



## Americas Tax Center Roundup

26 August 2019

*In observance of a US federal holiday next week the Americas Tax Center Roundup will not be sent out on 2 September. The ATC will resume publication on 9 September 2019.*

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

The Americas Tax Center Roundup is now being sent out through EY's *Tax News Update: Global Edition* (GTNU) email subscription service. EY's GTNU is a free, personalized email subscription service that allows you to receive EY Global Tax Alerts, newsletters, event notifications and Thought Leadership published across all areas of tax (corporate, indirect, and personal).

We will be sending the ATC 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](mailto:globaltaxnewsupdatehelp@ey.com).

## Latest news - Americas

### US Court of Appeals affirms Tax Court's decision in Amazon transfer pricing case

The US Court of Appeals for the Ninth Circuit has released its opinion in *Amazon.com, Inc. & Subsidiaries v. Commissioner*. The opinion affirms the Tax Court's 2017 decision, which concluded that, under the then applicable transfer pricing regulations, the definition of "intangible" does not include residual business assets. Such assets include the value of employees' experience, education and training, a culture of innovation, going concern value, goodwill, and other unique business attributes and expectancies. While the opinion interprets the outdated 1994/1995 transfer pricing regulations, and not the current regulations that were issued in 2009, taxpayers should still consider the potential implications on post-2009 cost-sharing arrangements.

### Colombia issues regulation on voluntary VAT collection system for foreign service providers of digital services

The Colombian tax authorities have issued a Resolution regulating an alternative collection system for the value-added tax (VAT) on digital services provided by foreign service providers. Under the Resolution, foreign digital service providers may elect to be subject to a new VAT withholding system under which they will no longer be responsible for collecting the VAT on the provision of digital services to Colombian residents. Rather, the collection and payment of the VAT will shift to credit card and debit card issuers, prepaid card sellers, and those who collect cash on behalf of third parties.

### Argentina and Luxembourg sign new tax treaty

Argentina and Luxembourg have signed a new tax treaty that is based on the OECD Model. In addition to including a number of provisions related to recommendations made by the OECD, the treaty would reduce withholding tax rates on dividend payments, interest, and royalties. Companies doing business in Argentina and Luxembourg should take note of the changes that the treaty will introduce once it enters into force and monitor the fulfilment of the necessary steps in both countries for the treaty to apply.

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## General EY Publications

- [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](#)
- [2018 Worldwide R&D Incentives Reference Guide](#)
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### Tax Insights Magazine

Tax Insights Magazine is a series 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 policy-makers and academics.

## OECD releases US 'Stage 2' peer review report on implementation of Action 14 minimum standard

The OECD has released the Stage 2 peer review report of the US relating to the implementation of the BEPS minimum standard under Action 14 on improving tax dispute resolution mechanisms. Overall, the report concludes that the US addressed most of the shortcomings identified in its Stage 1 peer review report. In addition to the peer review report, in response to a US request, the OECD also released report addressing the US implementation of the Action 14 best practices

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

- **Ecuador and UK:** tax treaty negotiations planned to begin October 2019

## This week's EY Global Tax Alerts

### Global Tax Alerts

- [Argentina and Luxembourg sign new tax treaty \(26 August 2019\)](#)
- [Report on recent US international tax developments - 23 August 2019 \(23 August 2019\)](#)
- [Luxembourg submits draft law implementing EU Mandatory Disclosure regime to Parliament \(21 August 2019\)](#)
- [Kenya: Manufacturers can now claim electricity rebate while computing profit chargeable to tax \(20 August 2019\)](#)
- [Uganda issues 2019-2020 Tax Amendment Acts \(19 August 2019\)](#)
- [United Kingdom publishes draft proposal on Mandatory Disclosure Rules \(19 August 2019\)](#)
- [US IRS begins to increase enforcement efforts in cryptocurrency space \(19 August 2019\)](#)

### OECD/BEPS Alerts

- [OECD releases United Kingdom Stage 2 peer review report on implementation of Action 14 minimum standard \(21 August 2019\)](#)
- [OECD releases United States Stage 2 peer review report on implementation of Action 14 minimum standard \(20 August 2019\)](#)

### Transfer Pricing Alerts

- [United States Court of Appeals affirms Tax Court's decision in Amazon case \(22 August 2019\)](#)
- [Bulgaria adopts mandatory transfer pricing documentation \(20 August 2019\)](#)

### Indirect Alerts

- [Colombia issues regulation on voluntary VAT collection system for foreign service providers of digital services \(23 August 2019\)](#)
- [UAE Federal Tax Authority issues VAT guidance on transfer of business as going concern \(22 August 2019\)](#)

## EY industry, service and issue publications

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- [Corporate and Commercial Law — global update](#)
- [Why alternative legal service providers are on the rise](#)
- [How to manage tax controversies amid greater transparency and scrutiny](#)

### Issues

#### Managing risk

- [Why you need a strategic approach to political risk](#)

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