

# Cross Border Transactions and Withholding Tax

**Date** : 30 March 2023, Thursday  
**Time** : 9:00AM – 5:00PM  
**Event Code** : 23WS/017

## Registration Fees

CTIM Member	RM349.80
Member's Firm Staff	RM384.78
Non-Member	RM466.40

\*The above registration fees are inclusive of 6% Service Tax.

### IMPORTANT NOTES:

- Registration of participant will be confirmed upon receipt of full payment and settlement of previous outstanding dues (if any).
- Webinar Access Link – The webinar access link will be e-mailed to successfully registered participants 2 working days before the commencement of the event upon receipt of full payment.
- Cancellation - The Institute must receive cancellations in writing not less than 5 working days prior to the event. No refund will be given for cancellations received within less than 5 working days of the event.
- Recording - Video recording of the webinar organised by the Institute is not available for distribution.
- Disclaimer – The Organiser reserves the right to change the speaker, date or to cancel the event. A minimum of 3 working days notice will be given.

## Overview

- 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
- Tax treatment of foreign source income
- Rules to consider in determining if income is Malaysian derived income
- Determination of Permanent Establishments and the income tax implications
- Tax treatment of cross border sales / purchase of assets
- Double Taxation agreements
- Avoidance of double taxation
- Tax havens and overseas holding company structures
- Anti-avoidance issues
- Case studies

## Course Synopsis

The tax issues connected to cross border transactions can be complicated. These include withholding taxes, 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 from a Malaysian taxation standpoint to ensure that the tax affairs of 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)

### I. Primary Objectives

- Avoidance of Double Taxation
- Prevention of Fiscal Evasion

### II. 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

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

**Harvindar 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). Harvindar 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. Harvindar has more than 28 years of extensive experience in taxation advisory, transfer pricing documentation preparation, tax planning as well as tax audits and investigations and he serves as a Tax Specialist to numerous corporate entities such as SK International (M) Sdn Bhd and other MNEs and organisations. 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. Mr Harvindar is a Council Member of CTIM.

## ONLINE REGISTRATION PROCESS

\*Kindly follow the respective steps below



For Enquiries:

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**Closing Date**

2 days before the event date.

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

