

提示简报

BVI Economic Substance – ITA Commences Audit Process

BVI 经济实质 – ITA 开启审计流程

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Following the introduction of the Economic Substance (Companies and Limited Partnerships) Act, 2018 (ES Act) and the passing of the deadline for the first filings thereunder to be made by BVI entities, the BVI International Tax Authority (ITA) has now begun making targeted audit requests to verify the “relevant activities” carried out by BVI entities which have made their mandated economic substance filings.

The questions raised by the ITA in these audit requests have included not only details of the business purpose, assets and day-to-day activities of the relevant entity, but also details as to what steps the entity took in order to make its determination as to what, if any, relevant activities were carried on by the entity during the financial period in question. It is therefore important that BVI entities properly document any legal advice which was obtained and their decision making process in determining their status under the ES Act (e.g. through written memos of advice from BVI legal counsel and director resolutions). If you have not already taken such steps, please contact one of our lawyers listed below or your usual Conyers lawyer who can assist in this regard.

BVI entities which have been determined to be carrying on any “relevant activities” under the ES Act other than “passive holding business” (including any entities which have provided multiple interest-bearing loans as lender and entities which actively manage their investments) should by now have taken concrete steps to ensure that their “core income generating activities” (as defined in the ES Act) and director meetings and other relevant decision making processes are physically taking place in the BVI. To the extent that such arrangements have not yet been put in place, please do contact one of our lawyers listed below who can assist you to make the necessary arrangements and disclosures to the ITA.

We are here to help

We recognise that the BVI economic substance regime will in some cases require changes to existing business

随着《2018年经济实质（公司及有限合伙）法》（Economic Substance (Companies and Limited Partnerships) Act, 2018, 下称“经济实质法”）出台，以及英属维尔京群岛（下称“BVI”）实体根据该法进行首次申报的截止日期已过，BVI国际税务局（下称“ITA”）现已开始提出有针对性的审计要求，以核实已按规定进行经济实质申报的BVI实体所进行的“相关活动”。

ITA 在这些审计要求中提出的问题不仅包括相关实体的商业目的、资产和日常活动的详情，还包括相关实体采取了哪些措施，以确定其自身在有关财务期间开展了哪些相关活动（如有）。因此，BVI 实体应当适当记录在根据经济实质法确定其状况时所获得的任何法律意见及其决策过程（例如，通过 BVI 法律顾问的书面意见备忘录和董事决议进行记录）。如果阁下还未采取该等措施，敬请联系下文列出的本所律师或阁下日常联络的康德明律师，他们很乐意就此提供协助。

根据经济实质法被确定为从事除“被动控股业务”以外的任何“相关活动”的 BVI 实体，包括任何作为贷款人提供多笔有息贷款的实体以及积极管理其投资的实体，到目前为止应已采取具体措施，确保其“核心创收活动”（定义见经济实质法）和董事会议及其他相关决策过程实际在 BVI 进行。倘若该等安排尚未落实，请联系下文列出的律师，他们可以协助阁下作出必要的安排，并向ITA披露情况。

我们可随时提供协助

我们了解，在某些情况下，BVI 经济实质制度要求改变现有

models. Conyers Dill & Pearman is ready to assist clients in understanding their obligations under the legislation and in implementing any such changes that may be required. For further information please contact one of our lawyers listed below or your usual Conyers lawyer.

的商业模式。康德明律师事务所随时准备协助客户了解其在经济实质法下的义务，并实施任何需作出的改变。如欲了解更多资料，请联系下文列出的律师或阁下日常联络的康德明律师。

This article is not intended to be a substitute for legal advice or a legal opinion. It deals in broad terms only and is intended to merely provide a brief overview and give general information.

本文不应被视为法律建议或法律意见，其内容并非详尽无遗，仅可作为概览及一般参考资料。感谢您的垂阅。

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