

# Cross Border Transactions and Withholding Tax

**Date** : 9 February 2021, Tuesday  
**Time** : 9.00 am - 5.00 pm  
**Event Code** : 21WS/004

## Course Synopsys

The tax issues connected to cross border transactions can be complicated. These include withholding tax implications, tax treatment of "foreign source income" and the related expenses and the consequences of sales of assets between controlled parties, to name a few. This workshop will take the participants through a detailed discussion on the important areas to be considered to ensure that the tax affairs of the relevant parties engaged in cross border transactions are adequately addressed. Cross border transactions encompass transfer of goods, services, capital, and technology. It is possible that more than one country has a taxation claim on income from such transactions. As a consequence, the same income may be taxed twice i.e. Economic Double Taxation Occurs. As such, Double Taxation Agreements play an important role in providing relief.

## Objectives of Tax Treaties (Double Taxation Agreements)

1. Primary Objectives
  - ◆ Avoidance of Double Taxation
  - ◆ Prevention of Fiscal Evasion
2. Secondary Objectives
  - ◆ Promote international trade
  - ◆ Create certainty and tax stability
  - ◆ Provide mechanism for resolution of international disputes
  - ◆ Promote tax incentives by the developing countries
  - ◆ Allocate taxing rights between contracting states
  - ◆ Prevent tax discrimination

## Course Outline

- ▶ Overview of taxation issues for outbound and inbound investments
- ▶ Withholding tax and permanent establishment considerations
- ▶ Royalties, interest, technical fees and withholding tax implications
- ▶ Special Classes of Income under Section 4A of the Income Tax Act, 1967
- ▶ Section 109B vs Section 107A of Income Tax Act, 1967 - how it is applied in practice
- ▶ Rules to consider in determining if income is Malaysian derived income
- ▶ Steps to determine if income remitted to Malaysia is foreign or Malaysian sourced
- ▶ Determination of Permanent Establishments and the income tax implications
- ▶ Tax treatment of cross border sales / purchases of assets
- ▶ The OECD Model Treaty - a discussion
- ▶ Double Taxation agreements
- ▶ Avoidance of double taxation
- ▶ Tax havens and overseas holding company structures
- ▶ Anti-avoidance issues
- ▶ Case studies

The speaker will share his vast experience and knowledge of the factors that need to be considered in ascertaining the Malaysian taxation implications arising as a result of engaging in cross border transactions.

## Speaker's Profile

**Harvinder Singh** is a Fellow of Chartered Association of Certified Accountants and is a member of the Malaysian Institute of Accountants (MIA) as well as the Chartered Tax Institute of Malaysia (CTIM). Harvinder was attached to the firms of PWC and E&Y as a tax consultant and is currently the Managing Partner of Harvey & Associates, a boutique firm that specialises in taxation consulting services as well as the Tax Partner in SCS Global Consulting (M) Sdn Bhd. He has more than 25 years of experience in the field of taxation. He is currently serving as the Chairman of the Editorial Board of the Budget Commentary and Tax Information Booklet which is produced jointly by MIA, CTIM and MICPA. Harvinder has extensive experience in taxation advisory, transfer pricing documentation preparation, tax planning as well as tax audits and investigations and he serves as a tax consultant to various MNEs and other organisations.

### Important Notes for Webinar Participants:

The webinar access link will be e-mailed to successfully registered participants 3 days before the webinar's commencement date.

The CPD points awarded qualify for the purpose of application and renewal of tax agent license under Section 153, Income Tax Act, 1967.

## Registration Form

Please retain original copy for your records. | Please photocopy for additional delegates. | Registration can be made via fax.

### Cross Border Transactions and Withholding Tax

#### Registration Fees

- |  |          |
|--|----------|
| <input type="checkbox"/> CTIM/ACCA Member    | RM318.00 |
| <input type="checkbox"/> Member's Firm Staff | RM350.00 |
| <input type="checkbox"/> Non-Member          | RM424.00 |

\*The above registration fees are inclusive of 6% Service Tax effective from 1 March 2019.

#### Enquiries



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Company : \_\_\_\_\_

I/C Number : \_\_\_\_\_

Designation : \_\_\_\_\_

Membership No :  CTIM \_\_\_\_\_

Tel : \_\_\_\_\_

ACCA \_\_\_\_\_

Fax : \_\_\_\_\_

Member's Firm Staff \_\_\_\_\_

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- Online Payment via JomPAY



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#### Replacements

Please note registrations for the event are not interchangeable but replacements are acceptable. Please notify us at least three days prior to the event if you intend to send a replacement. CPD points will be allocated to the designated attendee. If the replacement is not a Member but a Member's Firm Staff or Non-Member, the appropriate fees will apply.

#### Cancellations

The Chartered Tax Institute of Malaysia must receive cancellations in writing five working days prior to the event. Refund amount is subject to deduction of administration and finance charges. No refund will be given for cancellations received within less than five working days of the event.

#### Disclaimer

The Organiser reserves the right to change the speaker, date, venue or to cancel the event if the number of participants is less than 20. A minimum of 3 days notice will be given.

#### Recording

Video / Sound recording is strictly prohibited.

#### Webinar Access Link

The webinar access link will be e-mailed 3 days before commencement of the event upon receipt of full payment. In the event that you do not receive the access link, please contact us immediately.

#### Confirmation of Attendance

Attendance will be recorded based on participant's login and logout time.

#### e-Certificate of Attendance

The e-Certificate of Attendance will be issued to webinar participants in accordance to the guidelines issued by the Ministry of Finance.

#### Reminder

e-Certificate of Attendance will only be released to registered participants (must login before 10.00am), full attendance with full payment and after completion of the webinar.