

增值税

国家税务总局发布财税【2008】156号文《关于资源综合利用及其他产品增值税政策的通知》内容为：

- 对销售下列自产货物实行免征增值税政策：再生水、以废旧轮胎为全部生产原料生产的胶粉、翻新轮胎、生产原料中掺兑废渣比例不低于30%的建材（包括指砖（不含烧结普通砖）、砌块、陶粒、墙板、管材、混凝土、砂浆、道路井盖、道路护栏、防火材料、耐火材料、保温材料、矿（岩）棉）。
- 对污水处理劳务免征增值税。
- 对销售下列自产货物实行增值税即征即退的政策：以工业废气为原料生产的高纯度二氧化碳产品、以垃圾为燃料生产的电力或者热力、以煤炭开采过程中伴生的舍弃物油母页岩为原料生产的页岩油、以废旧沥青混凝土为原料生产的再生沥青混凝土、采用旋窑法工艺生产并且生产原料中掺兑废渣比例不低于30%的水泥（包括水泥熟料）。
- 销售下列自产货物实现的增值税实行即征即退50%的政策：以退役军用发射药为原料生产的涂料硝化棉粉、对燃煤发电厂及各类工业企业产生的烟气、高硫天然气进行脱硫生产的副产品、以废弃酒糟和酿酒底锅水为原料生产的蒸汽、活性炭、白炭黑、乳酸、乳酸钙、沼气、以废弃酒糟和酿酒底锅水为原料生产的蒸汽、活性炭、白炭黑、乳酸、乳酸钙、沼气。废弃酒糟和酿酒底锅水在生产原料中所占的比重不低于80%、利用风力生产的电力、部分新型墙体材料产品。
- 对销售自产的综合利用生物柴油实行增值税先征后退政策。
- 所称废渣掺兑比例和利用原材料占生产原料的比重，一律以重量比例计算，不得以体积计算。

企业所得税

国家税务总局于2008年10月30日发布国税函【2008】875号文《关于确认企业所得税收入若干问题的通知》内容为：

- 企业销售收入的确认，必须遵循权责发生制原则和实质重于形式原则。
- 企业销售商品同时满足下列条件的，应确认收入的实现：
 - 商品销售合同已经签订，企业已将商品所有权相关的主要风险和报酬转移给购货方；
 - 企业对已售出的商品既没有保留通常与所有权相联系的继续管理权，也没有实施有效控制；
 - 收入的金额能够可靠地计量；
 - 已发生或将发生的销售方的成本能够可靠地核算。
- 企业为促进商品销售而在商品价格上给予的价格扣除属于商业折扣，应当按照扣除商业折扣后的金额确定销售商品收入金额。
- 债权人为鼓励债务人在规定的期限内付款而向债务人提供的债务扣除属于现金折扣，应当按扣除现金折扣前的金额确定销售商品收入金额，现金折扣在实际发生时作为财务费用扣除。
- 企业已经确认销售收入的售出商品发生销售折让和销售退回，应当在发生当期冲减当期销售商品收入。
- 企业在各个纳税期末，提供劳务交易的结果能够可靠估计的，应采用完工进度（完工百分比）法确认提供劳务收入。

- 下列提供劳务满足收入确认条件的，应按规定确认收入：
 - 安装费。应根据安装完工进度确认收入。安装工作是商品销售附带条件的，安装费在确认商品销售实现时确认收入。
 - 宣传媒介的收费。应在相关的广告或商业行为出现于公众面前时确认收入。广告的制作费，应根据制作广告的完工进度确认收入。
 - 软件费。为特定客户开发软件的收费，应根据开发的完工进度确认收入。
 - 服务费。包含在商品售价内可区分的服务费，在提供服务的期间分期确认收入。
 - 艺术表演、招待宴会和其他特殊活动的收费。在相关活动发生时确认收入。收费涉及几项活动的，预收的款项应合理分配给每项活动，分别确认收入。
 - 会员费。申请入会或加入会员，只允许取得会籍，所有其他服务或商品都要另行收费的，在取得该会员费时确认收入。申请入会或加入会员后，会员在会员期内不再付费就可得到各种服务或商品，或者以低于非会员的价格销售商品或提供服务的，该会员费应在整个受益期内分期确认收入。
 - 特许权费。属于提供设备和其他有形资产的特许权费，在交付资产或转移资产所有权时确认收入；属于提供初始及后续服务的特许权费，在提供服务时确认收入。
 - 劳务费。长期为客户提供重复的劳务收取的劳务费，在相关劳务活动发生时确认收入。
- 企业以买一赠一等方式组合销售本企业商品的，不属于捐赠，应将总的销售金额按各项商品的公允价值的比例来分摊确认各项的销售收入。

国家税务总局于 2008 年 12 月 2 日发布国税函【2008】985 号文《关于高新技术企业 2008 年度缴纳企业所得税问题的通知》内容为：

- 对经认定已取得“高新技术企业证书”的企业，税务机关要及时按 15% 的税率办理税款预缴。
- 经认定已取得“高新技术企业证书”的企业，2008 年以来已按 25% 税率预缴税款的，就可以就 25% 与 15% 税率差计算的税额，在 2008 年 12 月份预缴时抵缴应预缴的税款。

国家税务总局于 2008 年 11 月 24 日发布国税函【2008】952 号文《关于非居民企业船舶、航空运输收入计算征收企业所得税有关问题的通知》明确：

- 非居民企业在我国境内从事船舶、航空等国际运输业务的，以其在中国境内起运客货收入总额的 5% 为应纳税所得额；
- 纳税人的应纳税额，按照每次从中国境内起运旅客、货物出境取得的收入总额，依照 1.25% 的计征率计算征收企业所得税。调整后的综合计征率为 4.25%，其中营业税为 3%，企业所得税为 1.25%
- 本规定自 2008 年 1 月 1 日起执行。

国家税务总局于 2008 年 11 月 24 日发布国税函【2008】955 号文《关于加强非居民企业来源于我国利息所得扣缴企业所得税工作的通知》内容为：

- 自 2008 年 1 月 1 日起，我国金融机构向境外外国银行支付贷款利息、我国境内外资金融机构向境外支付贷款利息，应按照国家所得税法及其实施条例规定代扣代缴企业所得税。
- 我国境内机构向我国银行的境外分行支付的贷款利息，应按照国家所得税法及其实施条例规定代扣代缴企业所得税。

- VAT refund half upon levy shall be applicable for selling the following self-made products: fume generated from electric power plant with fuel of coal and other industrial plants, by-product of sulfur natural gas, steam, activated carbon, lactic acid, lactic acid calcium, methane made partly from waste lees accounting for no less than 80% of the raw material, power generated from wind power, part wall material products.
- VAT refund upon levy shall be applicable for selling the self-made biological diesel oil of comprehensive utilization.
- The proportion of the above-said waste residue or utilized material to the whole productive material should be calculated on the basis of weight instead of volume.

Corporate Income Tax (CIT)

SAT released Circular on Some Issues Regarding Recognition of Income Subject to CIT (Guo Shui Han [2008] No.875) on Oct. 30, 2008, stipulating that:

- Enterprises should recognize sales revenue on the accrual basis and on the substantial over form basis;
- If an enterprise meets each of the following requirements while selling goods, then sales revenue shall be recognized:
 - ✓ Sales contract has been concluded, and the enterprise has transferred main risk and benefits related to ownership of the goods to buyer;
 - ✓ As for the sold goods, the enterprise neither reserves continuous management right generally in connection with the ownership, nor exerts effective control over the goods;
 - ✓ Amount of the sales revenue could be reliably measured;
 - ✓ Cost or forthcoming cost of seller could be reliably calculated.
- Rebate of the commodity price given by enterprise for the promotion purpose shall be treated as a kind of commercial discount, and amount of sales revenue shall be recognized with deduction of such kind of commercial discount.
- Debt cut given by a creditor to its debtor for the purpose of punctual repayment within the prescribed time limit shall be treated as a kind of cash discount, and amount of sales revenue shall be recognized according to the debt without deduction of such kind of cash discount. The cash discount shall be treated as financial expense when it occurs.
- Sale discount or return of the sold goods for which revenue has already been recognized should be recorded as a reduction of sales revenue in the period in which the sale discount occurs or the sold goods are returned.
- Enterprise should use method of the stage of completion (percentage of the stage of completion) to recognize the revenue from provision of service in each end of tax period, if the outcome of a service transaction can be estimated reliably.
- Charges or fees for the following services shall be recognized as service revenue if they meets the requirements for revenue recognition:
 - ✓ Installation fee. Revenue from installation shall be recognized based on the stage of completion of the service. If installation service is an accessory to the sold goods, the installation fee shall be recognized as revenue when sales revenue is recognized.
 - ✓ Advertisement fee. Revenue from advertisement service shall be recognized when the relevant advertisement or commercial activities are made public. Advertisement fee shall be recognized as revenue based on the stage of completion of the service.

- ✓ Software fee. Fees for developing software for certain client shall be recognized as revenue based on the stage of completion of development.
- ✓ Service fee. Fees for the well-marked services included in the price of goods shall be recognized as revenue in each stage of provision of the services.
- ✓ Fees for artistic performance, catering entertainment or other special activities. Fees for these activities service shall be recognized as revenue while they are provided. If more than one item of the activities services are involved, advance fees should be allocated to each item reasonably and recognized as revenue respectively.
- ✓ Membership fee. If members are just granted a registration and have to pay for other services or commodities, then the membership fee shall be recognized as revenue when it is actually paid. If members, during the period of their membership, do not have to pay for any prescribed services or commodities, or pay less than non-membership, the membership fee shall be recognized as revenue by installment.
- ✓ Royalty fee. Royalty fee for provision of equipments or other tangible assets shall be recognized as revenue when ownership of such assets is handed out or transferred. Royalty fee for provision of preliminary and subsequent services shall be recognized as revenue when such service is provided.
- ✓ Service fee. Fee for long-term service provided for clients shall be recognized as revenue when such service is provided.
- Selling commodities with modes of sales promotion like “two at price of one” shall not be treated as a kind of donation. Amount of sales shall be amortized according to the fair value of the commodities so as to recognize the sales revenue.

SAT released Circular on Issues Regarding Year-2008 Annual CIT Payment of High-tech Enterprises (Guo Shui Han [2008] No.985) on Dec. 2, 2008, stipulating that:

- Tax authorities should handle CIT prepayment of the enterprises granted Certificate of High-tech Enterprise and the tax prepayment rate is 15%.
- If an enterprise with Certificate of High-tech Enterprise has been prepaying CIT at the rate of 25% since year 2008, it is allowed to use the tax caused by the difference of the rates of 15% and 25% as the prepayable CIT tax in Dec., 2008.

SAT released Circular on Issues Regarding Calculation and Payment of CIT Levied on Income Derived by Non-resident Enterprises from Transportation by Air or Shipping (Guo Shui Han [2008] No.952) on Nov. 24, 2008, stipulating that:

- As for the non-resident enterprises engaging in international transportation business by air or shipping in the mainland China, their taxable income shall be determined by 5% of the revenue from business of passengers transport or freight they pick up in China.
- CIT payable shall be calculated at the rate of 1.25% in accordance with the revenue from passengers transport and freight they pick up in China every time. The adjusted rate shall be 4.25%, with business tax of 3% and CIT rate of 1.25%.
- This circular came into effect as of Jan. 1, 2008.

SAT issued Circular on Promoting Job of Withholding CIT on Interest Gains Derived in China by Non-resident Enterprises (Guo Shui Han [2008] No.955), stipulating that:

- Since Jan. 1, 2008, China's financial institutions and foreign-invested financial institutions should withhold CIT when they pay loan interests to offshore foreign banks or other offshore institutions according to CIT law and its Implementation Regulations.
- Domestic institutions should withhold CIT when they pay loan interests to offshore branches of China's banks.

Individual Income Tax (IIT)

SAT released Circular on Issues Regarding IIT Prepayment Rate Applicable for Individuals Who Issue Goods Transport Invoice (Guo Shui Han [2008] No.977), including the following points:

- Individuals who issue goods transport invoice shall prepay IIT equal to 2.5% of the amount written on the invoice.
- At the end of the year, if the IIT of individuals who have issued goods transport invoice is calculated on the accounting basis, the prepaid IIT can be deducted from the amount of annual IIT payment. If the IIT of those individuals is calculated on the deem basis, then the deduction of the prepaid IIT shall not allowed.

Deed Tax

SAT released Circular on Levying Deed Tax on Transfer of State-owned Land Use Right in the Form of State Investment (Shareholding) with Land in the Course of Enterprises Reform (Cai Shui [2008] No.129) on Oct. 22, 2008, stipulating that:

- Release of state-owned land use right shall be subject to deed tax. Shifting state-owned land use right in the form of state investment (shareholding) with land shall not be eligible for the *Circular of SAT on Some Deed Tax Policies for Enterprises Reform and Reconstruction*. It shall be treated as transfer of land use right, and transferee shall pay deed tax.

The newsletter is merely provided to our clients and those who have interest in our business for reference. We'll do our best to ensure the accuracy of the information in the newsletter. We have to remind you that the content in the newsletter is abstracted from relevant documents, and therefore in practice the original documents should be used for reference. Meanwhile, we welcome all of you to consult professionals in our firm regarding the information in the newsletter, and also welcome all of you visit our website www.dean CPA.com.cn. We will render affordable and value-added services to our clients. If there is a discrepancy between Chinese and English versions, Chinese version will prevail.

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