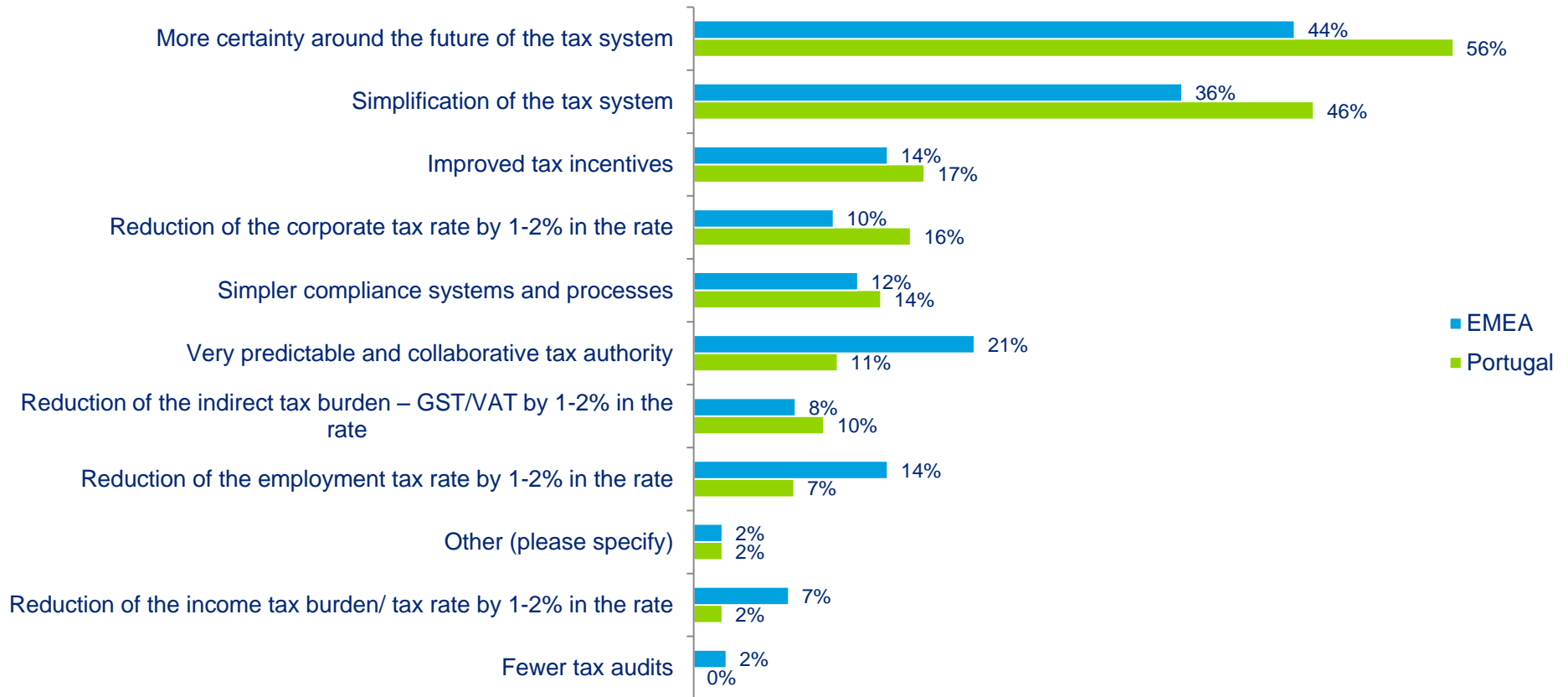
11. Which tax risks and uncertainties concern you most, weigh on your mind or keep you awake at night? Please rate each item as Low, Medium or High, where High is one of the most stressful areas and Low is something you don't worry about.

	Low		Medium		High	
	PT	EMEA	PT	EMEA	PT	EMEA
Compliance - such as getting tax returns filed on time and accurately	14.9%	24.9%	43.6%	46.9%	39.4%	28.2%
Increased tax authority scrutiny - such as outstanding cases with your tax authority or Tax Audits	14.9%	15%	52.1%	45.7%	30.9%	39.3%
Governance - such as ensuring that tax activities are aligned with wider corporate objectives and getting buy-in from the Board and business with regard to tax issues	11.7%	15.4%	53.2%	52.7%	30.9%	31.8%
Tax resources - such as key tax staff leaving or staff shortages	33%	33.6%	51.1%	46.7%	13.8%	19.6%
Technology and systems - such as data quality issues or inadequate finance systems	20.2%	27.6%	45.7%	47.2%	31.9%	25.2%
Change of tax regulation - for example, the introduction of new tax laws, keeping up with rapidly changing legislation or dealing with legislation with which you aren't familiar	0%	7.6%	23.4%	39.7%	73.4%	52.6%

Key takeaway

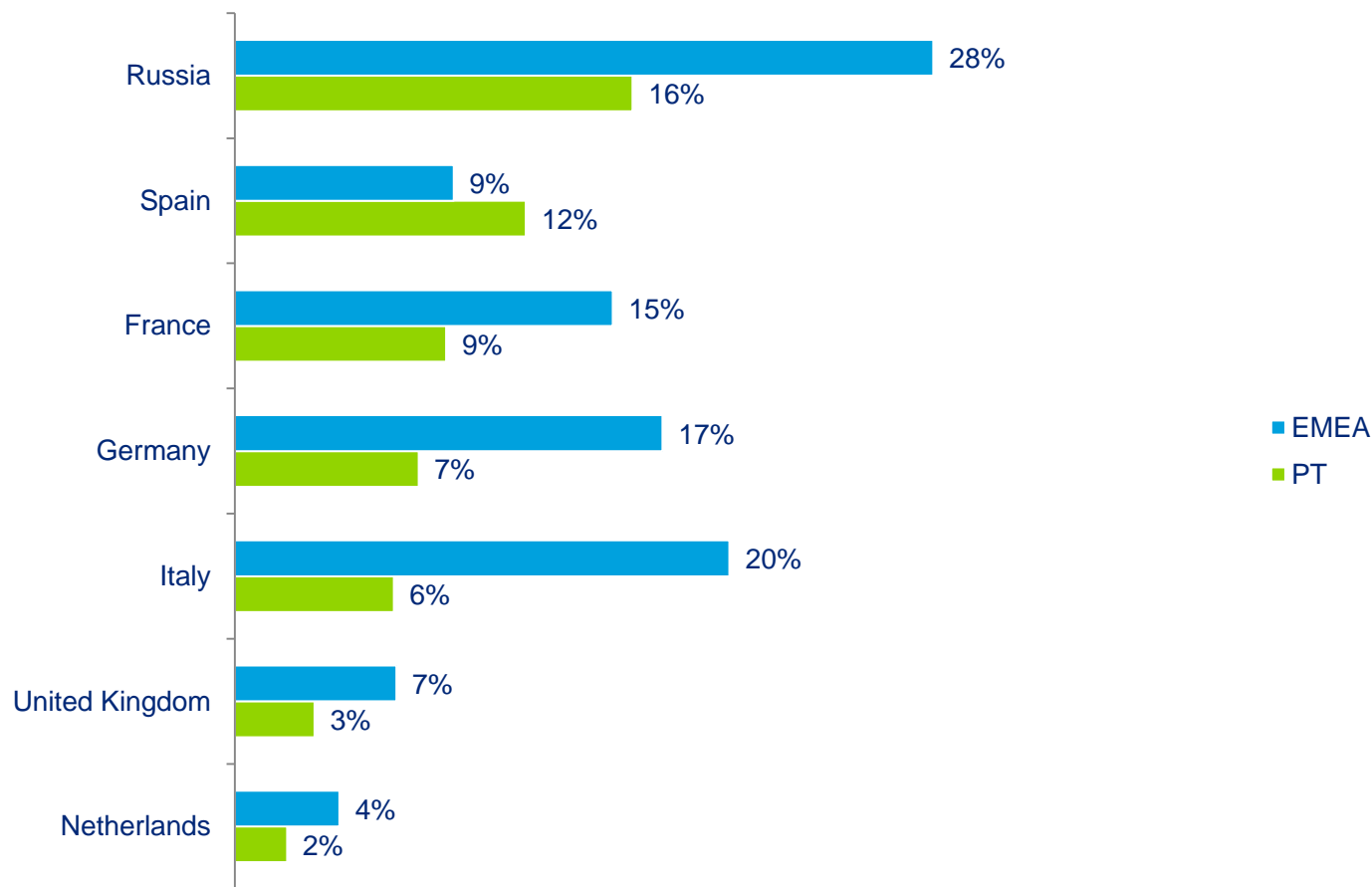
Rapidly changing legislation is a critical concern for heads of tax, especially in Portugal.

12. What change(s) to your country's tax legislation do you think would have the greatest positive impact on your country's commercial competitiveness?



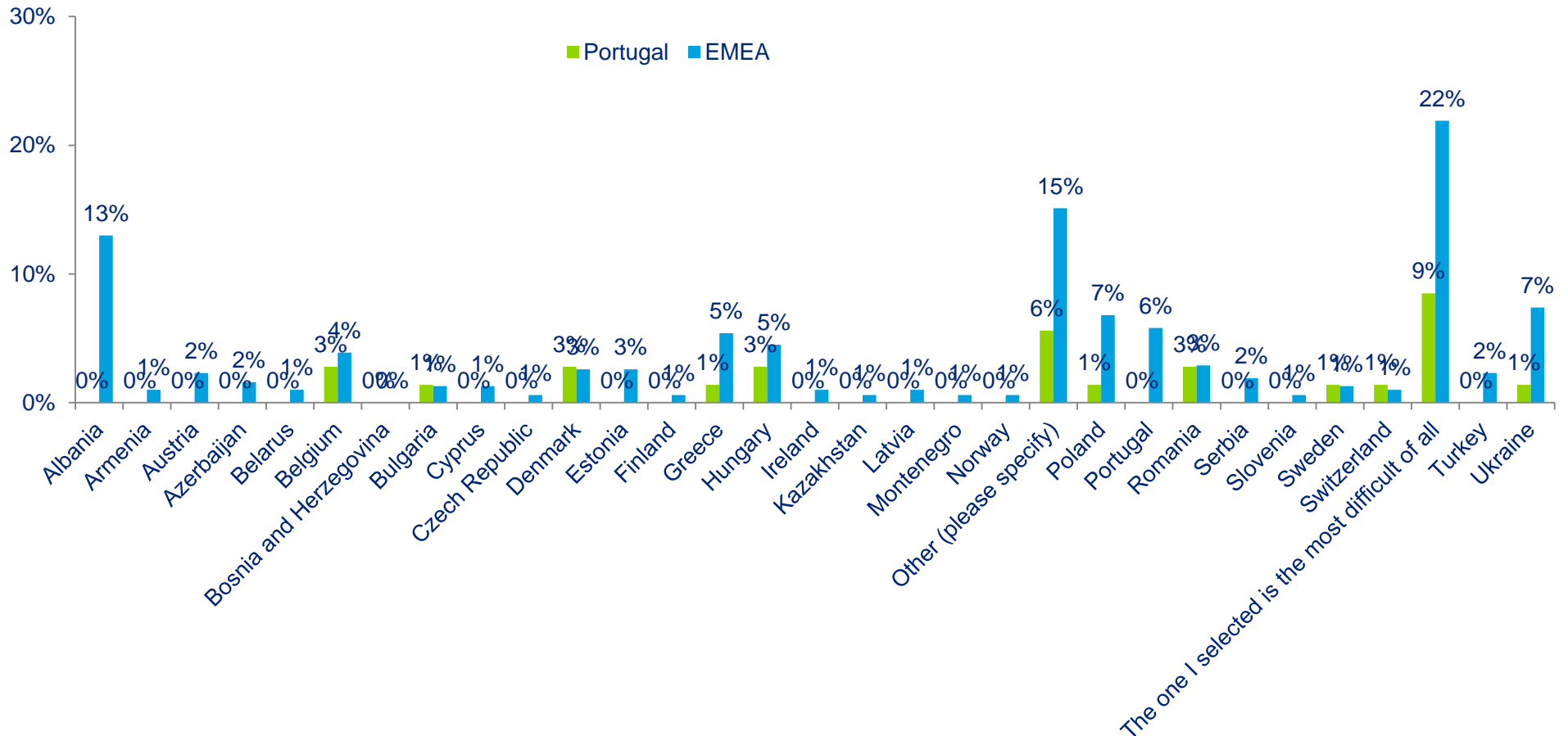
Key takeaway The Portuguese tax community is seeking certainty around the future of the tax system (56%) and the respective simplification (46%), clearly more important than lowering the rates (16% for corporate tax, for instance).

13. Which major European economy is the most challenging and difficult for your business to operate in, in terms of tax?



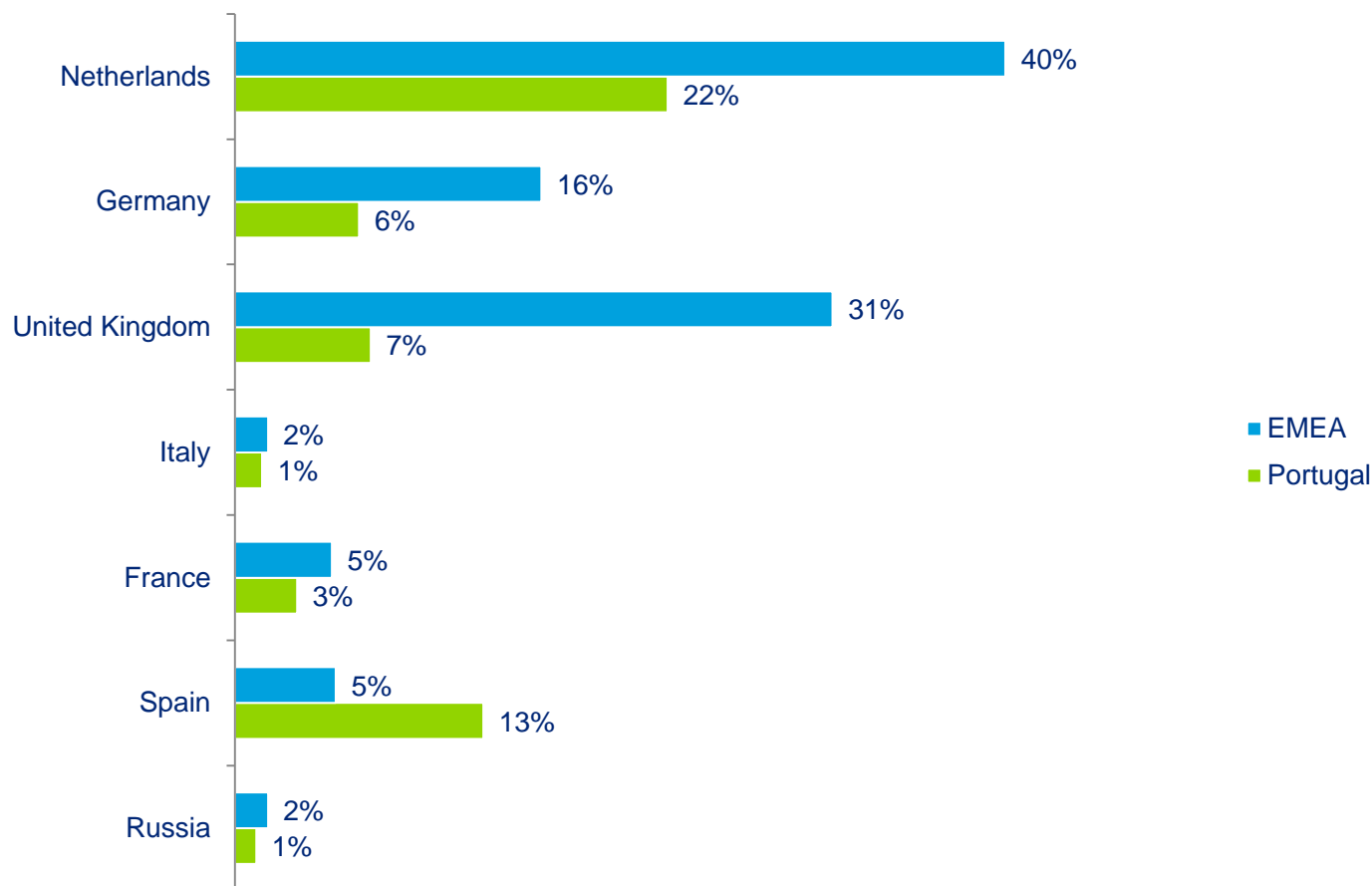
Key takeaway Portuguese respondents indicate less difficulties regarding foreign operations than EMEA, which can be a consequence of leaving less operations in these countries. The countries considered the easiest (the Netherlands and the United Kingdom) and the most challenging (Russia) to operate are in line with the EMEA results.

14. Please select from the list below if there is another country that you find more difficult than the one you selected above



Key takeaway No other specific jurisdiction is seen as more or equally challenging than those already mentioned by Portuguese respondents. However, Portugal was ranked high by other countries (6%) as a more difficult country to operate in.

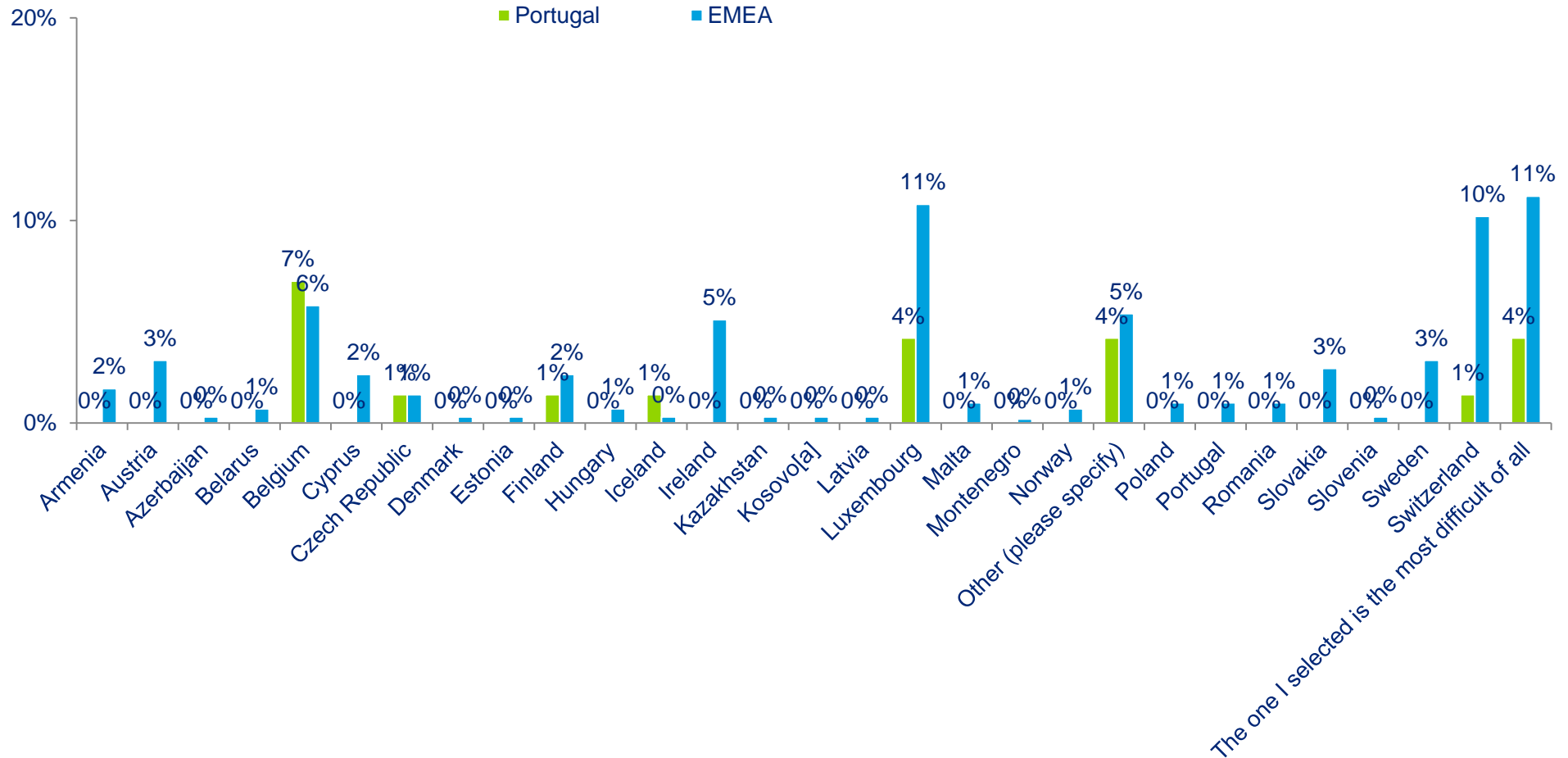
15. Which major European economy is most favourable or easiest for your business to operate in, in terms of tax



Key takeaway

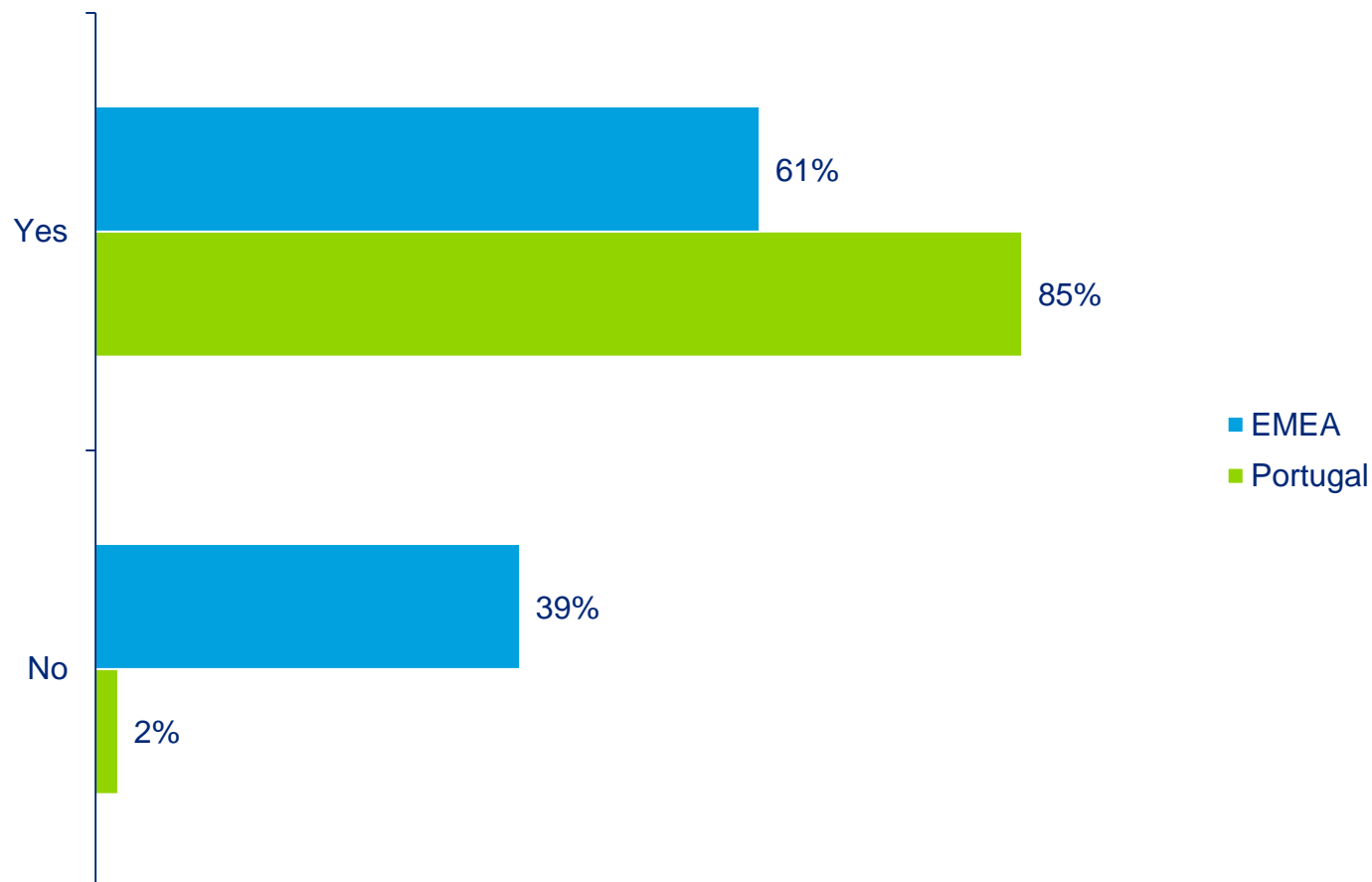
The Netherlands, Spain (although Spain is simultaneously reported by a significant number of respondents as a challenging jurisdiction) and the UK appear to be the economies with which Portuguese companies feel more comfortable and easy to deal with, from a tax perspective.

16. Please select from the list below if there is another country that you find more favourable than the one you selected above



Key takeaway Belgium and Luxembourg are also seen as favourable jurisdictions by Portuguese companies.

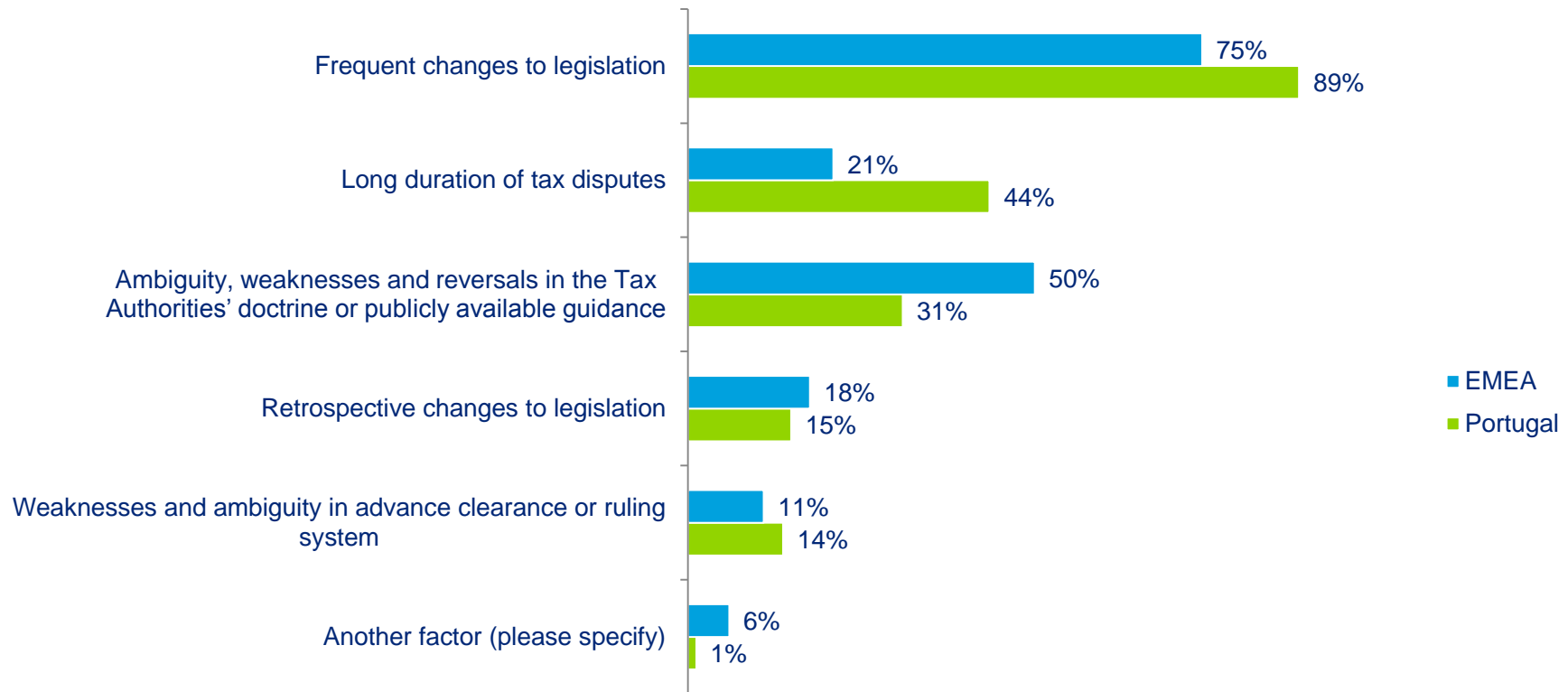
17. Do you think there is a high degree of tax uncertainty in your country (in which you are based)?



**Key
takeaway**

For the large majority of Portuguese respondents (85%), there is a high degree of tax uncertainty in Portugal, well above the EMEA results.

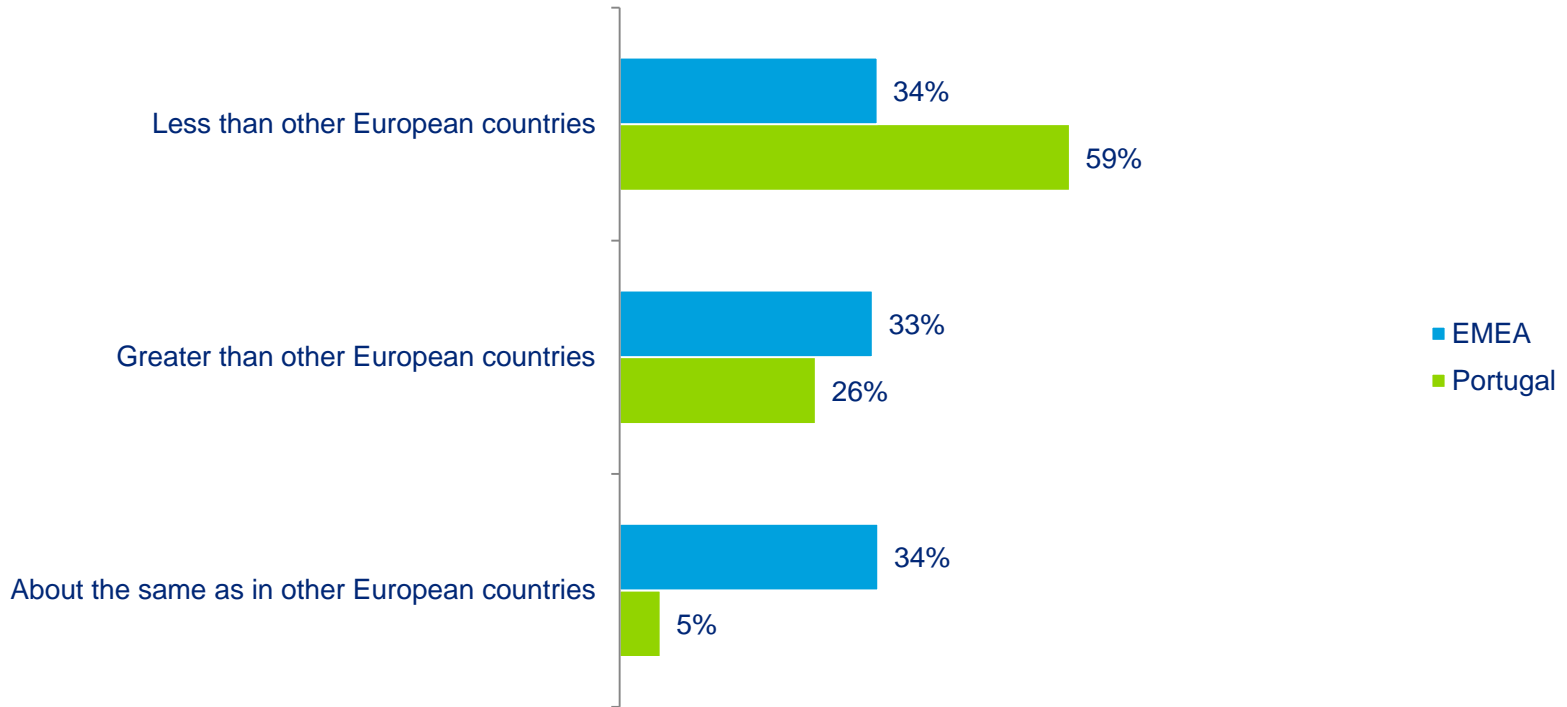
17a. If Yes, what are the two major causes of tax uncertainty in your country?



Key takeaway

The major cause for tax uncertainty results from frequent changes to legislation for both Portugal and EMEA. Next in row is the excessive duration of tax disputes, with up to 44% in Portugal (21% overall in EMEA).

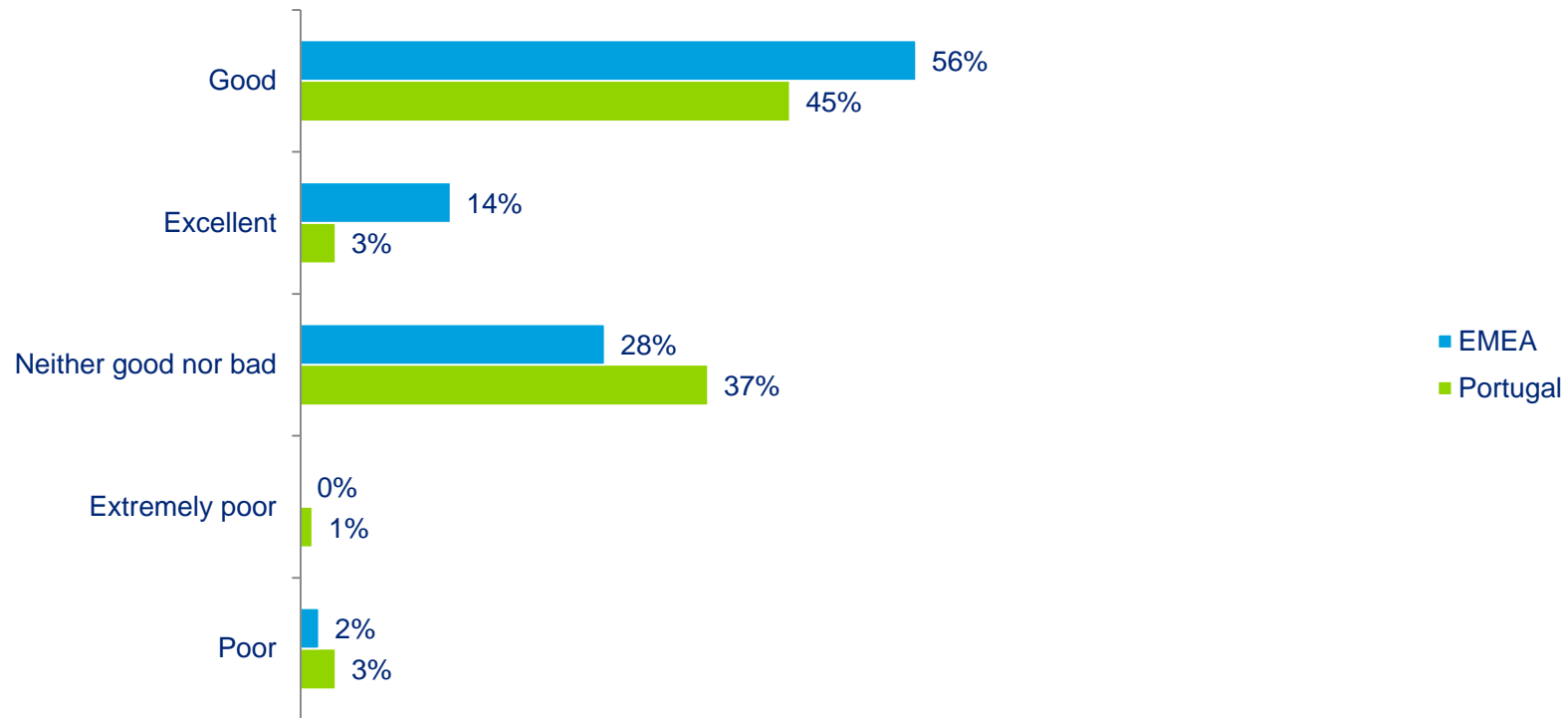
18. Overall, do you believe tax certainty in your country is:



Key takeaway

In this area, Portugal does not score well when compared with the other countries surveyed: 59% (versus 41% in 2011) consider that tax certainty in Portugal is not as good as what they experienced in other countries, much higher than the 34% for EMEA.

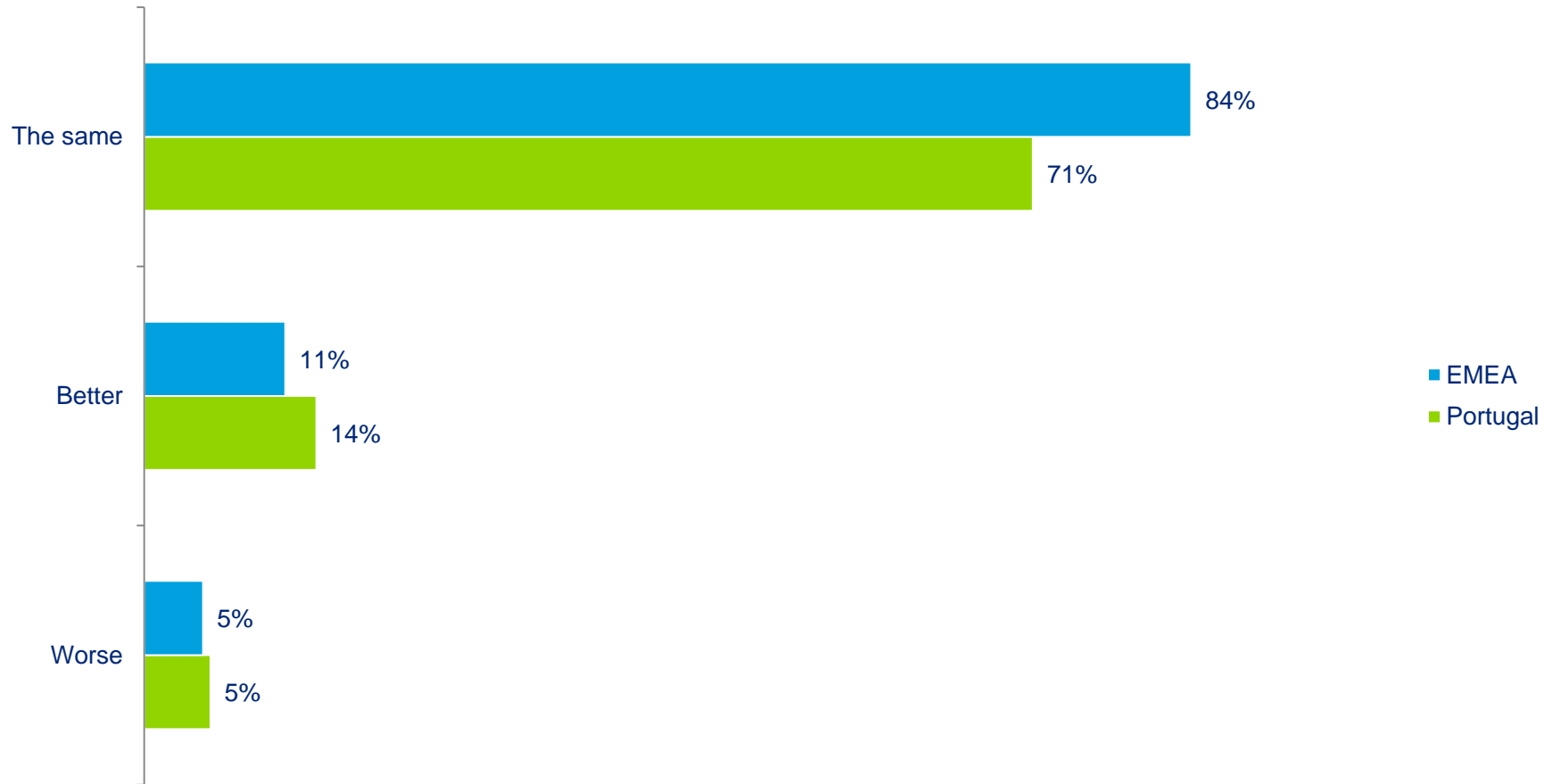
19. How would you describe your company's relationship with your local Tax Authority in general?



Key takeaway

The relationship between companies and the Tax Authorities in Portugal is stretched: currently 45% of the respondents perceive their relationship with Portuguese tax authorities as good, while only 3% indicated their relationship to be excellent. 37% describe their relationship as neither good or bad. These results are significantly worse than the opinion of EMEA companies.

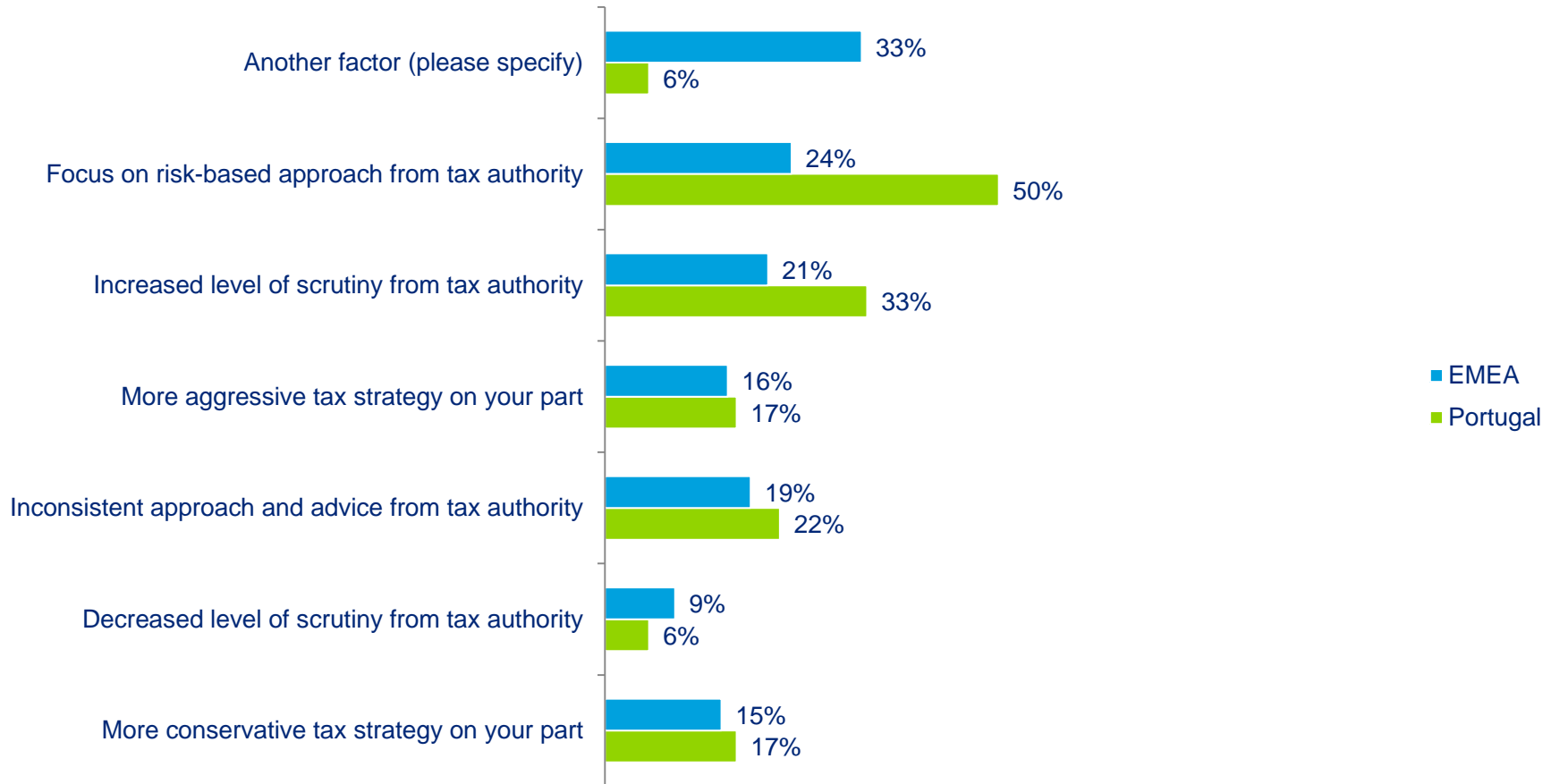
20. How is your relationship with your Tax Authority compared to a year ago?



Key takeaway

71 % of the Portuguese respondents considered the relationship with the Portuguese tax authorities as the same as last year, 14% considered it better and only 5% considered it worse, not very different from the EMEA results.

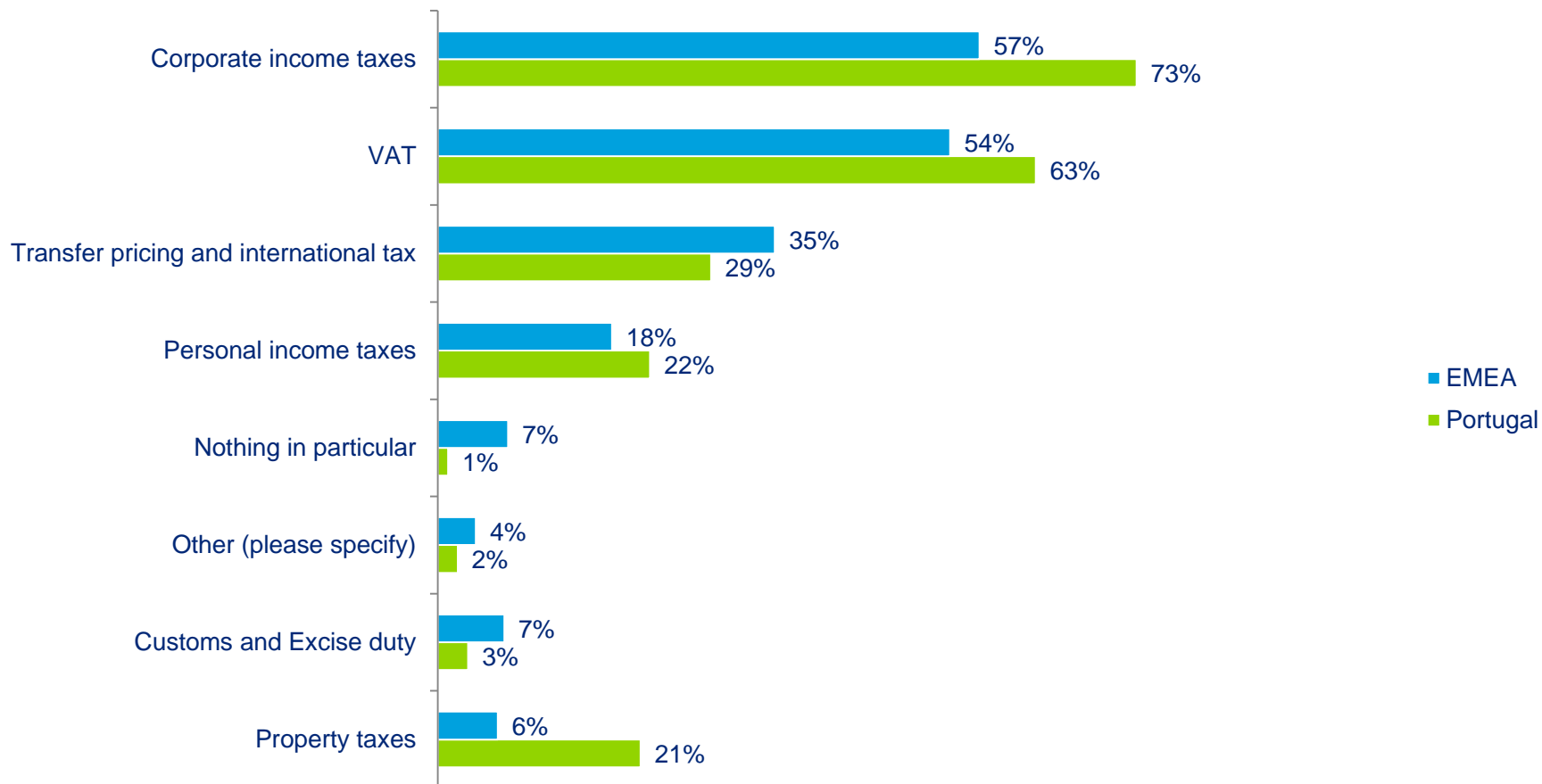
20a. If you answered 'Better' or 'Worse', please indicate what you believe are the reasons for the change:



**Key
takeaway**

The main reasons given for a change in the relationship with the Portuguese tax authorities are a focus on risk-based approach from the tax authority and an increased level of scrutiny.

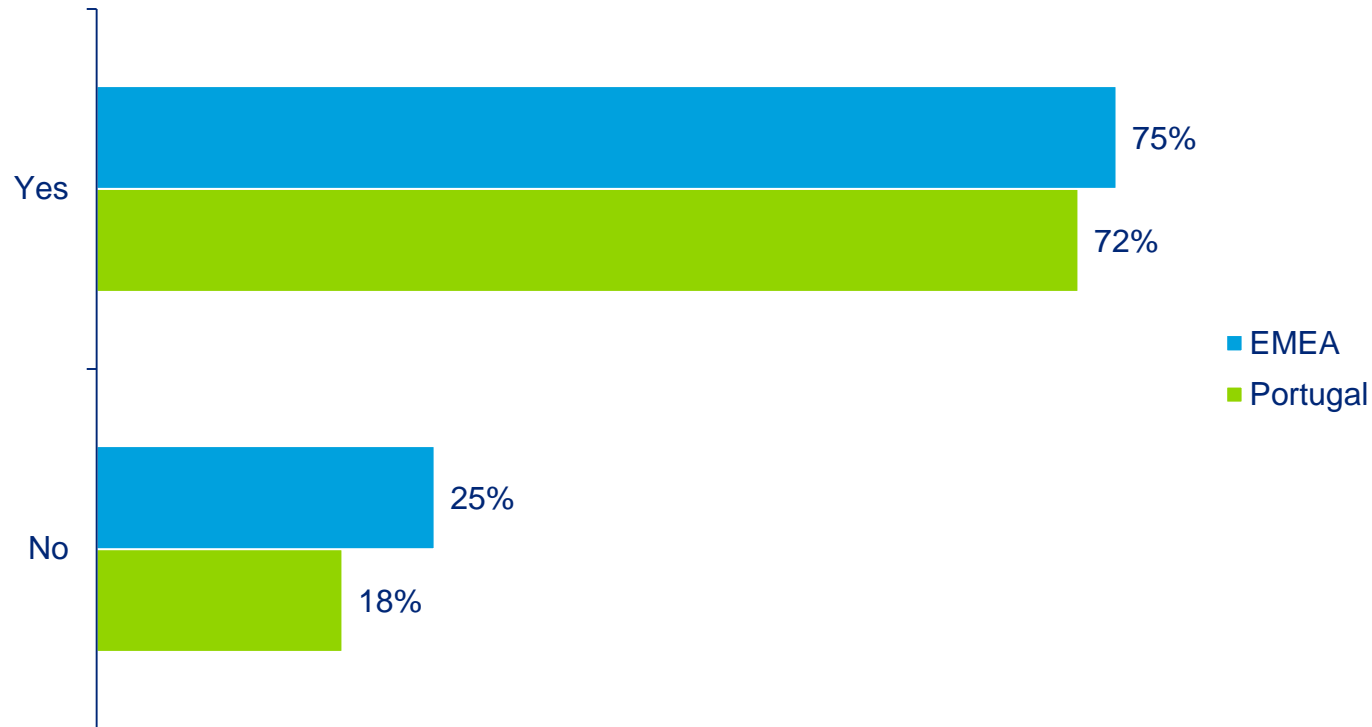
21. In which area(s) is your tax authority focusing most?



Key takeaway

The tax areas the Portuguese tax authorities are focusing more on are Corporate income taxes, appointed by 73% of the respondents, followed by VAT(63%).

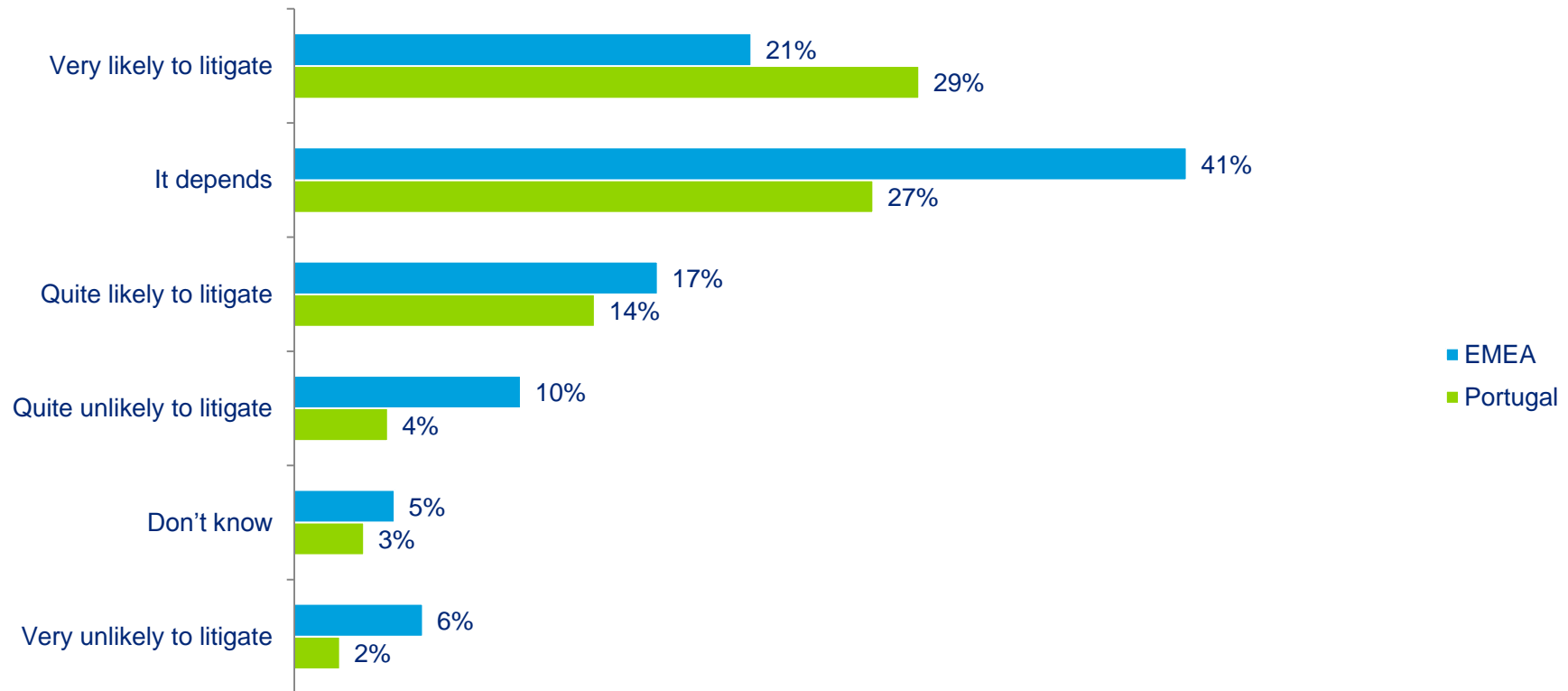
22. Has your company been audited by a department of a tax administration in the last three years?



Key takeaway

The replies for Portugal align with the general replies for EMEA, as was the case for last year as well.

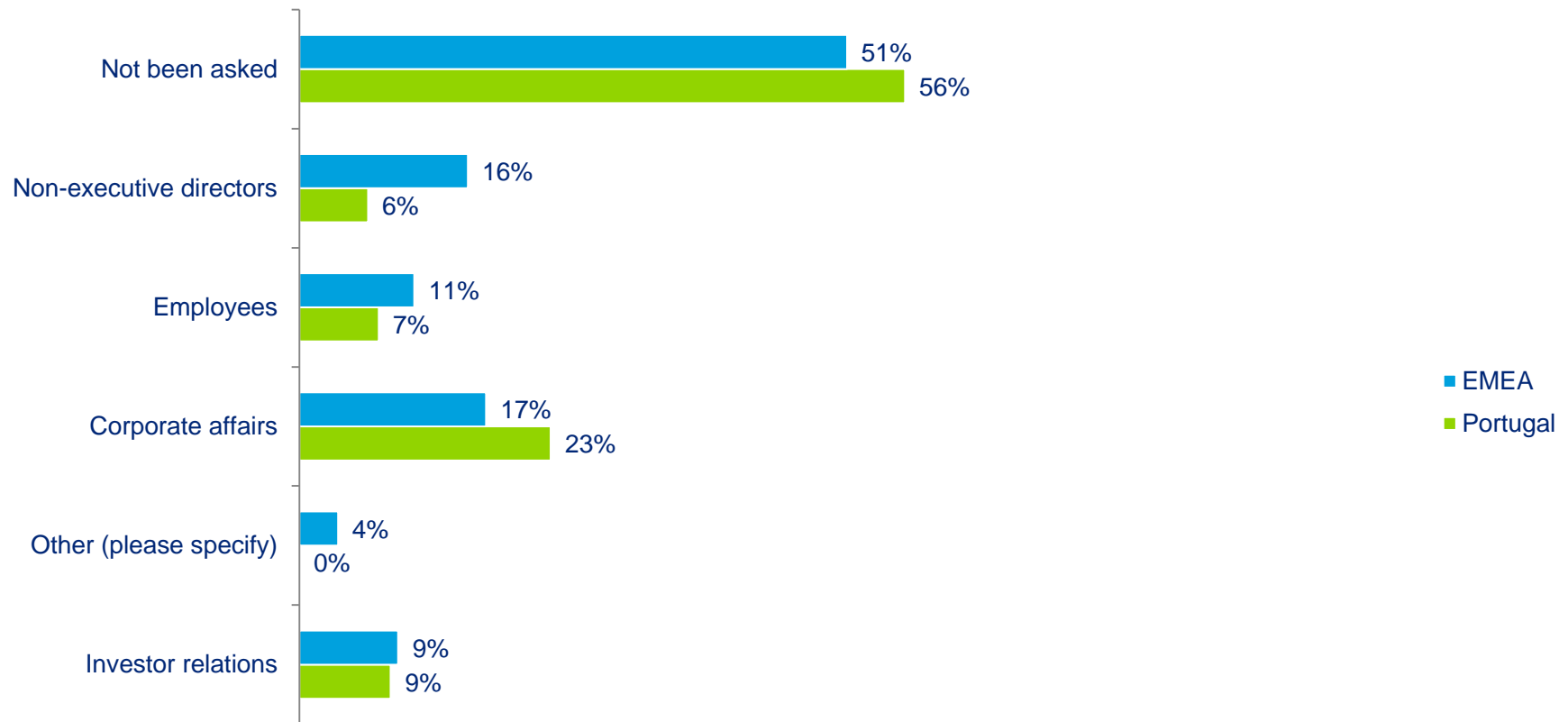
23. If your company was subject to a tax audit and the outcome was not satisfactory in your opinion, how likely do you think your company would be to litigate in Court to seek a more satisfactory resolution?



**Key
takeaway**

In Portugal, 29% of the respondents confirmed that their company would be prepared to litigate in Court, above the EMEA average, whereas in 2012 about 70% said so.

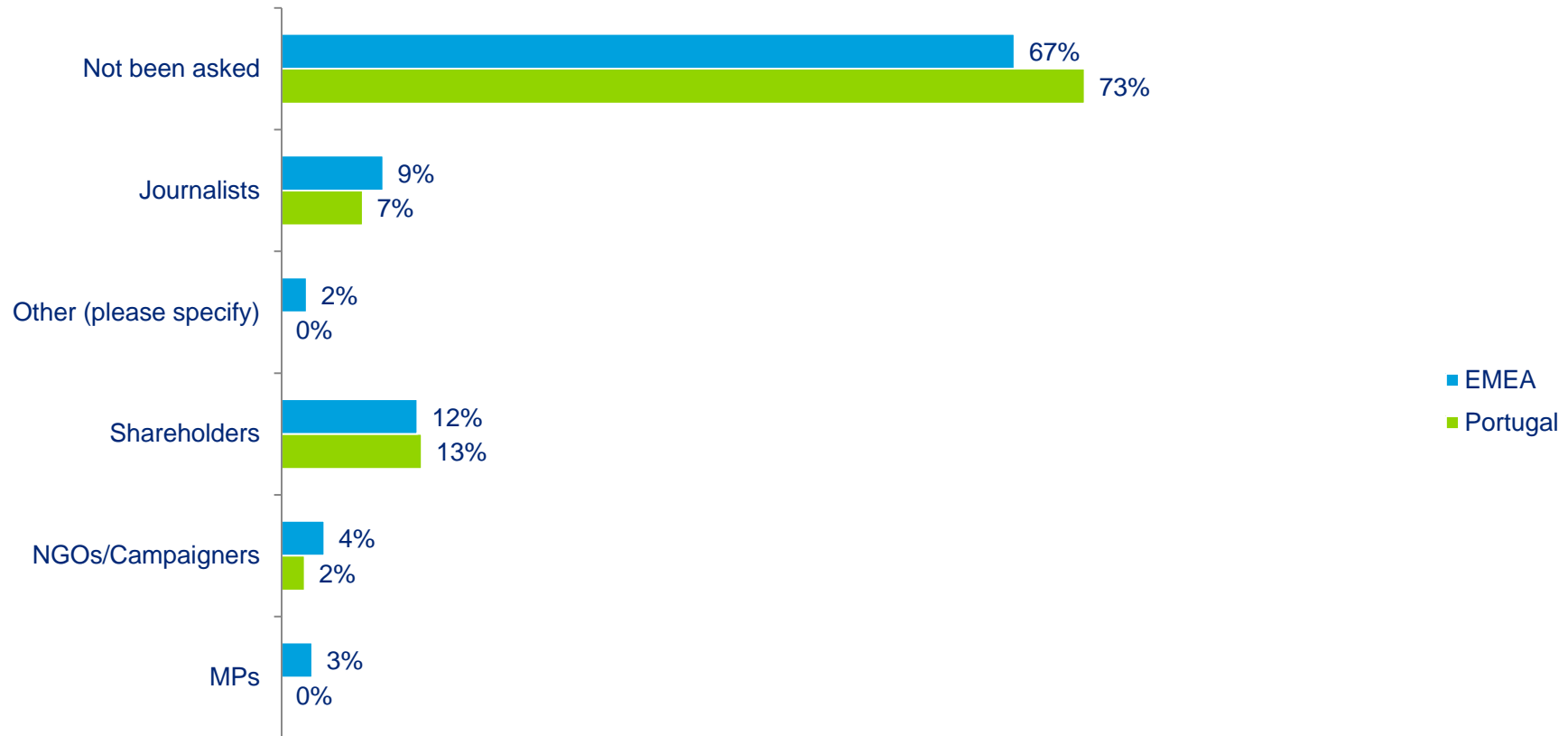
24. Over the past 12 months, have you been asked to justify your tax strategy by any of the following internal stakeholders?



**Key
takeaway**

56% of the respondents have not been asked to justify their tax strategy by internal stakeholders, slightly higher than their EMEA counterparts.

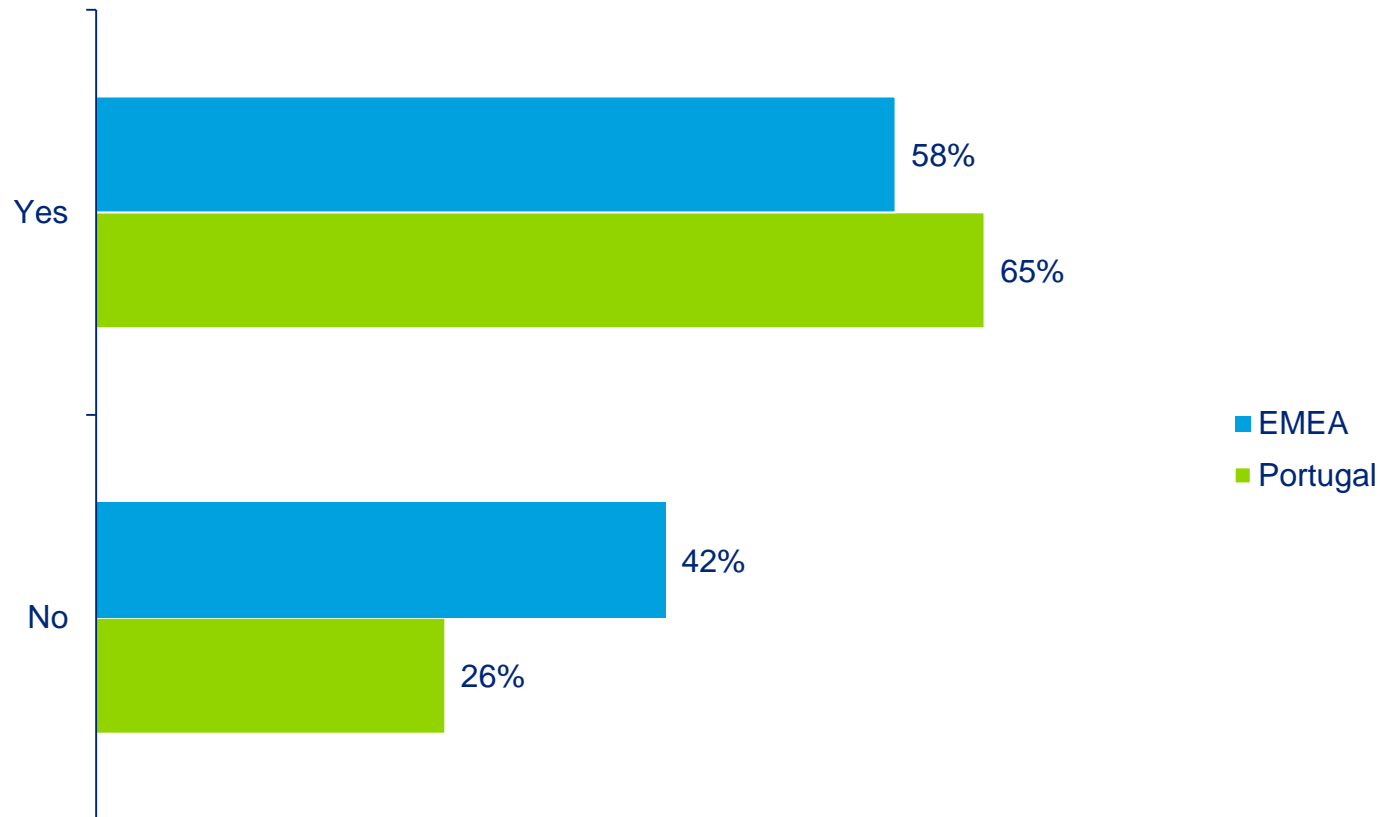
25. Over the past 12 months, have you been asked to justify your organisation's tax strategy by any of the following external stakeholders?



**Key
takeaway**

73% of the respondents were not asked to justify their tax strategy before external stakeholders, slightly above the EMEA results. For those who did, the most relevant external stakeholders were shareholders and journalists.

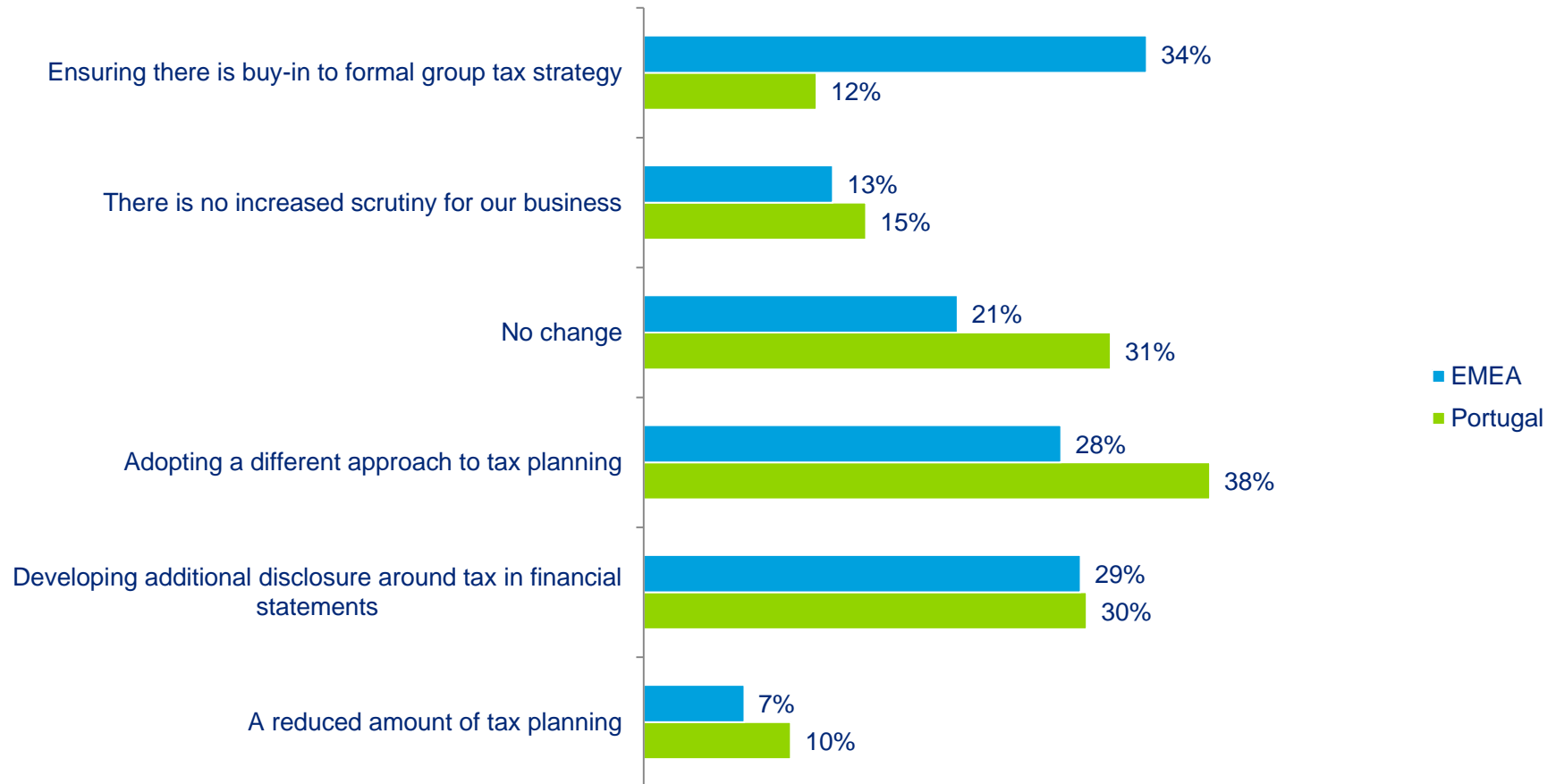
26. Do you think there is generally an increased level of discussion and scrutiny around corporate tax strategy at the moment compared with, say, a year ago?



**Key
takeaway**

Respondents in Portugal generally believe (65%) there is more discussion and scrutiny nowadays on the corporate tax strategy, above their EMEA counterparts.

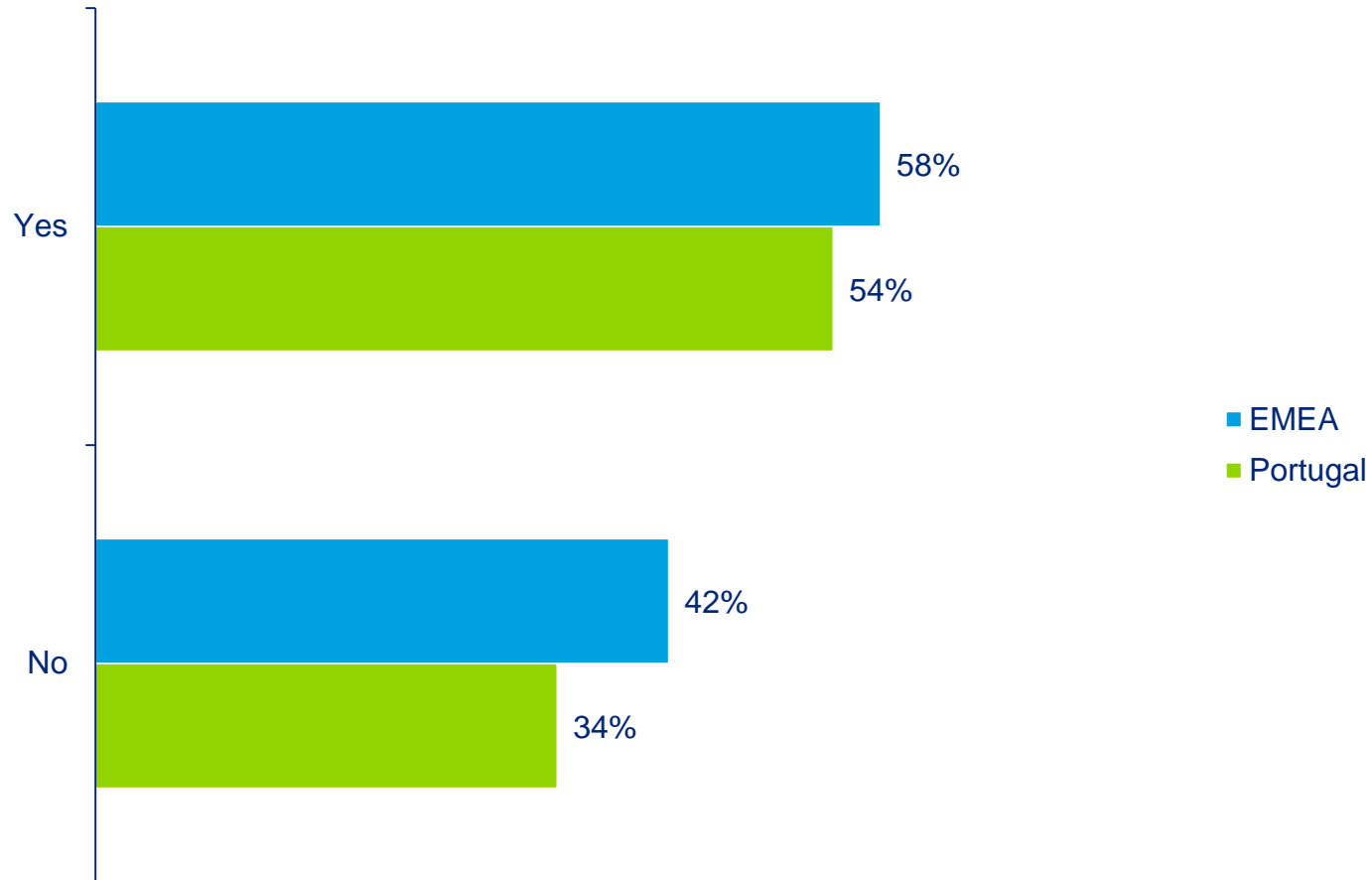
26a. If yes, how are you responding to the increased scrutiny around the tax strategy of organisations?



**Key
takeaway**

Portuguese strategies are different from other countries in EMEA, in the sense that they adopt a different approach to tax planning (38% against 28% in EMEA), or actually do not change their behavior (31% in Portugal against 21% in EMEA).

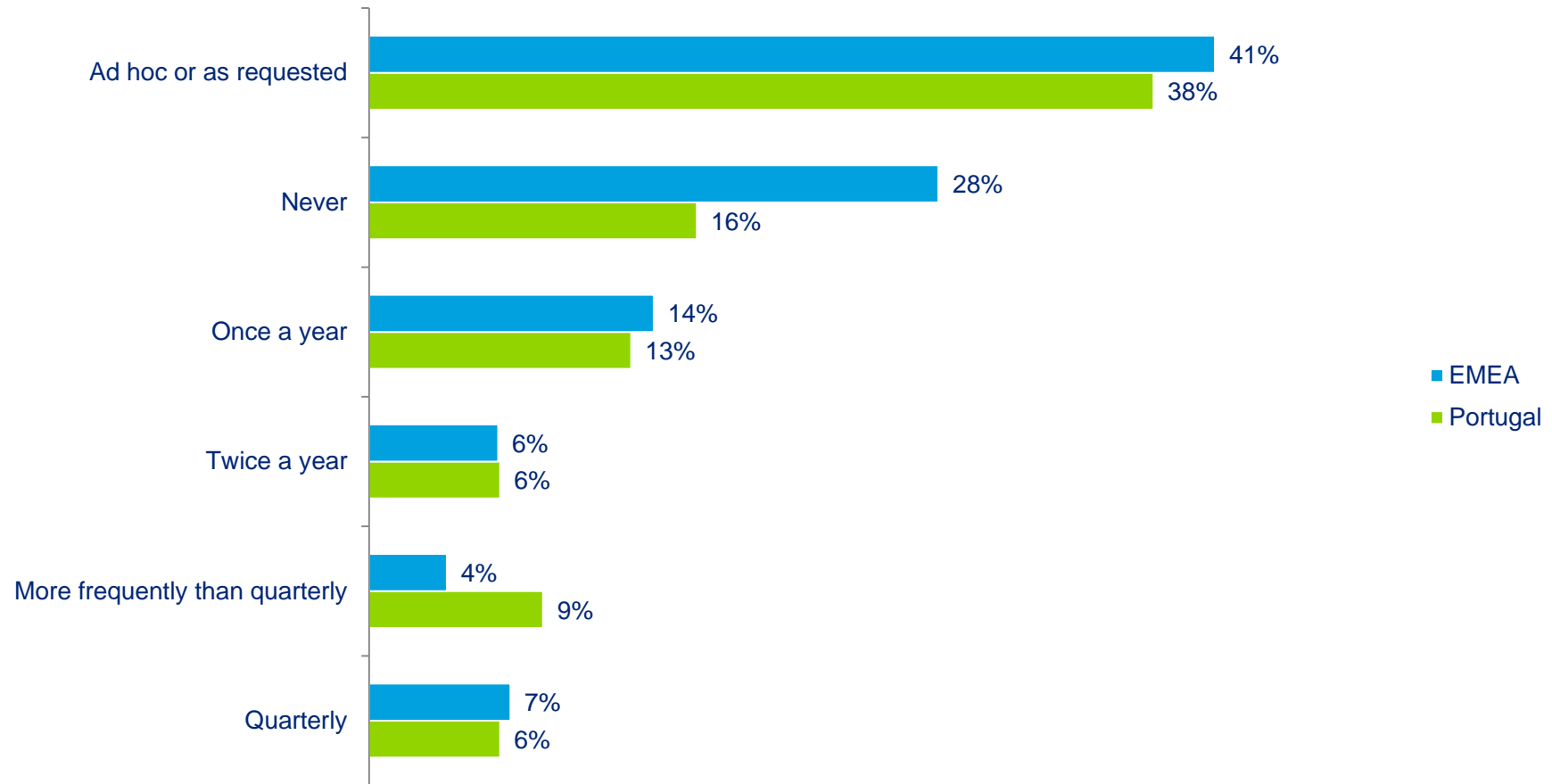
27. Has your tax strategy been signed off by the Board?



**Key
takeaway**

Only 54% of the Portuguese respondents have a sign-off by their Board of their tax strategy, which is slightly lower than in EMEA (58%).

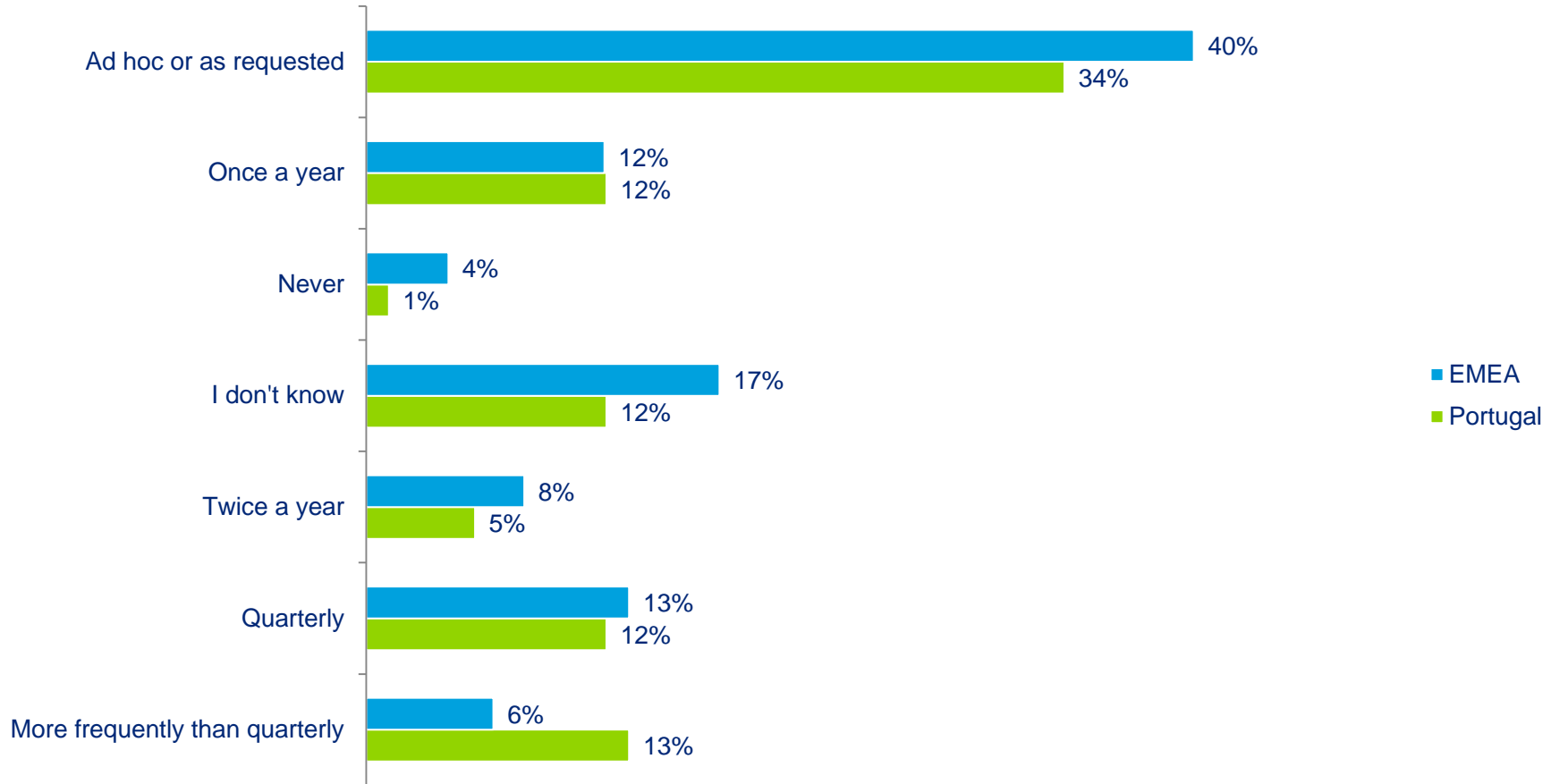
28. How often do you personally appear before the Board to discuss tax strategy?



Key takeaway

Discussions with the Board occur in Portugal essentially ad hoc or as requested (38%). However, Portuguese respondents tend to appear more often before the Board than EMEA respondents (16% of Portuguese respondents said they never went to the Board to discuss/share tax strategy, while this happens in 28% of the cases for EMEA).

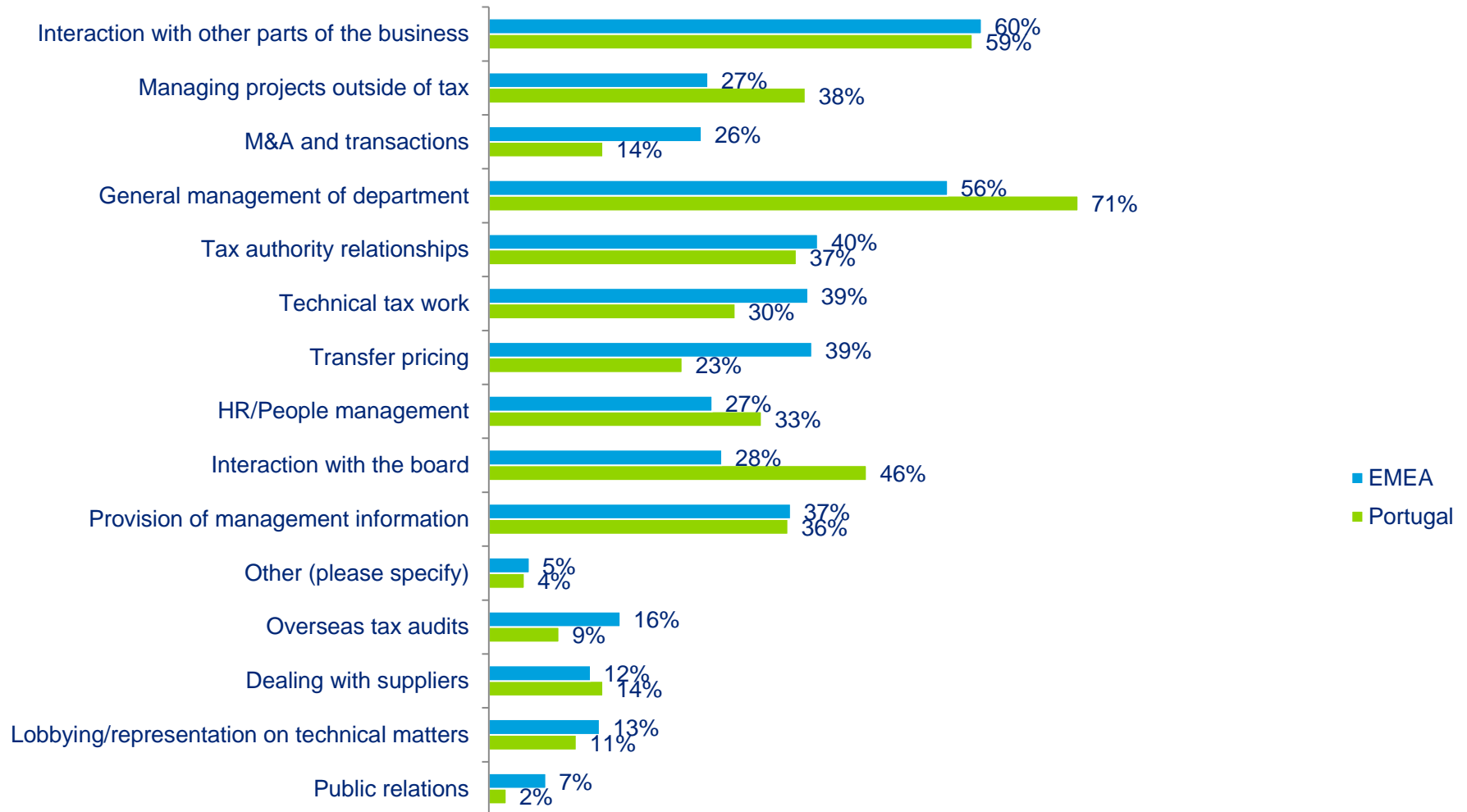
29. How often is tax discussed at the Board?



**Key
takeaway**

Generally, tax discussions at Board level occur ad hoc or as requested (34% in Portugal and 40% in EMEA), while 13% of the Portuguese respondents said that these discussions are frequent (13% against only 6% in EMEA).

30. What are the main activities that occupy your time?



Key takeaway

Portuguese respondents are especially focused on general management of the department and interaction with other parts of the business (71% and 59%, respectively), as well as interacting with the Board (46%). EMEA respondents, while interacting more significantly with the business (60%) do not focus that much in managing the department (56%), but direct their attention also towards more specific matters (tax authorities relationships, technical tax work or transfer pricing).

Sobre o estudo

Sobre o estudo

O *European Tax Survey* versa sobre as relações das empresas com as autoridades fiscais, com base num questionário elaborado pela organização global da Deloitte, o qual foi respondido por 940 empresas da zona da Europa, Médio Oriente e África (doravante designada como “EMEA”). Do grupo de empresas mencionado, 94 eram empresas portuguesas, das 1.000 maiores a operar em Portugal.

Os respondentes fizeram-no, não a título pessoal, mas em nome das empresas que representam, nas quais são responsáveis pela gestão das matérias fiscais ao mais alto nível. A maioria dos inquiridos assume também responsabilidades internacionais no seu grupo económico.

O estudo procurou analisar as principais dificuldades enfrentadas pelos responsáveis pela área de fiscalidade das sociedades inquiridas nas jurisdições onde operam.

Especificamente, pretendeu-se observar quais são as principais dificuldades com que os *Heads of Tax* se deparam, quais as áreas com maior potencial de melhoria do respectivo sistema fiscal, bem como quais são as jurisdições mais abertas ao negócio na óptica do sistema fiscal.

Os questionários foram enviados durante os meses de Junho e Julho de 2013 e continham um total de 26 perguntas, cujas principais conclusões relativamente a Portugal apresentamos de seguida.



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