NEWSLETTER
IFA ~ INDIA BRANCH

Mukesh Butani
Chairman, India branch

Dear IFA colleagues & friends of IFA,

I am delighted to welcome you to our summer quarter newsletter, having missed a quarterly version due to pressing commitments of the editorial team and the diversion of energy to our annual branch event.

Tarun Jain Advocate has presented a well-researched case study on GST implications on cross-border transactions, with other experts commenting in a Q&A format. As international tax practitioners, one often side-step transaction tax

WHAT'S IN

aspects without realizing their profound impact, particularly given the treaty mechanism, domestic law framework and non-availability of tax credits. It adds further fuel to the digital tax debate, which the international tax fraternity has debated for almost a decade. I am sure our readers will find an expert panel view analytical and relevant.

While the quarterly newsletters were inactive, our key international tax developments merely suggest the pace of landscape changes. Given the importance of Pillar 2 GloBE proposals, the branch hosted an international panel of speakers to showcase the research findings of a team led by Dr Vikram Chand to debate Treaty obstacles in the implementation of Pillar II proposals.

Of course, not to forget our annual 2022 event, which concluded yesterday, continues as the highlight of 2022! The northern branch of IFA, under the able leadership of Ajay Vohra conference director and Chair Sushil Agarwal delivered a rocking technical agenda and that too in a physical format. Given the limited time to plan the event and the concern about getting speakers and delegates from over two years of WFH hiatus, our scepticism was proven wrong! This year's event hosted 2 Parlimenterians (J Sinha & Dr Singhvi), IFA President Barnes, PSC Chair Danon, three serving judges of the High Court, President, Vice President and members of the Tax Tribunal, 2 serving Addl. Solicitor Generals amongst an impressive lineup of 40 speakers. Our young brigade, particularly Ishita, Shashwat, who combined the WIN and YIN prowess, marshalled resources for this year's event. Without volunteers' support, the branch cannot deliver the quality we all witnessed in this year's conference.

There is a lot in store for the year, including regional events and our YIN and WIN colleagues have promised a residential event later this year. Before closing, I want to thank the new Executive Committee that assumed office in 2022 for reposing faith in me – the second time around.

I look forward to seeing as many of you at the Berlin Congress, which promises to be an exciting agenda besides allowing us to connect with our worldwide members - something that nature deprived us this past two years of the pandemic.

Stay well and in good health.

With warm wishes from a blistering summer in the capital.

Sincerely, Mukesh

CASE STUDY

CASE STUDY ON GST IMPLICATIONS ON CROSS BORDER TRANSACTIONS

Contributed by: Tarun Jain

Mr. X pioneered a global brand of apparels – X Brand – many decades ago. Three generations of his family succession continued to expand the size and market of the brand. The core family is organised as a Swiss cooperative (S Co) and is the legal owner of the brand. X BV, a Dutch company is wholly owned by the S Co and has been exclusive assigned all intellectual property rights in Brand X by S Co.

X GmbH is a Germany company (wholly owned by S Co) and is the exclusive manufacturing entity for X Brand.

X Co is an Irish company (wholly owned by S Co) and is exclusive seller for X Brand. It sells the products across 400 outlets in 30 jurisdictions. In most cases the outlets are owned by a subsidiary of X Co whereas rest are on franchisee model operated by independent third-parties. These franchisees pay franchise fee in two equal components; to X Co for franchisee licence and X BV for licence to use X brand's intellectual property. All final prices for consumer sales of X Brand apparels are determined by X Co. The franchisees operate independently in all other aspects. All subsidiaries and franchisees of X Co must purchase all products directly from X GmbH. The sale price of X GmbH are fixed by S Co, which are determined on global arm's length dealing of X GmbH.

In India, X Co has one subsidiary (I Co) and two franchisees, P Co and Q Co. Both franchisees exclusively sell X Brand apparels. Q Co, however, also acts as sourcing agent for X GmbH. Q Co interviews potential raw material suppliers, get quality check organised and visits manufacturing facility of these suppliers. Q Co submits a confidential report to X GmbH which independently determines whether to contract with the raw material supplier. In the last five years, X GmbH has contracted with 23 out of 25 suppliers positively reviewed by Q Co.

In order to expand its market presence, X Co has taken on lease a technology platform – Ztech – owned by an Indian entity. I Co, P Co and Q Co are registered users of Ztech and can place orders for purchase upon X GmbH. Their orders are intermediated through X Co and its approval is necessary before X GmbH can

accept any order. In practice, however, X Co has never rejected any order placed on Ztech.

X Co has also partnered with an Indian e-tailer Mtech to cater to the tech-savvy consumer. All the X Brand products available for sale in India are advertised on Mtech's website by X Co. Expenses incurred by X Co for paying to Ztech and Mtech are proportionately recovered by it from I Co, P Co and Q Co without any mark-up. An Indian customer intending to buy a product completes the transaction online. The payment for such sale is received directly by X Co. However, the physical delivery of the product is affected by I Co, P Co or Q Co, depending upon which location stocks the relevant product and is closest to the ordering consumer. The payment received by X Co is adjusted against the payment due to it for the advertisement dues towards Mtech.

X Group is desirous of determining whether GST is payable in India on the following;

1. Franchise fee received by (i) X Co and (ii) X BV, from P Co and Q Co? If yes, (i) by whom, and (ii) on what value?
2. On goods purchased from X GmbH by I Co, P Co and Q Co? If yes, on what value?
3. Sales made through Ztech and Mtech? If yes, (i) by whom, and (ii) on what value?
4. Consideration received by Q Co for services rendered to X GmbH?
5. Consideration paid to Ztech and Mtech by X Co?

QUESTIONS & EXPERTSPEAK

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Questions:

1. Is GST payable on Franchise fee received by (i) X Co and (ii) X BV, from P Co and Q Co? If yes, (i) by whom, and (ii) on what value?

Shreya Jatia ('SJ') & Raunak Garg ('RG'):

P Co. & Q Co. pay X BV, located outside India, consideration for the license to use brand. Similarly, P Co. & Q Co. pay X Co., located outside India, consideration towards the franchisee fee. Accordingly, P Co. & Q Co. receive services of right to use intellectual property and franchise rights from the entities located outside India.

As per Section 13 of the IGST Act, 2017, place of supply in such cases is the location of the recipient. In the present case, P Co. and Q Co. are the recipients located in India. Therefore, the place of supply shall be India. Accordingly, GST shall be payable by P Co. and Q Co. on consideration paid to X BV and X Co. under reverse charge mechanism as import of service.

Given that P Co. and Q Co. are exclusive seller of X brand, independent third parties and they have principal to principal relationship with X BV and X Co., they will be considered as unrelated parties. Therefore, consideration paid by P Co. and Q Co. to X BV and X Co. shall be the taxable value for discharging GST.

Jigar Doshi ('JD'):

Background: In India, GST was rolled out in 2017 with a dual GST model. Indian GST is a destination-based taxation regime where tax is levied basis where the goods are destined to be consumed. Such place of consumption is termed as place of supply. Further, in case of intrastate supply (i.e., where supplier and recipient are in the same state), Central Goods

and Services Tax (CGST) and State Goods and Services Tax (SGST) is attracted, whereas Integrated Goods and Services Tax (IGST) is levied in case if interstate supplies or import of goods and/or services. Like other regimes of the world, the Indian GST does not levy tax on export of goods and/or services except for certain cases.

Ans: In the erstwhile regime, franchisee license and fees for license to use brand's intellectual property was a bone of contention for being classified as goods or services. However, under the GST regime, there is reasonable clarity for use of license to be service. Nonetheless, the issue is still contentious and the underlying agreement with terms of use play a key role. For the current query, we have considered the use of license as supply of service and the accordingly the following response:

Import of service' has been defined as:

Import of services[1] means the supply of any service, where––

(i) the supplier of service is located outside India;

(ii) the recipient of service is located in India; and

(iii) the place of supply of service is in India;

In the present case, P Co. and Q Co. import the franchisee license and license to use intellectual property of brand X from X Co and X BV, respectively. Under the Indian GST law, license to use intellectual property and franchisee license would constitute as supply of service. Therefore, franchisee fee paid would be construed as a consideration against import of service.

Import of service in India attracts GST under reverse charge mechanism. This means that instead of the supplier, the recipient is liable to compute and pay taxes. In the current scenario, P Co. and Q Co. are the recipients of service and hence are the parties liable to compute and deposit GST. Further, they shall be eligible to avail credit of the taxes so paid, barring the specific restrictions given under the law.

Further, the value of supply[2] is transaction value i.e., the price actually paid or payable for the said supply when the recipient and the supplier are not related. The definition of 'related persons' includes 'persons who are associated in the business of one another in that one is the sole agent or sole distributor or sole concessionaire, howsoever described, of the other, shall be deemed to be related.' In the present case, it can be argued that P Co. and Q Co. are related to X Co as they are their sole distributors. Therefore, in such a case one cannot rely on the transaction value as given under section 15 of the CGST Act, 2017 and hence, valuation rules of GST law need to be referred to. The said rules prescribe the following methodology:

i. The value must be the open market value[3] of such supply

ii. If the open market value is not available, then the value shall be the value of supply of goods or services of like kind and quality

iii. If the value is not determinable in any of the above order, the value shall be determined by residual method as prescribed.

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1 *S. 2(11) of the CGST Act, 2017*

2 *S. 15 of the CGST Act, 2017*

3 *Open Market Value means the full value of money excluding taxes under GST laws, payable by a person to obtain such supply at the time when supply being valued is made, provided such supply is between unrelated persons and price is the sole consideration for such supply.*

Raghavan Ramabadran (RR):

Payment received by X Co

1. GST is payable under reverse charge by P Co and Q Co on the franchise fee paid to X Co. I assume that the franchise fee is paid against X Co permitting the representation and sale of X brand apparel in India.[4] Certain assumptions regarding the arrangement are made in the course of this analysis.

2. X Co permitting P Co and Q Co to sell X brand apparel and operate franchisees in India qualifies as a taxable supply of service under GST. [5]

3. As none of the clauses in section 13(3) to 13(13) of the IGST Act gets attracted to franchisee services, the general rule for determining the place of supply will apply, i.e., the location of the recipient of services. The transaction is an import of service, taxable in the hands of P Co and Q Co under reverse charge. [6]

4. On valuation, it is my view that the parties are not related since P Co and Q Co cannot be considered as "sole agents/distributors/ concessionaires" of X Co. The fact that both P Co, Q Co and even I Co can operate in India and sell X brand apparel demonstrates that they are not "sole agents". [7] Thus, the franchise fee can be considered as the transaction value on which GST is to be paid.

5. However, if there are strict territorial limits within which each franchisee exclusively operates, the franchisees can qualify as related persons to X Co. In this scenario, the franchise fee agreed would have to be disregarded. The second proviso to rule 28 of the CGST Rules can be relied on if P Co and Q Co are eligible to full ITC and the invoice value will be deemed as the transaction value. Otherwise, the methods in rule 28 may be resorted to in a sequential manner for determining the taxable value.

Payment received by X BV

6. Yes, GST is payable by the franchisees under reverse charge on the fee paid to X BV. The service received by the franchisees from X BV is the temporary right to use IPRs in brand X. Para 5(c) of schedule II to the Act considers the temporary transfer or permitting the use or enjoyment of any intellectual property right as a taxable service.

7. The discussion on place of supply, import of service, and payment of GST under reverse charge as discussed under point (i) above, applies mutatis mutandis.

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4 See Delhi International Airport Pvt. Ltd. 2017 (15) S.T.R. 275 (Del.).

5 S. 2(102) defines service to mean 'anything other than goods' and S. 2(52) defines goods to mean 'every kind of movable property'. Grant of a right to open a franchisee in India is not a tangible moveable property and therefore, qualifies as a 'service'. S. 7 includes 'service' within the scope of 'supply' under GST.

6 S. 2(11) of IGST Act states "import of services" means the supply of any service, where -

(i) the supplier of service is located outside India;

(ii) the recipient of service is located in India; and

(iii) the place of supply of service is in India;

Notification No 10/2017 – IT (Rate) dated 28.06.2017 states that tax on "any service supplied by any person who is located in a non-taxable territory to any person other than non-taxable online recipient" is payable on reverse charge.

7 Shalagram Jhajharia, 1964 (2) TMI 50; Nanavati and Co. (Pvt.) Ltd. MANU/MH/0002/1975; CIT v. Principal Officer R.K Wires 2005 127 CompCas 250 All.

8. The parties are not related – there is no direct or indirect shared control, and the franchisees are not the sole agents/ distributors of X BV. Therefore, the transaction value can be taken as the taxable value.

2. Is GST payable on goods purchased from X GmbH by I Co, P Co and Q Co? If yes, on what value?

SJ & RG:

Goods purchased by I Co., P Co. and Q Co. from X GmbH are in the form of import of goods in India. Accordingly, as per Section 5 of the IGST Act, 2017, IGST and duties under Customs shall be levied on such transaction in accordance with the provisions of Customs Tariff Act, 1975. The value and the point of taxation shall also be determined as per the Customs Act and Rules.

P Co. and Q Co. are unrelated independent third parties vis-à-vis X GmbH. Therefore, the transaction value will be considered as the value on which IGST shall be applicable as per Section 14 of the Customs Act, 1962.

I Co. is a subsidiary of X Co. and X Co. and X GmbH both are wholly owned subsidiaries of S Co. Therefore, I Co. and X GmbH are related parties. As per Rule 3(3) of the Customs Valuation Rules, transaction value of goods imported from related parties is accepted provided that closely approximates to the transaction value of identical goods, or of similar goods, in sales to unrelated buyers in India. Therefore, if X GmbH supplies goods to I Co. at the same transaction value at which it supplies similar or identical goods to P Co. and Q Co., then, the transaction value of supply to I Co. should be accepted for levy of Customs Duty and IGST.

JD:

In India, import of goods attracts Customs duty and IGST. IGST is leviable at such rate as is leviable under the IGST Act, 2017 on a like article on its supply in India.

Further, the value of the goods for the purpose of levying IGST shall be assessable value plus Customs Duty levied under the Act, and any other duty chargeable on the said goods under any law for the time being in force as an addition to, and in the same manner as, a duty of customs. Further, the IGST paid by the importer, would be eligible as credit barring specific restrictions in the law.

The assessable value of goods would be determined basis the valuation rules as prescribed under the Customs Act. Here, it must be noted that if in terms of the Customs law, the importer and the exporter are considered as related parties, the Indian imported must undergo an additional procedure called the Special Valuation Branch. This Branch verifies whether the goods have been imported in India at Arm's Length Price or not.

RR:

1. This transaction is an import of goods by I Co, P Co, and Q Co from X GmBH on which GST is payable by the importer.

2. This query assumes that a distinct contractual arrangement would be executed between X GmBH and I Co, P Co, and Q Co, respectively for procuring goods intended for sale in India.

3. Import of goods, simply defined as "bringing goods into India from a place outside India" is deemed to be an inter-state supply under section 7 of the IGST Act. The proviso to section 5 clarifies that IGST on goods imported into India shall be levied and collected in accordance with the provisions of section 3 of the Customs Tariff Act at a

value determined under the said Act, which in turn merits reference to section 14 of the Customs Act, 1962 and rule 10 of the Customs Valuation (Determination of value of Imported Goods) Rules, 2008 ('CVR').

Valuation of import by I Co:

4. In my view, I Co and X GmBH are related as they are both directly or indirectly under the control of S Co.[8] Accordingly, the transaction value inter se may be accepted only if it closely approximates the transaction value of identical/similar goods in sale to unrelated buyers in India.[9]

5. P Co and Q Co are unrelated to X GmBH as none of the conditions in rule 2(2) of the CVR are fulfilled. Accordingly, the transaction value of the import by P Co and Q Co may be relied on to accept the transaction value for I Co's import of the same goods, subject to both values being similar. Difference in quantity levels, cost adjustments etc. in sales made to unrelated buyers versus sales made to related parties must be factored while comparing the values.

Valuation of import by P Co and Q Co:

6. Since, the parties (X GmbH and P CO/Q Co) are unrelated, the transaction value i.e., the price actually agreed to be paid can be adopted for payment of GST. The only question is whether the franchise fee and the license fee paid to X Co and X BV respectively is includible in the transaction value of the goods imported from X GmBH by P Co and Q Co. Rule 10(c) of the CVR states that royalties and licence fees related to the imported goods that the buyer is required to pay, directly or indirectly, as a condition of the sale of the goods being valued, are includible in the transaction value.

7. This rule requires the following conditions to be cumulatively fulfilled. [19]

   a. The fees are related to the imported goods; and

   b. The fees are required to be paid as a pre-condition of sale of imported goods;

8. In the present case, if the contract executed between X GmBH and P Co/Q Co does not require, as a condition of the sale, that the importers pay any franchise or licence fees to X Co and X BV, these amounts would not be includible in the transaction value of the goods imported for payment of GST. In such a case, the non-payment of franchise/ license fee would not disentitle the importer from purchasing goods from X GmBH. The said fees may indeed be necessary to subsequently distribute the goods within India, but the payment of the fees is not a condition of the import itself.

9. The Delhi Tribunal took the same view in a 2018 case involving the import of branded eyewear from Italy. A distributorship fee payable to a third-party group entity required for onward domestic sale of goods imported from an Italian group entity was not included in the import value as the said fee was not a condition of sale for imports.[11]

10. Advisory Opinion 4.3 of the Technical Committee on Customs Valuation expresses a similar view on the provision which inspired rule 10(c).[12]

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8 See R. 2(2)(vi) of Customs Valuation (Determination of value of Imported Goods) Rules, 2007.

9 See R. 3(3)(b)(i) of CVR.

10 Essar Gujarat 1996 (88) E.L.T. 609 (S.C.); Ferodo 2008 (224) E.L.T. 23 (S.C.)

11 Luxottica India Eyewear 2018 (364) E.L.T. 515 (Tri. - Del.)

12 Saul L. Sherman, Commentary on the GATT Customs Valuation Code, p. 137 (Kluwer Law and Taxation, 2nd Ed, 1897).

Importer I acquires the right to use a patented process for the manufacture of certain products and agrees to pay the patent holder H a royalty on the basis of the number of articles produced using that process. In a separate contract, I designs and purchases from foreign manufacturer E a machine which is specially intended to perform the patented process. Is the royalty on the patented process part of the price paid or payable for the imported machine?

The Technical Committee on Customs Valuation expressed the following view: Although the payment of the royalty in question is for a process embodied in the machine and one which constitutes the sole use of the machine, this royalty is not part of the Customs value since its payment is not a condition of the sale of the machine for export to the importing country.

11. Therefore, IGST is payable by the importer on the transaction value viz. the price at which X GmBH agrees to sell goods to P Co and Q Co (i.e., the price fixed by S.Co).

3. Is GST payable on sales made through Ztech and Mtech? If yes, (i) by whom, and (ii) on what value?

SJ & RG:

Ztech provides merely a technology platform on lease using which I Co., P Co. and Q Co. place orders on X GmbH for which it receives consideration from X Co. Therefore, for sales made by X GmbH to I Co., P Co. and Q Co. using Ztech platform, taxability will be same as discussed for question 2 above.

Mtech is an e-tailer i.e., an e-commerce operator operating on market-place based model. When customer purchases goods through Mtech, consideration is received by X Co. and goods are supplied by I Co., P Co. and Q Co. and they are contractually entitled for the sales consideration which X Co. disburses subsequently. Mtech merely advertises the products on its website, does not make any supply on its own account or on behalf of others and does not receive any consideration from the customers. Further, since the consideration is not collected by Mtech, Mtech is not required to collect GST TCS as an e-commerce operator as per Section 50 of the CGST Act, 2017. Accordingly, it is not required to obtain GST registration and discharge GST on sale of X brand's products.

Therefore, the actual supplier of goods through Mtech are I Co., P Co. and Q Co. and X Co. merely acts as a collecting agent. Accordingly, GST shall be levied on goods supplied by I Co., P Co., and Q Co. to the customers in India and will be payable by I Co., P Co. and Q Co. Taxable value shall be the actual gross transaction value at which goods are supplied to the customers and not the net consideration received from X Co. after netting off the franchise fees.

JD:

In India, there are various types of e-commerce platforms which function through various models. Considering that aggregator is the most common model, we have assumed that Mtech is an aggregator and goods sold through the platform are sold by the seller (i.e., P Co, Q Co and I Co.). In this case, the sellers would be liable to charge GST on the sale of goods on the transaction value, just like a usual transaction.

However, in a situation where Mtech acts as a trader between X GmBH and the importing entities, the tax implications would undergo a change.

It must be noted that the Indian GST law also envisages a tax collection at source by e-commerce operators barring a few exceptions. Such tax is collected only if the e-commerce platform collects the

consideration from the customer on behalf of the vendor. The net sum after such deduction is then remitted to the vendors by e-commerce operator.

Further, we understand that Ztech is a technology platform through which the Indian entities (i.e., P Co, Q Co and I Co.) place their orders on X GmBH. In this case, the taxability of import of goods from X GmBH by P Co, Q Co and I Co has been answered in Q.2 above

RR:

Sales through ZTech

1. Please refer to Query 2 above for an analysis of sales made through ZTech. Sales made through ZTech are sales/exports made by X GmBH to I Co, P Co, and Q Co. The valuation aspect has also been detailed in Query 2.

2. X Co approving orders placed on X GmBH is only a technical feature of ZTech which allows X Co to ensure that goods are sourced only from X GmBH. This feature does not otherwise colour the transaction in any manner.

Sales through MTech

3. On sales made through MTech, it is my view that two back to back supplies occur in this transaction viz. sale of goods by X.Co to the end customer, and sale of the same goods by P Co, Q Co, or I co to X Co. This view stems from section 2(93) of the CGST Act, which defines the recipient of supply as the person liable to pay the consideration therefor.

4. Having imported X brand apparel from X GmBH, P Co, Q Co, and I Co are now the owners of the said goods. However, through MTech, Indian customers purchase X brand apparel by paying the consideration directly to X Co. This is a sale by X Co to the customer. However, since X Co is abroad, and the goods are not brought into India (as they are already owned by P Co, Q Co, and I Co), there is no import of goods[13] by the Indian customers from X Co and thus, the supply is not taxable in India.

5. For X Co to sell the goods to the customer, it must purchase the same from P Co, Q Co, and I Co – the current owners. Therefore, the entity which stocks the relevant product and is closest to the customer executes a bill to/ship to arrangement whereby the goods are shipped to the customer but billed to X Co. X Co is now liable to pay the purchase consideration of the goods ordered on MTech to the dispatching entity. Simultaneously, the dispatching entities (I Co, P Co, and Q Co) are liable to pay their share of the MTech expenses incurred by X Co. These amounts are adjusted against each other and the balance amount forms purchase consideration from X Co to the dispatching entity for the bill to/ship to arrangement.

6. As the goods do not physically move outside India, the sale by P Co, Q Co, and I Co to X Co is not an export of goods. However, as the supplier (dispatching entity) is delivering the goods on the direction of X Co to the customer, the place of supply is the principal place of business of X Co i.e. outside India.[14] As the suppliers are in India and the place of supply is outside India, the transaction is an inter-state supply.[15]

7. GST is payable by the dispatching entity on the sale of goods to X Co through the bill to/ship to arrangement. The valuation for this sale merits separate discussion.

13 *S. 2(10) of the IGST Act, 2017.*

14 *S. 10(1)(b) of the IGST Act, 2017.*

15 *S. 7(5)(a) of the IGST Act, 2017.*

Valuation

8. For I Co - I Co and X Co are related parties as X Co controls I Co.[16] If I Co is eligible for full ITC, then the invoice value agreed by the parties can be accepted as the taxable value.[17] Otherwise, the valuation may be decided as per the seriatim methods listed in the CGST Rules.

9. For P Co and Q Co – The parties in this case are not related.[18] Therefore, the transaction value can be accepted as the taxable value for the sale of goods from P Co and Q Co.

4. Is GST payable on consideration received by Q Co for services rendered to X GmbH?

SJ & RG:

To determine the taxability, it is imperative to first analyse the nature of service provided by Q Co. to X GmbH. Q Co. acts as a sourcing agent for X GmbH. Q Co interviews potential raw material suppliers, gets quality check organised and visits manufacturing facility of these suppliers. Q Co submits a report to X GmbH and X GmbH then independently determines whether to contract with the raw material supplier.

Thus, Q Co. has a limited role of studying, surveying, and submitting the report. It does not undertake any action to arrange or facilitate a supply transaction between X GmbH and the supplier. After the services of Q Co. conclude, X GmbH decides whether to undertake the transaction with the supplier. Q Co. neither persuades the suppliers nor X GmbH for sale or purchase. The contract between Q Co. and X GmbH is on principal-to-principal basis. Q Co. is providing the services directly to X GmbH and does not transact with any of the vendors. Further, Q Co. is not involved in conclusion of contracts. Therefore, services rendered by Q Co. to X GmbH are in the nature of 'business support services' and not 'intermediary services' in light of the advance rulings under GST as well as the erstwhile Service Tax regime.

Accordingly, place of supply of such support services will be location of recipient i.e., X GmbH which is outside India. Accordingly, this is an inter-state supply and IGST shall be applicable. However, in case Q Co. fulfils the export of service conditions as per the GST Law, it shall be entitled for export benefits prescribed under GST.

JD:

Q Co. acts as a sourcing agent for X Gmbh. It interviews potential raw material suppliers, get quality check organised and visits manufacturing facility of these suppliers. Q Co submits a confidential report to X GmbH which independently determines whether to contract with the raw material supplier.

The Indian GST law does not intend to tax any exports, whether of goods or services. However, there are certain exceptions, one being intermediary services.

The GST law defines an intermediary as a broker, an agent, or any other person, by whatever name called, who arranges or facilitates the supply of goods or services or both, or securities, between two or more persons, but does not include a person who provides the main service or supplies the goods on his account.

Further, the place of supply of intermediary services[19] shall be the location of the service provider.

Moreover, the IGST Act, 2017, defines 'export of services'[20] to mean the supply of any service

16 *Explanation a(v) to section 15 of the CGST Act, 2017.*
17 *Second proviso to rule 28 of the CGST Rules, 2017.*
18 *Please see response to Query 1.*
19 *S. 13(8) of the IGST Act, 2017*
20 *S 2(6) of the IGST Act, 2017*

when:

i) the supplier of service is located in India;

(ii) the recipient of service is located outside India;

(iii) the place of supply of service is outside India;

(iv) the payment for such service has been received by the supplier of service in convertible foreign exchange or in Indian rupees wherever permitted by the Reserve Bank of India; and

(v) the supplier of service and the recipient of service are not merely establishments of a distinct person in accordance with Explanation 1 in section 8;

To qualify as an export of service, one important condition (given above) is that the place of supply of services should be outside India. Hence, in case of intermediary transactions rendered by a supplier in India to a recipient outside India, the place of supply is in India and the transaction becomes taxable in India. Thus, it shall not be an export of service.

Therefore, intermediary transactions are an exception in the law whereby even an export transaction can be classified as taxable transaction merely because of its nature.

On perusal of the scope of Q Co as a sourcing agent, it appears that the same can fall in the basket of intermediary transactions. In which case, such supply of services to X Co. would become taxable in the hands of Q Co. The valuation aspect would be like valuation of supplies between related parties (as discussed above).

RR:

1. The sourcing agent activity undertaken by Q Co for X GmBH qualifies as a taxable supply of service.

2. As the provider is in India while the recipient is a Dutch entity, the question which arises is whether the transaction is an export of service. The condition for export which demands discussion pertains to place of supply. If the place of supply is in India, the transaction will not qualify as an export of service. All other conditions for export of service are fulfilled in the present case.[21]

3. The general rule for place of supply of services where either the provider or the recipient is outside India, is the location of the recipient. [22] However, for intermediary services, the place of supply is the location of the service provider. [23]

4. The service of an intermediary is the facilitation/arrangement of a supply between parties without actually making the supply oneself.[24] Therefore, such an arrangement requires three parties (principal, intermediary, third-party supplier) and two separate supplies viz. the main supply between the principal and the third-party supplier and the facilitation supply from the intermediary to the principal.[25]

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21 Please see section 2(6) of the IGST Act, 2017.

22 S. 13(2) of the IGST Act, 2017.

23 S. 13(8)(b) of the IGST Act, 2017.

24 S. 2(13) of the IGST Act, 2017 – "intermediary" means a broker, an agent or any other person, by whatever name called, who arranges or facilitates the supply of goods or services or both, or securities, between two or more persons, but does not include a person who supplies such goods or services or both or securities on his own account.

25 "Taxation of Services: An Education Guide", June 20, 2012, Central Board of Excise & Customs, Department of Revenue, Ministry of Finance, Government of India.

5. In this case, Q Co merely conducts interviews, factory visits, and organises quality checks of the potential supplier. Q Co then prepares a report which is submitted to X GmBH. X GmBH independently decides whether to contract with the raw material supplier.

6. The above activity may not qualify as an intermediary service as Q Co performs only an assessment to ascertain the viability of X GmbH procuring from these suppliers. Once Q Co submits their report on the suppliers, X GmbH is under no obligation to procure from them. Thus, it can be argued that there is no element of facilitation/ arrangement of a supply in the service provided and Q Co is not an intermediary.[26]

7. Per contra, the fact that X GmBH contracts with majority of the suppliers identified by Q Co may suggest that this is an intermediary service.

8. If the agreement entered into by the parties contemplates only appraisal and assessment of suppliers and Q Co has no role to play in finalising the price of the goods sought to be procured by X GmbH, it can be said that Q Co is not an intermediary and the transaction is an export of service on which zero-rating is available. Further, if the contract explicitly permits X GmbH to reject suppliers identified by Q Co, the same would buttress the view that Q Co is not an intermediary of X GmbH.

5. Is GST payable on consideration paid to Ztech and Mtech by X Co.?

SJ & RG:

Ztech provides technology on lease to X Co. and charges lease rental/fees for usage of the platform. Therefore, place of supply is the location of the recipient by general rule. In this case, since the contracting party is X Co. located in Ireland, recipient of service shall be X Co. outside India and place of supply shall be outside India. Accordingly, this is an inter-state supply and IGST shall be applicable. However, in case Q Co. fulfils the export of service conditions as per the GST Law, it shall be entitled for export benefits prescribed under GST.

Mtech is an e-tailer i.e., an e-commerce operator and operating in the form of marketplace-based model. X Co. is paying advertising fees to Mtech to advertise its products on MTech's website. Mtech merely advertises the products on its website, does not make any supply on its own account or on behalf of others and does not receive any consideration from the customers. The contract between Mtech and X co. is on principal-to-principal basis and Mtech cannot be considered as an intermediary. Here also since X Co. is located outside India, place of supply shall be outside India by general rule and if export conditions are fulfilled, this will be export of service and IGST shall apply accordingly.

However, considering the limited information available, in case Mtech undertakes other activities as well other than merely advertising the goods which makes it an 'intermediary', then, place of supply will be the location of the service provider i.e., location of Mtech which is in India. Accordingly, GST shall be payable by Mtech on consideration received from X Co. without any export benefit.

JD:

Supply is defined under section 7 of the CGST Act, 2017 as 'all forms of supply of goods or services or both such as sale, transfer, barter, exchange, licence, rental, lease or disposal

26 *Chevron Phillips Chemicals India, 2019 (12) TMI 1066.*

made or agreed to be made for a consideration by a person in the course or furtherance of businesses'.

Considering that Ztech is a technology platform, the services rendered by Ztech to X Co would be covered under supply of services. However, the supplier of services i.e., Ztech is situated in India and the recipient is situated i.e., X Co is situated outside India. Therefore, the revenue derived from the lease of technology platform by Ztech to X Co may constitute as an export of service if it fulfils the conditions laid down under section 2(6) of the IGST Act, 2017 which have been elaborated in point no. 4.

Therefore, if the transaction fulfils such conditions, it shall constitute as an export of service and would not be chargeable to GST in India.

Similarly, consideration received by Mtech from X Co. could constitute as an export of service if all requisite conditions are satisfied.

In a case where the supply made by Ztech or Mtech does not constitute as an export for non-fulfilment of conditions stated above, these entities would be liable to pay GST in India as they are the suppliers. However, the recipient of service in such case would not be eligible to avail credit of the GST so paid as it is not registered in India.

The transaction value of such supplies shall be the value on which GST would be paid. This is because Ztech or Mtech and X Co. do not appear to be related entities to X Co or X GMBH.

RR:

1. In my view, the fees paid by X Co for ZTech and MTech are consideration for the provision of an e-commerce service. An e-commerce service is the supply of goods or services or both, including digital products over a digital or electronic network,[27] and an e-commerce operator is any person who owns, operates or manages digital or electronic facility or platform for electronic commerce.[28]
2. ZTech and MTech are both digital platforms over which goods are supplied by X GmBH and X Co respectively. Therefore, the activity of allowing X Co to use ZTech and MTech in exchange for a fee amounts to the rendition of an e-commerce service.
3. This transaction can amount to an export of service, subject to all conditions being satisfied.[29] As none of the exceptions under section 13 of the IGST Act are attracted, the default rule will apply and the location of the recipient i.e. X Co shall be the place of supply. The zero-rating benefit under section 16 of the IGST Act would be available to ZTech and MTech.

27 S. 2(44) of the CGST Act, 2017.

28 S. 2(45) of the CGST Act, 2017.

29 S. 2(6) of the IGST Act, 2017.

Response to these questions are personal views of the Authors

Examples / options discussed in the responses are illustrative and the same should not be considered as an exhaustive list

KEY INTERNATIONAL TAX UPDATES

Contributed by:
Bhavya Bansal and Yash Rajpurohit

I. Key International tax updates – India region

1. Chairs of OECD FTA & JITSIC issue a statement on collaborative work on 'Pandora Papers' leaks

The International Consortium of Investigative Journalists (ICIJ) has recently released information relating to its review of data leaks referred to as the Pandora Papers. OECD Forum on Tax Administration (FTA) is dedicated to tax transparency and tax co-operation through the delivery of its collaborative work programme, and its members have access to a range of tools and platforms to help tackle offshore tax evasion and avoidance.

2. OECD releases Model Manual on Exchange of Information prepared by Global Forum, World Bank Group & African Development Bank

Exchange of information (EOI) is an essential tool for tax authorities worldwide to ensure that all taxpayers pay the correct amount of tax. In order to support them, the Global Forum on Transparency and Exchange of Information for Tax Purposes (Global Forum), the World Bank Group and the African Development Bank have jointly published a new version of the Manual on Exchange of Information. New edition covers broader range of exchange of information tools tailored to address specific needs of various jurisdictions and also provides checklists and various templates to smoothen the communication. The model manual can easily be tailored to address a jurisdiction's specific needs.

3. OECD releases fourth peer-review report of BEPS AP 13, Acknowledges India's EOI-processes consistent with reference terms

Under OECD/G20 Inclusive Framework on BEPS, 140 jurisdictions have committed to implement minimum standards to improve the taxation of multinational enterprises (MNEs) worldwide. On 18 October 2021, the

OECD released the latest outcome of the implementation of BEPS Action 13 on the transparency of global operations of large MNEs and BEPS Action 14 on the resolution of tax related disputes between jurisdictions. The fourth annual peer review of BEPS Action 13 considers implementation of the CbC reporting minimum standard by jurisdictions as of April 2020 and covers 132 Inclusive Framework members. Highlights include:

- Over 100 jurisdictions have already introduced legislation to impose a filing obligation on MNE groups, covering practically all MNE Groups with consolidated group revenue at or above the threshold of EUR 750 million. Remaining Inclusive Framework members are working towards finalising their domestic legal frameworks with the support of the OECD.
- Implementation of CbC reporting has been found largely consistent with the Action 13 minimum standard.
- A large number of recommendations made in the first three peer review phases have now been addressed
- More than 3000 bilateral relationships for the exchange of CbC reports are now in place.

4. New mutual agreement procedure statistics on the resolution of international tax disputes released on OECD Tax Certainty Day

As part of the BEPS Action 14 minimum standard and the wider G20/OECD tax certainty agenda to improve the effectiveness and timeliness of tax-related dispute resolution mechanisms, the OECD released on 22 November 2021, the latest mutual agreement procedure (MAP) statistics covering 118 jurisdictions and practically all MAP cases worldwide.

The 2020 MAP Statistics show the following trends:

- MAP remains very concentrated. Around 2500 new cases started in 2020, with the top 25 jurisdictions accounting for 95% of them and the remaining cases involving around 40 other jurisdictions.
- Competent authorities adapted to the COVID-19 pandemic. MAP continued to be available throughout the pandemic with several actions taken by competent authorities, including allowing taxpayers to file MAP requests digitally where this had not been possible before.
- New cases up. The number of transfer pricing cases started has kept increasing (almost +15%) (see trends since 2016), while the number of other cases has slightly decreased compared to 2019 (-2%).
- Slight decrease in cases closed due to COVID-19. Approximately 5% fewer MAP cases were closed in 2020 than in 2019, which is mainly owing to a decrease for other cases (-12%), while the number of transfer pricing cases closed has increased (+6%). Competent authorities were still able to close a significant number of cases in 2020, because they adapted to the changing landscape and replaced physical meetings with other forms of communication, including digital meetings, and prioritised simpler cases. Nevertheless, MAP inventories have increased in the majority of jurisdictions and this may require additional actions in the coming years.
- Outcomes remain generally positive. Around 75% of the MAPs concluded in 2020 fully resolved the issue both for transfer pricing and other cases (compared to 85% for transfer pricing cases and 71% for other cases

30 Please note that key international tax updates pertaining for the period from 9 August 2021 to 31 March 2022 have been considered in this issue.

in 2019). Approximately 3% of MAP cases were closed with no agreement compared to 2% in 2019. In addition, the amount of cases withdrawn by taxpayers nearly doubled in 2020 (11% compared to 6% in 2019).

- Cases still take a long time. On average, MAP cases closed in 2020 took 35 months for transfer pricing cases (31 months in 2019) and approximately 18 months for other cases (22 months in 2019). Some jurisdictions experienced delays, especially for more complex cases, and the COVID-19 crisis affected the quality of their communication with some treaty partners. Also, while it is not possible to estimate the time that will be necessary to close pending cases, the data shows that approximately 15% of the 2020 end inventory relates to cases that have been pending for at least five years.

5. OECD releases latest edition of the Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations

OECD releases the 2022 edition of the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations. This latest edition consolidates into a single publication the changes to the 2017 edition of the Transfer Pricing Guidelines resulting from:

- The report Revised Guidance on the Transactional Profit Split Method, approved by the OECD/G20 Inclusive Framework on BEPS on 4 June 2018
- The report Guidance for Tax Administrations on the Application of the Approach to Hard-to-Value Intangibles, approved by the OECD/G20 Inclusive Framework on BEPS on 4 June 2018
- The report Transfer Pricing Guidance on Financial Transactions, adopted by the OECD/G20 Inclusive Framework on BEPS on 20 January 2020;
- The consistency changes to the rest of the OECD Transfer Pricing Guidelines needed to produce this consolidated version of the Transfer Pricing Guidelines, which were approved by the OECD/G20 Inclusive Framework on BEPS on 7 January 2022.

6. India & US agree on transitional approach on 2% EL

India and United States have agreed that the same terms that apply under the October 21 Joint Statement shall apply between the United States and India with respect to India's charge of 2% equalisation levy on e-commerce supply of services and the United States' trade action regarding the said Equalisation Levy. However, the interim period that will be applicable will be from 1st April 2022 till implementation of Pillar One or 31st March 2024, whichever is earlier.

7. EU adopts public Country-By-Country Reporting

The European Union's (EU) directive on public country-by-country reporting (CBCR) was published in the Official Journal of the EU on 1 December 2021 and will be effective from December 21, 2021. It received a majority vote at the European Parliament's plenary session on November 11. The reporting is applicable to multinational companies and their subsidiaries whose revenue exceeds the CBCR threshold of EUR 750 million.

8. Canada and Alta Energy tax dispute over GAAR controversy

On November 26, 2021, the Supreme Court of Canada ("SCC") released its long-anticipated decision in The Queen v. Alta Energy Luxembourg S.A.R.L. [2021 SCC 49]. The majority of the Court dismissed the Crown's appeal and confirmed that, where Canada has agreed in a double-tax treaty to cede taxing rights to another country, it cannot use the

general anti-avoidance rule ("GAAR") to renege on its agreement.

II. India Tax Updates / Recent Rulings:

1. CBDT issues clarification on MFN clause in DTAAs

The Central Board of Direct Taxes ("CBDT") issues following clarification regarding the Most-Favoured-Nation (MFN) clause in the Protocol to India's DTAAs with certain countries:

- Unilateral decree / bulletin / publication of a treaty partner does not represent a shared understanding on the applicability of the MFN clause
- The third state should be the member of OECD on the date of conclusion of the DTAA with India, for the applicability of the MFN clause
- Concessional rate or restricted scope to apply from the date of entry into force of the DTAA with the third state and not from the date on which such third state becomes an OECD member,
- It is domestic requirement in India that DTAA or amendment to DTAA are implemented after its notification u/s 90 of the Act. India has not issued any notification for importing the beneficial provisions from DTAAs with Slovenia, Lithuania & Colombia to the DTAAs with France, the Netherlands or Switzerland, and
- Import of concessional rates by invoking MFN clause cannot be done selectively and the benefit of lower rate or restricted scope of source taxation will available only when the conditions specified in the Circular are met.

2. Govt. notifies GAAR Panel to be headed by Justice Chander Shekhar

Government notifies first GAAR Panel under chairmanship of Justice Chander Shekhar (Retd. Judge, High Court of Delhi) with Prof . Nigam Nuggehalli, (Registrar, NLSIU Bangalore) and Mr. Rajat Bansal (Pr. Chief CIT) as its members. The term of the approving panel is one year.

3. CBDT extends applicability of Safe Harbour rules to AY 2021-22 [Notification No. 117/2021 dated 24th September 2021]

The Central Board of Direct Taxes ("CBDT") has extended the applicability of rates under safe harbour rules, for transfer pricing issues, for assessment year 2021-22 and the same will be effective from April 1, 2021. During AY21 the rates were kept the same as previous years due to Covid 19 pandemic. The tolerance range u/s. 92C of the Income-tax Act, 1961 was also retained for AY 2021-22 at 1% for wholesale trading and 3% in all other cases.

4. Bombay High Court (HC) ruled that te Abu Dhabi Investment Authority's income earned through Jersey-based trust is exempt in India [Abu Dhabi Investment Authority (WP No. 770 of 2021)]

ADIA set up a trust to make investments in India and claimed the benefit of the India-UAE DTAA. The Trust was registered with the Securities and Exchange Board of India (SEBI) as Foreign Institutional Investor (FII) under the SEBI (Foreign Institutional Investors) Regulations, 1995 and later on as Foreign Portfolio Investor under the SEBI (Foreign Portfolio Investors) Regulations 2014. ADIA has been using Jersey as a jurisdiction for establishing companies and trusts and for making a number of investments around the world. Jersey's regulatory regime is complaint with international standards and Jersey has also entered into information exchange agreements with a number of countries and is generally not considered an

obstructive or opaque jurisdiction.

The Bombay HC observed that Income earned through taxpayer's investment in India in the Indian debt portfolios directly was exempt under Article 24 of the India-UAE tax treaty. HC held that a foreign trust is a trust for the purposes of the Act and that there is no statutory provision that trust can only mean an Indian trust for the purposes of the Act.

Thus, HC held that ADIA has not created the trust to avoid tax and remarked that ADIA routed its investment on certain instruments through the trust only for commercial expediency instead of directly investing in India which would have been exempt under Article 24 of India-UAE DTAA. Therefore, the Bombay HC held that the Jersey-based Trust's income is not chargeable to tax in India by virtue of Article 24 of the India-UAE DTAA as the Trust is covered u/s 61 r.w. Section 63 and Trustee as representative assessee u/s 161.

5. Fees paid to Polish law firm is not taxable in India, follows Linklaters ruling - Infosys BPO LTD - [IT(IT)A No. 986/Bang/2017]

ITAT held that the law firm was a limited partnership which is a fiscally transparent entity under the domestic law of Poland and hence is not a person for the purposes of the India-Poland DTAA, thus, not entitled to treaty benefits. Reliance was placed on Mumbai bench rulings in Linklaters LLP and ING Bewaar Maatschappij and OECD Commentary.

Thus, it was held that the partners are taxable for income received by the partnership firm in Poland and since the partners did not have a PE in India, there could not be any taxability under Article 15 (Independent Personal Services) of the DTAA.

6. Export commission is not FTS under India-France DTAA in view of MFN Clause- Rajinder Kumar Aggarwal (HUF) - [ITA No.2996/Del/2016]

In view of the MFN clause, Delhi ITAT held that the entire definition of the FTS under the India-UK DTAA can be imported for the interpretation of FTS under India-France DTAA, and held that 'make available clause' does not get satisfied in the present case since the services rendered by the French agent gives no knowledge to the Assessee that could be further exploited. Hence, it was held that export commission is not chargeable to tax in India due to which no tax was deductible on the payments made to the French agent, therefore, deleted the disallowance u/s 40(a)(i).

IFA EVENTS AND ANNOUNCEMENTS

Contributed by:
Ameya Khare and Ishita Farisya

IFA India Branch

EARLIER HELD EVENTS:

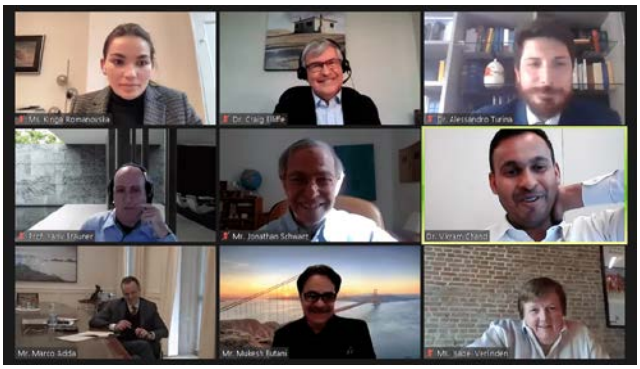
DATE : 29-Apr-2022 - 30-Apr-2022
PLACE : New Delhi
Conference : **International Tax Conference**
WEBSITE : www.ifaindia.in
E-MAIL : info@ifaindiaacademy.in, shelly.wadhwa@ifaindiaacademy.in, ifaindiabranch@gmail.com

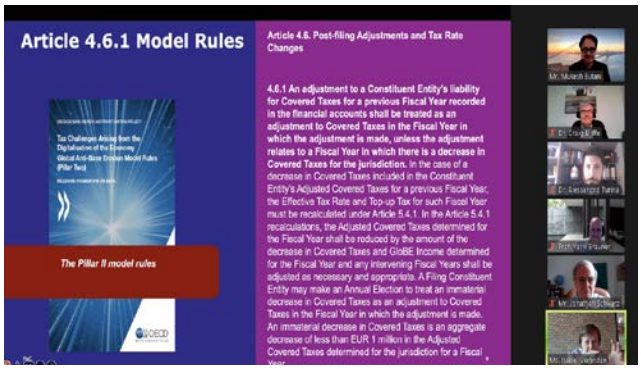
DESCRIPTION : IFA India Academy after a hiatus of two years organized the Annual Two-Day International Tax Conference themed **"Emerging International Taxation Landscape post the Pandemic"** on 29th and 30th April 2022 at The Lalit, New Delhi in a hybrid format. The Conference was attended by 172 participants which include 68 Virtual Attendees. We had two member of Parliaments, three sitting High Court Judges, President ITAT, two retired judges, two ITAT members, two Additional Solicitor Generals grace the conference as speakers along with thirty-four other speakers comprising of IRS Offficial, Senior Advocates and other tax professionals considered to be the best minds in International Tax. The live addresses by Mr. Peter Barnes, IFA President and Dr. Robert Danon, Chairperson of IFA PSC were appreciated by all.

The Conference started off with the with remarkable Fireside discussion between Mr. Jayant Sinha, MP and Chairman of the Parliamentary Standing Committee of Finance and Mr. Mukesh Butani, IFA India Chairman. It was followed by the Plenary on Recent Developments in International Tax Policy which had everyone's mind racing. The Plenary on Taxation of Virtual Digital Assets broadened everyone's horizons and Plenary 3 on Pillar One and Two and its impact on India's Tax Treaty provided much clarity for our attendees. Mr. Ajay Vohra, Sr Advocate and Conference Director had everyone thinking on his case studies on the nuances Tax problems that are and will arise post the Pandemic. The attendees witnessed an impressive discussion on recent international tax cases followed later a panel discussion on the key issue of Digital Taxation. The last word in was by Dr. Abhishek Manu Singhvi, MP an Sr. Adv on the interplay between tax treaties and the Indian Constitution. All sessions were appreciated by the attendees as well as the speakers.

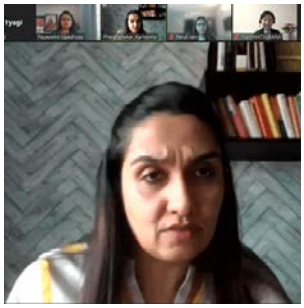
With the support of all IFA Members and under the leadership of all the Office Bearers, this years Conference was a big success in terms of numbers, content and the quality of discussion.

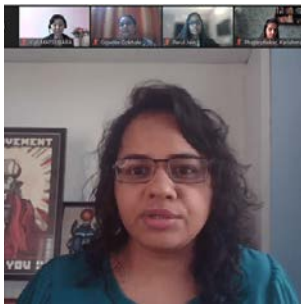
DATE : 18-Mar-2022
PLACE : Webinar
Event : Seminar on Tax Treaty Obstacles to implementing Pillar II Rules
DESCRIPTION : Featuring Dr. Vikram Chand and other panelists from across the globe
WEBSITE : www.ifaindia.in
E-MAIL : info@ifaindiaacademy.in, shelly.wadhwa@ifaindiaacademy.in, ifaindiabranch@gmail.com





DATE : 01-Mar-2022
PLACE : Webinar
Event : WIN webinar on "Taxation of Virtual Digital Assets and Tax Controversy Management - Post Budget 2022"
DESCRIPTION : Featuring WIN members Karishma Phatarphekar, Parul Jain and panelists Gowree Gokhale, Payaswini Upadhyay
WEBSITE : www.ifaindia.in
E-MAIL : info@ifaindiaacademy.in, shelly.wadhwa@ifaindiaacademy.in, ifaindiabranch@gmail.com

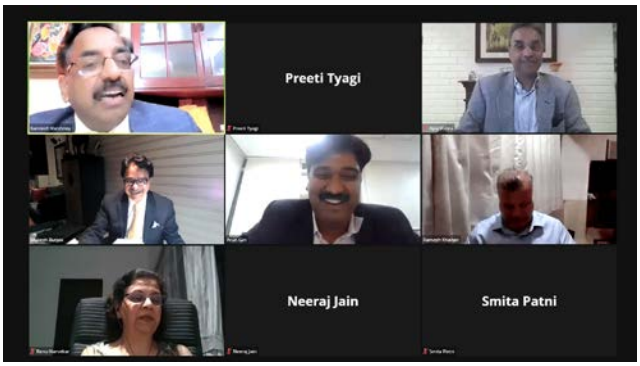


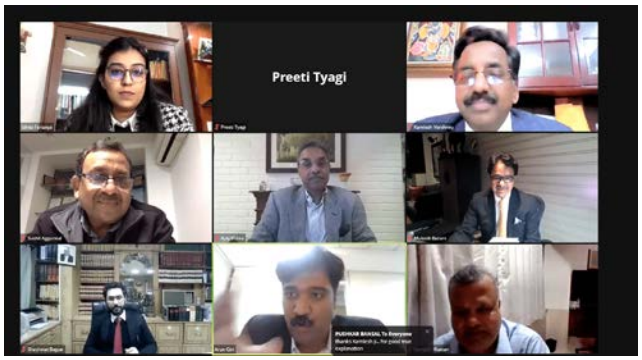


DATE : 26-Feb-2022
PLACE : Webinar
Event : "Tax Treaty Interpretation - Reflections from Australia"
DESCRIPTION : The speaker Ms. Sumitha Krishnan will discuss on treaty interpretation from Australian perspective
WEBSITE : www.ifaindia.in
E-MAIL : admin@ifasrc.org

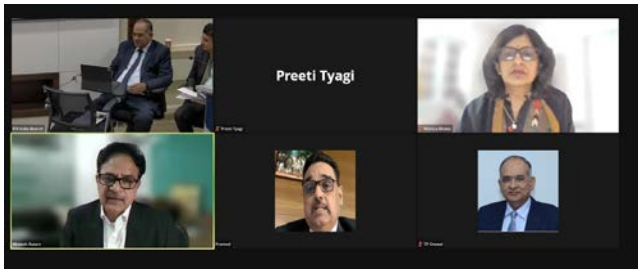
DATE : 12-Feb-2022
PLACE : Webinar
Event : "Global Tax Developments - India Impact"
DESCRIPTION : Panelist discussed the Indian impact of global tax developments
WEBSITE : www.ifaindia.in
E-MAIL : admin@ifasrc.org

DATE : 03-Feb-2022
PLACE : Webinar
Event : Fireside Discussion on the Budget 2022-23
DESCRIPTION : Panel featuring tax experts, industry, revenue officials discussed impact of Budget
WEBSITE : www.ifaindia.in
E-MAIL : info@ifaindiaacademy.in, shelly.wadhwa@ifaindiaacademy.in, ifaindiabranch@gmail.com





DATE : 09-Dec-2021
PLACE : IFA Office BKC, Mumbai and Webinar
Event : "Panel Discussion on Taxation of persons named in Pandora Papers"
DESCRIPTION : Renowned tax experts discussed Pandora Papers
WEBSITE : www.ifaindia.in
E-MAIL : info@ifaindiaacademy.in, shelly.wadhwa@ifaindiaacademy.in, ifaindiabranch@gmail.com



DATE : 21-Oct-2021 - 29-Oct-2021
PLACE : Webinar
Event : Two days session on recent case laws
DESCRIPTION : Tax professionals discussed recent important decisions on international tax and transfer pricing
WEBSITE : www.ifaindia.in
E-MAIL : info@ifaindiaacademy.in, shelly.wadhwa@ifaindiaacademy.in, ifaindiabranch@gmail.com

DATE : 18-Oct-2021
PLACE : Webinar
Event : Panel Discussion on "Digital Deal Two Pillar Agenda"
DESCRIPTION : Renowned policy experts and tax professionals discussed on Pillar 1 and 2
WEBSITE : www.ifaindia.in
E-MAIL : info@ifaindiaacademy.in, shelly.wadhwa@ifaindiaacademy.in, ifaindiabranch@gmail.com

IFA Worldwide
FORTHCOMING EVENTS:

IFA Congress 2022 Berlin

Date	:	4-8 September 2022
Location	:	Berlin, Germany
Description	:	IFA 2022 provides a unique opportunity to discuss international tax topics of current significant interest and importance. The Congress shall be held in Germany's vibrant capital for four days of professional exchange, network opportunities and exciting cultural events.
Website	:	https://www.ifatax2022.com/

DATE	:	24-May-2022 - 26-May-2022
PLACE	:	Webinar
CONFERENCE	:	XII IFA LATAM Regional Meeting
DESCRIPTION	:	The conference will cover topics on Fintech, Insurance tech, crowdfunding use of AI in tax audits and the taxpayers rights in the digital era. Anti-abuse measures and anti BEPS measures. Transfer Pricing controversies and Collective investment vehicles. Tax residency attribute for purposes of the DTT. Taxation of the digital economy
WEBSITE	:	www.ifaperu.org
E-MAIL	:	ifaperu@ifaperu.org

DATE	:	19-May-2022 - 20-May-2022
PLACE	:	Milan, Italy
CONFERENCE	:	IFA European Region Conference
DESCRIPTION	:	IFA Italy will be welcoming tax professionals from all over Europe for discussions on an exciting scientific programme on "Mobility of work, capital, IP and business in a changing European tax environment".
WEBSITE	:	www.ifa2022milan.com
E-MAIL	:	info@ifaitaly.it, Ifa2022milan@ega.it

DATE	:	16-May-2022 - 17-May-2022
PLACE	:	Hybrid In-Person/Webinar
CONFERENCE	:	IFA Canada Tax Conference 2022
DESCRIPTION	:	The focus of the conference will be international tax issues that are impacted by international cross-border transactions.
WEBSITE	:	www.ifacanada.org
E-MAIL	:	ifacanada@ifacanada.org

PAST EVENTS:

DATE : 17-Mar-2022
PLACE : Webinar
CONFERENCE : WIN Bilateral Tax Conference Germany-The Netherlands
DESCRIPTION : The conference will be covering topics on the recent developments and practical experiences in carbon pricing, carbon taxation, multilateral control/joint audits and substance and treaty access
WEBSITE : www.ifa.nl/media/6839/win-de-nl-bilateral-tax-conference-17-march-2022.pdf
E-MAIL : gabriele.rautenstrauch@wts.de

DATE : 24-Feb-2022
PLACE : Webinar
EVENT : IFA Portugal webinar on "Relations between administrative and tax litigation a full jurisdiction litigation"
DESCRIPTION : The session speaker was Justice Pedro Marchao Marques, Southern Tax Section Administrative Court and commentator Rui Duarte Morais, Professor, Portuguese Catholic University
WEBSITE : www.afp.pt
E-MAIL : afp@afp.pt

DATE : 17-Feb-2022 - 18-Feb-2022
PLACE : Webinar
CONFERENCE : IFA David R. Tillinghast Conference Singapore
DESCRIPTION : The conference focused on the twin impact of the G20-OECD twin-pillar global consensus on international reform and rise of Environmental, Social, and Governance (ESG), with a particular focus on the Asia-Pacific perspectives
WEBSITE : www.smudavidt.wixsite.com
E-MAIL : caidg.smu.edu.sg

DATE : 15-Feb-2022
PLACE : Webinar
EVENT : IFA European region in collaboration with European Association of Tax Law Professors DESCRIPTION: The webinar discussed on the avenues for resolving international tax disputes
WEBSITE : www.eatlp.org
E-MAIL : cr.gensecr@ifa.nl

DATE : 03-Feb-2022
PLACE : Webinar
EVENT : IFA Canada: Virtual Travelling Lectureship 2022
DESCRIPTION : Lecture on trends in international tax jurisprudence
WEBSITE : www.ifacanada.org/ifa-canada-2022-lectureship
E-MAIL : ifacanada@ifacanada.org

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IFA~INDIA

International Fiscal Association - India (IFA-India) is a society registered in Delhi (India) under the Societies Registration Act, 1860. It operates in India through its Head Office in the National Capital Region (NCR) and four regional chapters in North, South, East and West. IFA-India is governed by an Executive Committee which presently has 26 members with 6 elected office bearers among them. IFA-India is engaged in promoting better understanding on the subject of international tax and the related fiscal laws. It organises conferences, seminars, workshops, training courses and encourages discussions and conversations through various other modes like webinars and social media. The membership includes tax administrators, tax policy experts, tax court judges, and tax professionals from corporates and from consultancy. It has set up an International Tax Academy at Noida where regular learning and knowledge sharing programs are held on the theme subject.

IFA

IFA-India is a part of International Fiscal Association headquartered in the Netherlands (IFA). Established in the year 1938 as a non-profit organisation, IFA provides a neutral and independent platform where representatives of all professions and interests can meet and discuss international tax issues at the highest level. IFA has played an essential role in both, the development of certain principles of international taxation and in providing possible solutions to problems arising in their practical implementation. Its objects are study and advancement of international and comparative law with regard to public finance, specifically, international and comparative fiscal law and the financial and economic aspects of taxation. IFA seeks to achieve these objects through its Annual Congresses and the scientific publications relating thereto as well as through scientific research. Although the operations of IFA are essentially scientific in character, the subjects selected take account of current fiscal developments and changes in local legislation.

The membership of IFA now stands at more than 12,000 from 106 countries. In 62 countries, including India, IFA members have established IFA branches and IFA-India is one of those 62 branches world over. IFA-India has also taken initiatives to encourage young IFA members and Women IFA members to participate in its initiatives through YIN (Young IFA Network) and WIN (Women IFA Network).

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