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- a) as a complete document on any given subject nor;
- b) in place of professional advice”

CCIAB

Tuesday, December 06, 2016

Exchange of Information for Tax Purposes & Connected Multilateral Treaties and New Laws

Implications on the Private Sector

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Peer Review

Phase 1

- Legal framework for the exchange of information on demand and availability of access to said information.

Phase 2

- Assessment of the implementation of the said legal framework.

Phase 3

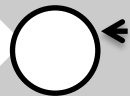
- Implementation of Automatic and Mutual Exchange of information between Tax authorities that are members to the Convention in addition to the confidentiality measures with the appropriate legal framework.

Law No. 55
dated
27/10/2016

Convention on Mutual
Administrative Assistance
in Tax Matters (MAC)
(107 jurisdictions)

Multilateral Competent
Authority Agreement for the
Common Reporting
Standard (CRS MCAA)

September
2018



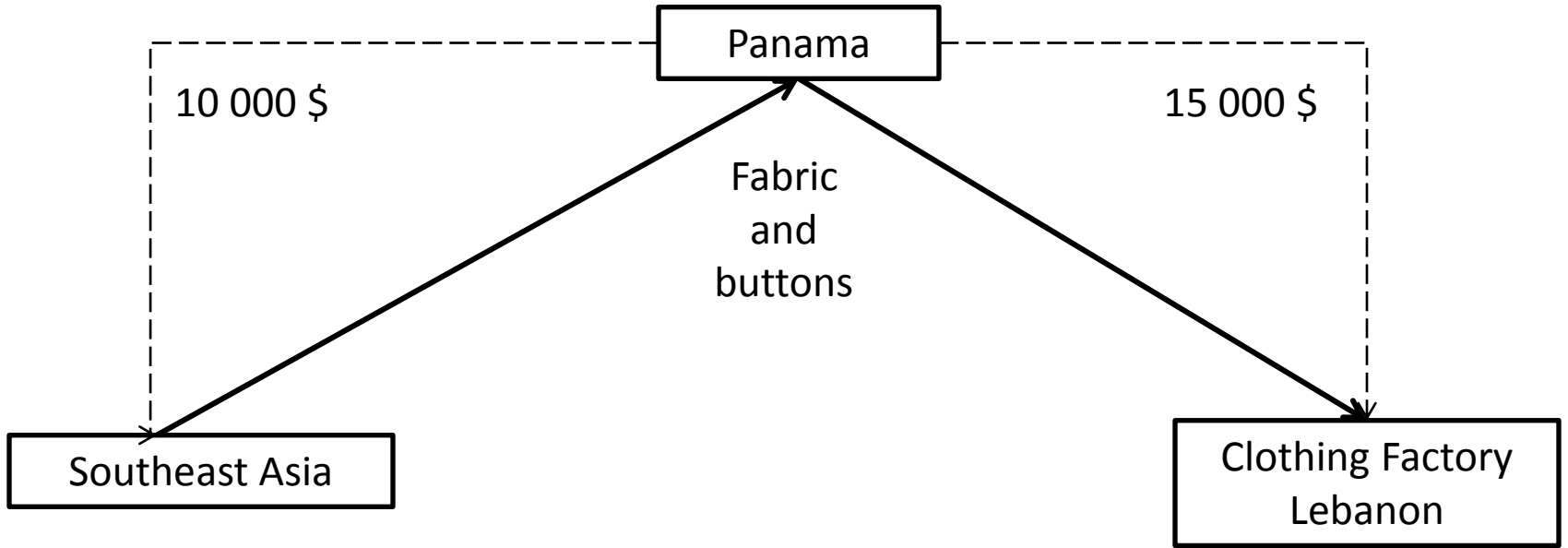
Conventions for the
Avoidance of Double
Taxation (32 jurisdictions)

3 months following the
signature by the competent
authority (MoF)

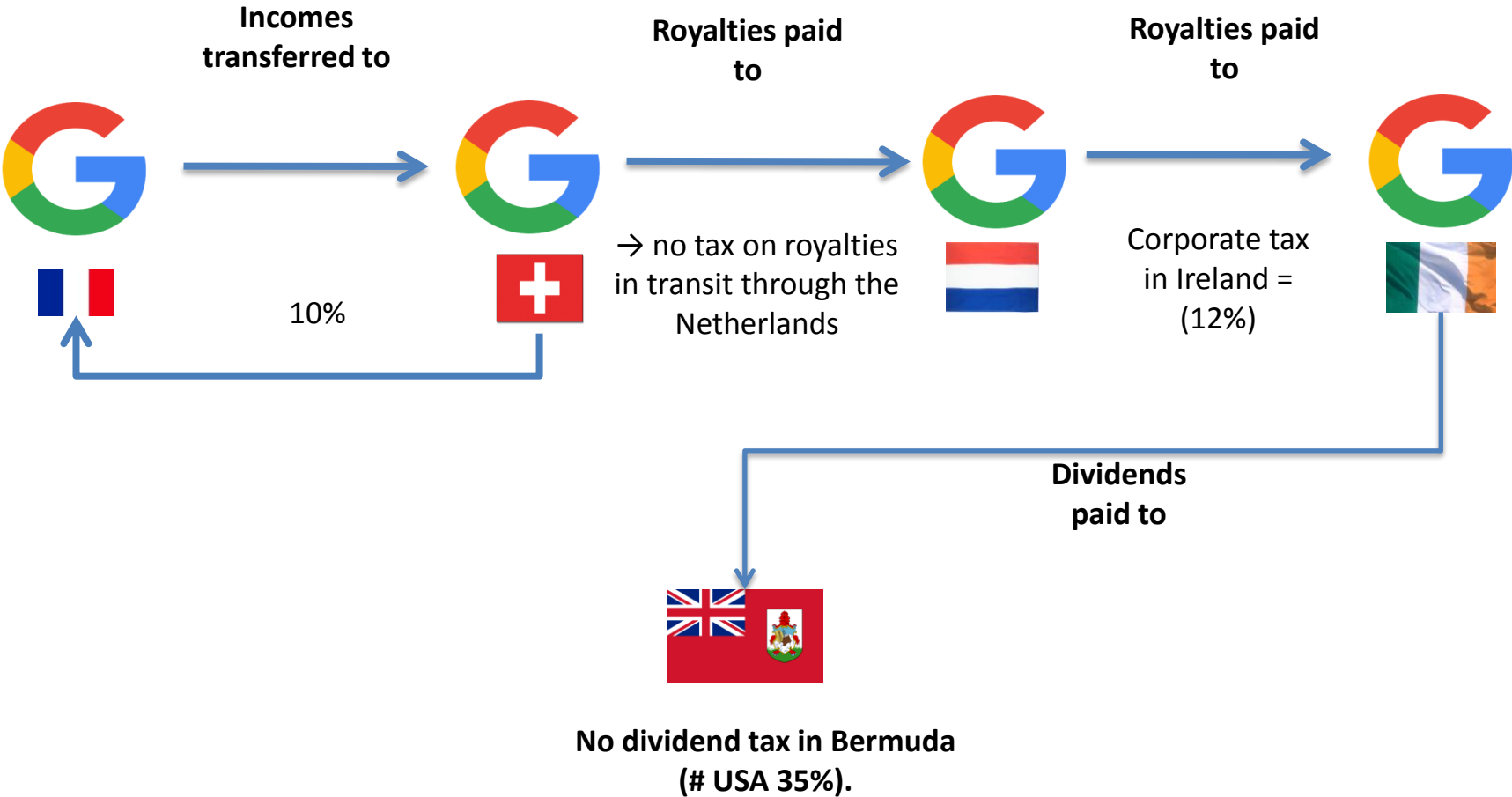


Before 2000

Article 15 of the Income Tax Law (Legislative-Decree No. 144/1959)	<p><i>“If it appears that establishments dependent on or controlling establishments located outside Lebanese territory transfer part of their profits abroad by increasing or decreasing purchase or sale prices, or otherwise, the profits so transferred shall be included, upon taxation, in the profits shown in the accounts.</i></p> <p><i>In the absence of sufficient proof to enable determination of the real profits, the latter are fixed by comparison with those of similar undertakings in addition to the external appearance and information from the competent authorities”.</i></p>
Legislative-Decrees No. 45 (Holding) and 46 (Offshore) dated 24/06/1983	Valuable Tax Incentives and Exemptions
Legislative-Decree No. 156 dated 16/09/1983	Criminal Penalties for Voluntary and Deliberate Violation of Tax Laws.
Legislative-Decree No. 282 dated 30/12/1993	Article 19: The transfer of shares is exempted from capital gains tax.



Google (Dutch Sandwich)



Turning Point

April 1998: Harmful Tax Competition, An Emerging Global Issue

the OECD divides countries into three categories: member country preferential regimes, tax havens, and non-member economies.

After 2000

Law No. 318 of 20/04/2001	Fighting Money Laundering.
Law No. 379 dated 14/12/2001	VAT Law (increase of control → Article 38 on the issuance of invoices).
Law No. 44 of 11/11/2008: Tax Procedure	Article 10 of the Tax Procedure Law: the tax administration is allowed to reclassify a transaction in order to determine the applicable tax if the implemented transaction aims to avoid paying taxes. Furthermore, the tax administration may amend the conditions of a transaction if it is implemented between related parties, i.e. when one party has control and supervision over the other.
Decree No. 2488 dated 03/07/2009	Articles 11 to 13: Definition of Tax Evasion

After 2000

Law No. 42 dated 24/11/2015	Declaring the Cross-Border Transportation of Financial Instruments (ceiling of 15,000 USD), Approved Under the Accelerated Procedure (cancelled and replaced by the Law No. 55 dated 27/10/2016).
Law No. 43 dated 24/11/2015	The Exchange of Tax Information, Approved Under the Accelerated Procedure.
Law No. 44 dated 24/11/2015	Fighting Money Laundering and Terrorist Financing, Approved Under the Accelerated Procedure.
Decree No. 3065 dated 12/03/2016	Inventory of Movable Historical Monuments

After 2000

Law No. 55 dated 27/10/2016	The Exchange of Tax Information.
Law No. 60 dated 27/10/2016	Definition of the resident and amendment of some provisions of Tax Procedure Law for more transparency and tax compliance.
Law No. 74 dated 27/10/2016	The Fiscal Obligations of the Trustees.
Law No. 75 dated 27/10/2016	Cancellation of Bearer Shares and Promissory Shares.