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Americas Tax Roundup

Latest news – Americas

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[US Supreme Court reaches pro-filer position in holding that the nonwillful FBAR penalty applies per report, not per account](#)

On 28 February 2023, the United States (US) Supreme Court held in [Bittner v United States](#) that the US\$10,000 penalty for *nonwillful* failure to file FBAR reports imposed under the Bank Secrecy Act applies per annual report/filing, not per account. The 5-4 decision rejected the Government's argument that the nonwillful penalty applies on a per account basis and resolves divergent positions held by two appellate courts.

[Costa Rican President signs regulations to Law for Attracting Foreign Investors, Rentiers and Pensioners](#)

Effective 23 February 2023, the regulations to the Law for the Attraction of Investors, Rentiers and Pensioners (i.e., Law 9996) went into effect in Costa Rica. Foreign nationals who have applied to become Costa Rican residents under the categories of investors, rentiers or pensioners are now eligible to receive the benefits under Law 9996, provided their applications are approved.

[Nicaragua's Ministry of Finance publishes new lists of products exempt from VAT](#)

The Nicaraguan Ministry of Finance published Agreement Numbers 001-2023 and 002-2023, which update the lists of finished products and goods used in the manufacture of finished products that are exempt from value-added tax (VAT). The items included on previous lists but not covered by the new agreements are no longer exempt from VAT.

[Canada: Nunavut issues budget 2023/24](#)

On 23 February 2023, Nunavut Finance Minister Lorne Kusugak tabled the territory's fiscal 2023/24 budget. The budget contains no new taxes and no income tax increases.

[EY Canada issues latest edition of TaxMatters@EY](#)

TaxMatters@EY, a monthly bulletin prepared by EY Canada, provides a summary of recent Canadian tax news, publications, and resources. Highlights of the March 2023 issue include: (i) the annual list of tax filing tips and reminders that may save time and money; (ii) personal tax deductions and credits that can be claimed on 2022 income tax returns; and (iii) a Tax Court of Canada decision on the deductibility of employee travel expenses between home and a temporary assignment location.

This week's tax treaty news in the Americas

- ▶ Argentina and San Marino: technical negotiations for social security agreement substantially concluded
- ▶ Costa Rica and Ecuador: free trade agreement signed
- ▶ United States and Cabo Verde: FATCA agreement approved by Cabo Verdean National Assembly



Upcoming webcasts

[Sustainability Update: How tax functions are affected by the new business imperative \(7 March\)](#)

This upcoming episode of the Sustainability Update webcast series will provide an overview of current and upcoming sustainability-related developments across Europe and beyond. The webcast provides an opportunity to stay ahead of the curve and better understand sustainability challenges and opportunities.

[The outlook for global tax policy and controversy in 2023 \(7 March\)](#)

In this webcast, EY tax policy and controversy leaders discuss significant tax law trends, highlighting leading practices for organizations as they navigate tax developments around the world.

[Are you Pillar Two-ready? | Banking and Capital Markets: Current industry insights \(8 March\)](#)

Join an industry-focused discussion in which panelists will examine the latest guidance from the OECD on the BEPS 2.0 project as it relates to the banking and capital markets industry. Panelists will explore the current legislative landscape as jurisdictions begin to release further guidance and draft legislation on the global minimum tax rules under BEPS Pillar Two.

[Pillar Two administrative guidance and safe harbors: implications for US multinationals \(9 March\)](#)

Recent administrative guidance from the OECD on the Global Anti-Base Erosion (GloBE) rules under BEPS 2.0 Pillar Two addresses many critical issues for US multinationals but also raises many (unanswered) technical questions. The OECD's transitional safe harbor rules, released at the end of 2022, could help relieve compliance burdens for US companies. A team of Ernst & Young LLP subject matter professionals will offer a detailed discussion of these developments and practical approaches to help manage the reporting and tax-rate implications.

[Latest clean-energy and manufacturing incentives and grants from the US and Europe \(14 March\)](#)

Now that companies have begun claiming tax credits and grants under the US Inflation Reduction Act of 2022 (IRA) and the Investment, Infrastructure and Jobs Act (IIJA), many have questions about the incentives' requirements, as well as their applicability, timing and disbursement process (which may be time-sensitive). The European Union's recent release of its Green Deal Industrial Plan, which includes initial details to better match US green subsidies for manufacturing, raises similar questions. Join our panelists as they take a deeper dive into next steps of realizing unprecedented government subsidies under the IRA (including Section 48C), IIJA and the EU.

[Tax in a time of transition: legislative, economic, regulatory and IRS developments \(17 March\)](#)

Join us for a fast-paced overview of recent tax and economic developments designed to help you stay on top of changes in today's shifting economic, legislative and regulatory environment. In this regularly occurring webcast series, panelists will provide updates on: (i) the US economy and tax policy; (ii) what's happening at the IRS; and (iii) breaking developments.

For a full list of upcoming webcasts, please access EY's webcast page on ey.com [here](#).



Recently archived webcasts

[US Corporate alternative minimum tax: what the latest interim guidance could mean for companies](#)

While IRS Notice 2023-7 addressed several taxpayer issues around the new 15% corporate alternative minimum tax (CAMT), many questions remain unanswered. As the CAMT is effective beginning in tax year 2023, companies need to understand the notice now to determine how to comply. In this webcast, Ernst & Young LLP professionals discussed the technical aspects, implications and uncertainties of this notice.

[BEPS 2.0: New Administrative Guidance and implementation activity on Pillar Two](#)

Following significant activity at the end of 2022, the OECD has released much-anticipated technical guidance on the BEPS 2.0 Pillar Two rule. Global activity around implementation of Pillar Two has also ramped up as countries look to have global minimum tax rules take effect in 2024. This webcast is the next in the series of EY global webcasts focusing on the dynamics of the BEPS 2.0 project.

Recently issued EY podcasts

[US Cross-Border Taxation weekly podcast, 3 March 2023](#)

EY's weekly US Cross-border Taxation podcast reviews the week's US international tax-related developments.

Highlights this week include:

- ▶ US Supreme Court rules FBAR penalties apply per filing, not per account
- ▶ IRS concludes payments from US depository institution to foreign corporation are US source subject to US withholding
- ▶ OECD hopes to finalize BEPS Multilateral Convention by mid-2023

You can register for this weekly podcast on Apple Podcasts [here](#).

This week's EY Global Tax Alerts

Americas Global Tax Alerts

- ▶ [Report on recent US international tax developments - 3 March 2023](#)
- ▶ [Canada: Nunavut issues budget 2023/24](#)
- ▶ [US Supreme Court reaches pro-filer position in holding that the nonwillful FBAR penalty applies per report, not per account](#)
- ▶ [Washington Dispatch for February 2023](#)

Other Global Tax Alerts

- ▶ [France implements regulations under DAC7 with respect to digital platforms](#)
- ▶ [Ghana implements online process for Tax Clearance Certificate applications](#)
- ▶ [Luxembourg financial institutions should consider impact of temporary relief from reporting US TINs for certain accounts](#)



Human Capital Alerts

- ▶ Czech Republic extends Temporary Protection status for Ukrainian citizens and residents until 31 March 2024
- ▶ Hong Kong requires Talent Admission Scheme applicants to declare prior criminal convictions
- ▶ Japan expands immigration routes for highly skilled professionals and top international graduates
- ▶ Pakistan to become a signatory to the Apostille Convention on 9 March 2023
- ▶ Portugal to discontinue issuance of new Golden Visas soon
- ▶ Singapore implements stricter verification requirements for Employment Pass applicants under the COMPASS framework
- ▶ UK announces India Young Professionals Scheme visa ballot to open on 28 February 2023

Indirect Tax Alerts

- ▶ German Federal Parliament approves Single-Use Plastics levy, Federal Council approval is next step
- ▶ UK packaging waste regulations are effective as of 28 February 2023

EY Industry and Tax Services publications

Industry

Private Equity

- ▶ Four key areas for cost reduction and value creation in private equity

Financial Services

- ▶ How data analytics helped a firm save significantly

Services

People and workforce

- ▶ Updated: How COVID-19 is disrupting immigration policies and worker mobility: a tracker
- ▶ Updated: How COVID-19 is affecting global mobility: an EY response tracker

Comments

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