

## Americas Tax Roundup

18 November 2019

## Important announcement: Register to receive Americas Tax Roundup via new EY delivery platform

The Americas Tax Roundup is now being sent out through EY's *Tax News Update: Global Edition* (GTNU) email subscription service.

We will be sending the AT Roundup via **both** the GTNU and the current email distribution system, but we urge you to register for the GTNU platform as soon as possible (**instructions available here**) in order to continue receiving the Roundup.

If you have any questions, issues or comments, please email Global Tax News Update Help at **globaltaxnewsupdatehelp@ey.com**.

### Latest news - Americas

# OECD issues consultation document on technical design aspects of Pillar Two – Detailed EY Tax Alert now available

A detailed Tax Alert is now available on the OECD's public consultation document released 8 November on the Global Anti-Base Erosion (GloBE) proposal under Pillar Two of the ongoing project titled "Addressing the Tax Challenges of the Digitalisaton of the Economy." The consultation document calls for the development of a coordinated set of rules to address ongoing risks from structures that allow multinational enterprises to shift profit to jurisdictions where they are subject to no, or very low taxation.

# EY submits comment letter on OECD Pillar 1 digital taxation consultative document

EY on 12 November 2019 submitted a comment letter to the OECD on the public consultation document, Secretariat Proposal for a "Unified Approach" Under Pillar One. The letter provides a comprehensive review of the strategic issues involving Pillar 1, as well as key implementation issues that must be resolved.

## Mexico's tax reform affects the insurance industry

The tax reform bill recently approved by Mexico's Congress has implications for the insurance industry. Among other things, the reform would limit the deduction for payments made to related parties subject to preferential tax regimes, expand the permanent establishment concept, and impose mandatory disclosure requirements for reportable transactions. Taxpayers in the insurance industry should review the provisions of the new tax reform and assess the effect on their business operations.

## Mexico's tax reform: What foreign digital service providers need to know

With the imminent enactment of Mexico's tax reform, foreign digital service providers should be aware of the new requirement to collect value-added tax (VAT) on the sale of certain goods and services in Mexico. The tax reform also would require income tax withholding on certain transactions with Mexican individuals. Businesses should evaluate their systems to identify taxable transactions and reporting obligations.

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- Worldwide Digital Tax Guide
- 2019 Outlook for global tax policy and controversy | 9th edition
- 2019 Worldwide Corporate Tax Guide
- 2018-2019 EY Worldwide Transfer Pricing Reference Guide
- 2019 Worldwide VAT, GST and Sales Tax Guide
- 2019 Indirect Tax updated worldwide developments map
- 2019 Global Oil and Gas Tax Guide
- 2019 Worldwide Capital and Fixed Assets Guide
- 2019 Worldwide Estate and Inheritance Tax Guide
- 2018-19 Worldwide Personal Tax and Immigration Guide
- 2019 Worldwide R&D Incentives Reference Guide
- A complete list of EY Tax Guides

#### **Costa Rica ratifies OECD Multilateral Instrument**

Costa Rica has ratified the Multilateral Instrument to Implement Tax Treaty Related Measures to Prevent BEPS (the MLI). The MLI will modify provisions of the existing Costa Rican double tax treaties that qualify as a Covered Tax Agreement — i.e., treaties with Spain and Mexico. Taxpayers should carefully consider the impact of the MLI on existing and proposed transactions and structures.

#### Costa Rica publishes resolution amending the Customs Procedures Manual

Costa Rica's General Customs Directorate has published a resolution amending the General Policies of the Customs Procedures Manual and eliminating other policies. The amendments affect the polices regarding the requirements for unloading goods, deposit income control procedures, and unloading goods with Customs officer intervention.

# OECD releases Colombia Stage 1 peer review report on implementation of BEPS Action 14 minimum standard

Colombia was among the assessed jurisdictions in the OECD's recently released sixth batch of peer review reports relating to the implementation of the BEPS minimum standard under Action 14 on improving tax dispute resolution mechanisms. The OECD also provided, at Colombia's request, feedback concerning Colombia's adoption of the Action 14 best practices. Overall, the report concludes that Colombia meets less than half of the elements of the Action 14 minimum standard.

## This week's tax treaty news in the Americas

• Chile and Israel: tax treaty negotiations ongoing

#### This week's EY Global Tax Alerts

### **Global Tax Alerts**

- Report on recent US international tax developments 15 November 2019 (15 November 2019)
- Thailand repeals regional and international headquarters tax incentive regimes (15 November 2019)
- Kenya enacts *Finance Act 2019*(15 November 2019)
- Malaysia releases 2020 Budget (15 November 2019)
- Israel ratifies II protocol of treaty with UK changes will be in force as of 1 January 2020 (14 November 2019)
- South African National Treasury proposes targeted anti-avoidance rules for certain preference share arrangements and muddies scope of hybrid equity instrument definition (12 November 2019)
- Mexico's tax reform affects insurance industry (11 November 2019)
- US IRS announces campaign to audit Section 965 transition tax compliance (11 November 2019)

#### **OECD Alerts**

- OECD issues consultation document on technical design aspects of Pillar Two (14 November 2019)
- Costa Rica ratifies OECD Multilateral Instrument (14 November 2019)
- OECD releases Colombia Stage 1 peer review report on implementation of Action 14 minimum standard (13 November 2019)

#### **Indirect Alerts**

- Sweden's Supreme Administrative Court requests preliminary ruling from CJEU on "reverse-Skandia situation" where a head office in Denmark supplies services to its Swedish branch (15 November 2019)
- Costa Rica's General Customs Directorate publishes Resolution amending the Customs Procedures Manual (13 November 2019)
- EU's VAT system to tackle fraud in e-commerce (12 November 2019)
- Greece requires electronic application for confirmation of the buyer's capacity to purchase locally certain electronics without VAT (11 November 2019)

#### Tax Insights Magazine

Tax Insights Magazine is a serie of publications, produced by EY, that will help you to gain a more thorough understanding of tax issues. It features the insights of high-level executives and professionals, as well as contributions from leading policymakers and academics.

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#### **Comments**

If you have any questions or suggestions about this newsletter, please contact **Amy Gist** 

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## Forward to a colleague

## **Human Capital Alerts**

- Job reporting obligation for employers based in Switzerland discussed (14 November 2019)
- Poland's taxation of immigration expenses discussed (11 November 2019)

## **Upcoming webcasts**

No new webcasts this week.

## Recently archived webcasts now available on-demand

No new archived webcasts this week.

## EY industry, service and issue publications

#### Industries

**Automotive & Transportation** 

• How 3DP is moving from hype to game changer

#### **Financial Services**

How banks can elevate risk management over the next decade

#### Government and Public Sector

• Can data provide the trust to rewrite the terms of trade?

#### Health

• How digital transformation can benefit the entire health care ecosystem

Technology, Media & Entertainment, and Telecommunications

• How is your business powering up for the next video gaming challenge?

#### **Services**

#### Advisory

- How data analytics is leading the fight against financial crime
- Why data migration is about risk mitigation not technology

### People and workforce

- How corporate culture sank the Titanic
- Why people must be the center of your culture efforts
- Why is Africa more than just a matter of time?

### Tax

• Five key VAT trends and what to do about them

### Issues

#### Growth

Why IPO backlog grows as global IPO market slows further in Q3 2019

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