



An Introduction to Amicorp Group

Presented by: Carla Cerqueira

COMPANY AND ENTITY ADMINISTRATION SERVICES
TRUST AND FOUNDATION SERVICES
ASSURANCE SERVICES
FINANCIAL SUPPORT SERVICES
OUTSOURCING SERVICES
FUND ADMINISTRATION



Who is Amicorp?

A Hong Kong based group established since 1992

An independent growing global provider of company administration, assurance and fiduciary services

Strict compliance policies, compliant solutions

A global networked team

Certified:
ISO 9001, ISO 27001, SAS 70 type II & ISAE 3402 type II, Six Sigma

Emerging market focused:
Latin America, Eastern Europe & Asia

Serving corporate but also high-net-worth clients

Licensed & regulated corporate, trust and fund provider

Secure central data systems with backups in Geneva



Mission

Amicorp saves its clients time and money and brings them peace of mind by providing legal, administrative and financial services of excellent quality. We achieve this **by standing out from the crowd**, and being innovative, proactive, and true to our core values, while delivering the highest possible quality in everything we do.

To be one of the top ten trust companies in the world, and the best one in the emerging markets, while being soundly profitable, providing a safe and stable working environment for our employees, promoting environmental consciousness, and contributing positively to the communities in which we are active.

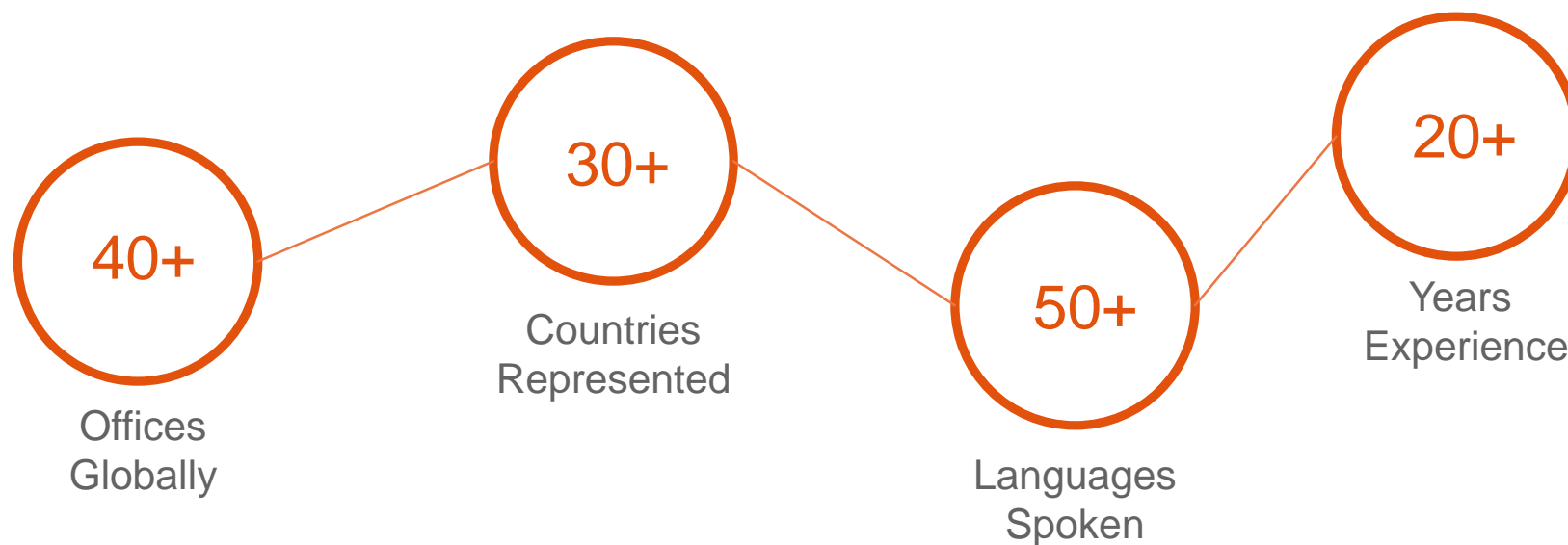
Vision



AMICORP
GROUP



“One of the top ten trust
companies in the world”



Our Offices Worldwide



THE AMERICAS

The Bahamas
Barbados
British Virgin Islands
Bogota
Buenos Aires
Cayman Islands
Curaçao
Lima
Mexico

Miami
Montevideo
New York
Panama
Santiago
São Paulo

EUROPE & AFRICA

Amsterdam
Barcelona

Cyprus
Johannesburg
London
Luxembourg
Malta
Mauritius
Monaco
The Seychelles
Vilnius
Zurich

ASIA & PACIFIC

Auckland
Bangalore
Davao
Dubai
Hong Kong
Mumbai

New Delhi
Shanghai
Shenzhen
Singapore
Taipei



FUND SERVICES

- ✓ Fund administration
- ✓ Fund structuring
- ✓ Directorship services
- ✓ Private equity

OUR Business – OUR Specialization

FINANCIAL SERVICES

- ✓ General investment services
- ✓ Trading desk
- ✓ Escrow services
- ✓ Trustee services

ASSURANCE SERVICES

- ✓ Compliant tax reporting – BEPS and CRS
- ✓ FATCA
- ✓ Private client services
- ✓ Corporate client services

TRUST & COMPANY ADMINISTRATION

- ✓ Establishment and administration of companies, trusts, foundations
- ✓ Company formation and management services
- ✓ Private clients services
- ✓ Corporate client services

ACCOUNTING

- ✓ Full range of financial and accounting services
- ✓ Investment portfolio consolidation service
- ✓ Regulatory compliance support
- ✓ Payroll administration
- ✓ IT hosting

CORPORATE SOCIAL RESPONSIBILITY

- ✓ Project management, marketing and fundraising
- ✓ Back office support and reporting services
- ✓ Governance and compliance



Our Client Focus

Delivering HIGH
quality through our
client partnership
model

- ✓ Specialized professionals with local tax legislation knowledge
- ✓ Experience in major top global markets
- ✓ Hands-on offering practical solutions
- ✓ Transparent fee schedules

Building relationships built
on mutual respect and trust
that last for generations

A high client retention rate, greater
than 93%, testifies to these long-
standing relationships

We evaluate our clients specific needs
and create customized and compliant
solutions to fulfil them



The Amicorp Advantage



- ✓ Driven by non-negotiable values
- ✓ Strict know-your-client (KYC), anti-money laundering (AML) and risk management processes
- ✓ Maintain a quadruple bottom line: Profit - People – Planet & Passion
- ✓ Committed to diversity and inclusion
- ✓ We employ experienced and qualified professionals
- ✓ Apply the most up-to-date compliance services in the industry, CRS based international corporate planning, and structuring
- ✓ Our client needs come first

Our Client Services

Entity Administration



Amicorp's comprehensive range of services completely covers each structure we develop.

We ensure strict compliance with tax laws, filing requirements, supervisory rules and government regulations, and continued good standing under the laws of the country in which they are established.

We have in-depth knowledge of local and international accounting standards and local compliance processes.

Our experts are experienced in international matters related to double taxation, investment protection, transfer pricing, trade economic zones, intellectual property registration, and international institutions and groups (such as the OECD, G-20, EU, and NAFTA).

Our team of specialists stay up-to-date on changes, exploring new markets constantly offering new information and cutting edge solutions to our clients globally.



Our Services



Trust & Company Administration

- 01** Deliver the broadest range of structuring alternatives involving corporate vehicles such as companies, partnerships and foundations. We assist with risk management and the simplification of global operations.

Compliance & Regulatory Services

- 04** Assist our clients in managing the ever increasing complexity they are faced with:
- Compliance policy procedures – AML framework
 - Regulatory inspection readiness
 - Regulatory remediation.

Company Formation & Management

- 02** Establish and administer all types of corporate entities. Provide all supporting services related to company management and administration services.

FATCA/CRS Services

- 05** Comply with US FATCA regulations and Common Reporting Standards. To ensure clients are FATCA compliant we provide the following services: classification, registration, sponsorship, identification of US persons, reviewing existing structures for compliance, etc.

Accounting Services

- 03** Regular bookkeeping and the preparation of periodic financial statements, monitor transactions, and ensuring the company remains in good standing with the authorities and complies with the statutes and with the law, including any Controlled Foreign Company legislation.

BEPS Services

- 06** The new BEPS environment may affect clients' structures. We assist with improving factual and economic substance and alignment of taxation with economic activities and value creation, and complying with some of the transfer pricing documentation.

Our Services



Corporate Financial Planning Services

07 Amicorp implements tailor-made solutions to optimize your client's legal and financial position. These solutions can include establishing corporate entities, investment vehicles, special purpose vehicles or corporate structures for use in various transactions.

Trust & Private Foundation Structures

08 Used as the top entity in private or corporate investment holding structures, we provide establishment, management and administration services as well as trustees and directors.

Estate Planning

09 We establish and administer estate planning structures. We provide private office services that are independent from any asset management relations the client has.

Global Family Office Services

10 Our Global Family Office Services works with global families, to which we deliver personalized service and management of family wealth by understanding the family's needs and desired goals in a compliant manner. We constantly update and inform the family decision makers on how their assets and structures are performing and we service families in a more efficient and coordinated manner.

Director & Shareholder Services

11 Provide corporate directors or other relationship services relating to the holding of clients' entities in a range of jurisdictions. We supply a variety of services that ensure strict compliance with tax laws.

Financial Support Services

12 Amicorp Bank and Trust (ABT), provides tailor-made financial products and business solutions. AmiLife: Single Premium Life insurance. Amicorp Insurance Company (AIC) offers a captive insurance program.

Our Services



Fund Structuring & Administration

13

We set up the right structure in the right jurisdiction. We obtain regulatory approval, draft prospectuses, resolutions and all related agreements. ISAE 3402-certified fund administrator.

Outsourcing Services

14

Our multiple services include: Scanning and document handling Finance and accounting (including internal and client administration), investment portfolio administration, payroll administration, compliance and IT hosting.

Back Office Services

15

Our back office services include internal administration, bookkeeping, treasury, and payroll administration, management reporting for business/employee performance evaluation, budgeting, etc. Accounting & tax services specifically for trust & company management entities.

Legal Outsourcing Services

16

Legal Support services include the preparation of draft legal documents and government filing forms. Invoicing & collection services for all services rendered to your client entities. We help clients reduce costs incurred in their legal processes.

Specialized Services

17

We also offer escrow and custody, captive insurance, support services for the trade of goods with China and India, transaction monitoring, etc.

CSR & Philanthropy Services

18

Our Social Impact Solutions experts assist individuals, families and corporates to identify, create or manage CSR/philanthropy projects that are aligned with the clients' core values.

Our Clients

We represent some of **the most prestigious banks, law firms, multinationals and asset managers in the world.**

We provide services to:

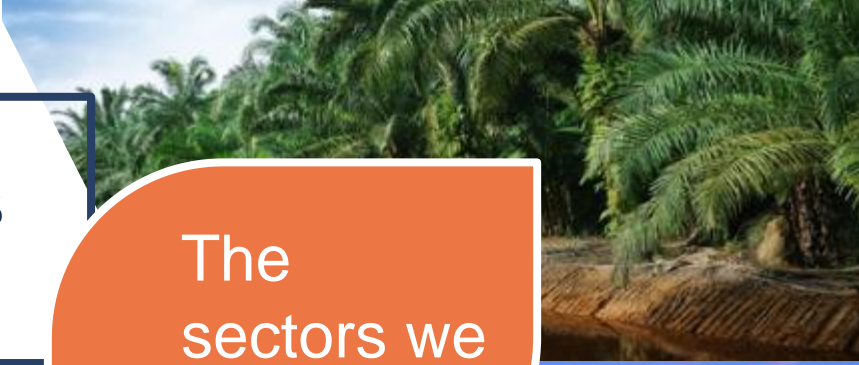
- ✓ Publicly and Privately Held Companies
- ✓ Start-up Operations
- ✓ Investment Funds
- ✓ Pension Funds
- ✓ Partnerships
- ✓ Trusts

Our client are mostly corporate clients as well as high-net-worth clients.

Our Clients

The
sectors we
service

- ✓ Solar power generators
- ✓ Cement producers
- ✓ Breweries
- ✓ Palm oil plantations
- ✓ Railroad & airport construction
- ✓ Shipping terminals
- ✓ Hospital building
- ✓ Telecom sector
- ✓ Hospitality sector
- ✓ Arranging royalty streams
- ✓ Security trading platforms
- ✓ Internet shopping platforms



| Key Developments moving us towards Global Tax Transparency

Itinerary



- 5 Key Developments moving us towards Global Tax Transparency.
 1. FATF/AML & Increased Supervision
 2. FATCA & CRS
 3. Data Leaks
 4. UBO and PSC Registers
 5. BEPS
- Other Key Developments moving us towards Global Tax Transparency
- The way forward for UHNW families
- Immediate effects.
- Action Plan
- Tax Planning, Confidentiality versus Risk Management
- Solutions
 - Spain
 - Chile
 - Mexico

5 Key Developments Moving us Towards Global Tax Transparency



1. FATF / AML & Increased Supervision

FATF / AML
Increasing Supervision



- In 2016, the Financial Action Task Force (FATF) recommended countries to treat tax evasion as a money-laundering predicate offense.
- A predicate offense refers to the criminal activity which generates illicit funds.
- Therefore, individuals can be prosecuted for tax evasion, might end up in prison.
- The USA, Singapore, India, Brazil, EU & Switzerland have A.O. already implemented tax crime in their AML-rules. Rest of the world is following close by.
- Banks, advisors and trust officers who cooperate with tax evasion can become subject to prosecution as well
- Stronger supervision by central banks on the trust industry.
- US DoJ put bank officers in jail (2014 CS) and Service Providers are next.
- US tax authorities are intensifying their efforts to find tax evaders and the bankers who assist them, deploying agents to examine reams of data collected from the Panama Papers, Swiss banks and whistle-blowers.

2. FATCA & CRS: Jurisdictions (105) Committed to Implement

FATCA & CRS
Reporting by FL,
Automatic Exchange



First Exchange	Jurisdictions
Sept 2017 (49) (regarding Fiscal Year 2016)	Anguilla, Argentina, Belgium, Bermuda, British Virgin Islands, Bulgaria, Cayman Islands, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Faroe Islands, Finland, France, Germany, Gibraltar, Greece, Guernsey, Hungary, Iceland, India, Ireland, Isle of Man, Italy, Jersey, Korea, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico , Montserrat, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Seychelles, Slovak Republic, Slovenia, South Africa, Spain , Sweden, Turks and Caicos Islands, United Kingdom
Sept 2018 (53) (regarding Fiscal year 2017)	Andorra, Antigua and Barbuda, Aruba, Australia, Austria, Azerbaijan, The Bahamas, Bahrain, Barbados, Belize, Brazil, Brunei Darussalam, Canada , Chile , China, Cook Islands, Costa Rica, Curaçao, Dominica, Ghana, Greenland, Grenada, Hong Kong (China), Indonesia, Israel, Japan, Kuwait, Lebanon, Marshall Islands, Macao (China), Malaysia, Mauritius, Monaco, Nauru, New Zealand, Niue, Pakistan, Panama , Qatar, Russia, Saint Kitts and Nevis, Samoa, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sint Maarten, Switzerland , Trinidad and Tobago, Turkey, United Arab Emirates, Uruguay, Vanuatu
Sept 2019/2020 (3) (regarding Fiscal year 2018/2019)	Albania (2020), Maldives (2020), Nigeria (2019)
Developing countries having not yet set the date for first automatic exchange (41)	Armenia, Benin, Botswana, Burkina Faso, Cambodia, Cameroon, Chad, Côte d'Ivoire, Djibouti, Dominican Republic, Ecuador , Egypt, El Salvador, Former Yugoslav Republic of Macedonia, Gabon, Georgia, Guatemala , Guyana, Haiti, Jamaica, Kazakhstan, Kenya, Lesotho, Liberia, Madagascar, Mauritania, Moldova, Morocco, Niger, Papua New Guinea, Paraguay, Peru , Philippines, Rwanda, Senegal, Tanzania, Thailand, Togo, Tunisia, Uganda, Ukraine

The United States has indicated that it is undertaking automatic information exchanges pursuant to FATCA and IGA's and committed to achieve equivalent levels of reciprocal automatic exchange of information with partner jurisdictions.
Link to CRS commitments (105) per November 2017: <http://www.oecd.org/tax/transparency/AEOI-commitments.pdf>
Link to the signatories of the MCAA: <http://www.oecd.org/ctp/exchange-of-tax-information/MCAA-Signatories.pdf>

3. Data Leaks: 2012-2017



Data Leaks: Panama & Paradise Papers

Tribune242

Home News Sports Business Weekend Editoria

1.3m Files Leak In Bahamas Papers

FINANCIAL TIMES

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Banks + Add to myFT
Data theft hits 24,000 HSBC clients



MARCH 11, 2010 by Haig Simonian in Zurich and Sharlene Goff in London

An ex-employee of HSBC stole the details of 24,000 clients from a branch in Switzerland, in a hugely embarrassing theft of data for which the bank apologised unreservedly on Thursday.

Europe's biggest bank revealed that Hervé Falciani, a former computer specialist who fled to France, had [stolen the details](#) from its Geneva private bank three years ago. Some 15,000 of the accounts were still active, HSBC said. The rest were closed.

Finma, the Swiss financial markets regulator, has launched an investigation into the theft. It will examine how so much data could have been stolen and whether HSBC's response had met legal requirements.



SECURITY FOR SALE: INSIDE THE GLOBAL OFFSHORE MONEY MAZE

ICIJ Releases Offshore Leaks Database Revealing Names Behind Secret Companies, Trusts

By Martha Walker Chavira | June 14, 2013, 10:00 pm

Photo: Shutterstock.

Readers can search information about the ownership of more than 100,000 offshore entities in tax havens and discover the networks around them.

When Bernard Madoff built his \$65 billion house of cards;

KEY FINDINGS

- Government officials and their families and associates

Amicorp Apps More than 3,000 Canada X

www.cbc.ca/news/business/paradise-papers-canada-connection-1.4386126

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Business Tax Season CBC SecureDrop

CBC INVESTIGATES | More than 3,000 Canadian names in Paradise Papers

Montreal Canadiens and Loblaw among Canadian entities found in massive international offshore leak

By Valerie Ouellet, Dave Seglins, Rachel Houlihan, CBC News Posted: Nov 06, 2017 5:00 AM ET | Last Updated: Nov 06, 2017 12:31 PM ET

The names of more than 3,000 Canadian companies, trusts, foundations and individuals appear in the Paradise Papers, a leak of millions of records from offshore law firm Appleby and the corporate registries of 19 tax havens. (Gary Hershorn/Reuters)

5921 shares

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A supermarket giant, an NHL hockey team, several billionaires and a yacht captain.

These are just a few of the **roughly 3,300 Canadian companies**, trusts, foundations and individuals whose names appear in the Paradise Papers, a leak of millions of records from offshore law firm Appleby and the corporate registries of 19 tax havens.

THE GLOBAL MUCKRAKER

News from The International Consortium of Investigative Journalists

Offshore finance

Prime Minister pledges to end secrecy on ownership of UK companies

By Sasha Chavkin | Wednesday, October 30, 2013 - 8:00pm

UK Prime Minister David Cameron pledges to make public a central registry that reveals the true owners of British companies, marking a significant step to crack down on offshore financial secrecy.

Read more

Tags: Offshore finance Europe

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Impact

Release of offshore records draws worldwide response

By Kimberley Forteous, Michael Hudson and Sasha Chavkin | Tuesday, October 29, 2013 - 1:00pm

Irish authorities announce they have collected 4.3 million euros in settlements for offshore tax evasion, and expect to obtain further information from international tax authorities working with Offshore Leaks data. [Read more](#)

Tags: Offshore finance

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Europe

HSBC exposed in massive data leak in Belgium

By Lara Bove | Monday, October 28, 2013 - 3:13pm

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4. UBO and PSC Registers



- Derived from the Fourth Anti-Money Laundering Directive (2015/849/EU) (the "Directive") – aimed to combat Terrorism.
- EU UBO Registry with access by persons with 'significant interest'. (Netherlands, Luxembourg, Malta already draft bill)
- UK has PSC Registry, which is public.
- Also PSC registry for the eight of the UK's crown dependencies and overseas territories. Treaties signed in April 2016 with Jersey, the Isle of Man, Anguilla, Bermuda, Gibraltar, the British Virgin Islands, the Cayman Islands and the Turks and Caicos Islands stipulate that corporate and legal entities incorporated in these jurisdictions will be required to declare their beneficial owners to local registries.
- Singapore opted for UBO registry and reporting to ACRA.
- Hong Kong to implement a similar to Singapore, where information need to be stored with corporate secretary. Government may access which warrant or court order. To be implemented in 2018.
- Other countries also followed like New Zealand has a UBO directory for foreign Trusts.

5. BEPS

Big corporations being forced to pay taxes and foreign countries being forced to increase the corporations' tax burden:

**BEPS: Base Erosion
Profit Shifting and other
Anti-abuse**



- International Taxation and Succession Planning is being scrutinized now.
- Why would an US company have its holding in Ireland or Luxembourg?
- Why only large corporations or people with deep pockets have access to paying less taxes than smaller companies?
- Creation of the perception that aggressive Tax planning undermines the general public as it reduces the funds (tax) governments receive in order to fund projects and programs for the country.

This has led to the OECD creating BEPS. It refers to tax avoidance strategies that exploit gaps and mismatches in tax rules to artificially shift profits to lower or no-tax locations.

Other Key Developments Moving us Towards Global Tax Transparency (1)



- MDR - Consultation Paper on OECD Mandatory Disclosure Rules for addressing CRS Avoidance Arrangements and Offshore Structures; Obligation on Intermediary to disclose CRS Avoidance Arrangements.
- Consultation paper on the abuse of residence by investment schemes to circumvent CRS.
- In the UK: Accountants and lawyers who devise schemes to help the wealthy could be fined up to 100% of sum avoided.
- In Switzerland: As of 1 January 2016, tax evasion is considered a qualified tax offense and as such, a predicate offense to money laundering. Tax offense committed abroad will also qualify as a predicate offense to money laundering if the requirements of double incrimination are met.
- Other countries will follow as they will seek to update their local Anti Money Laundering rules in order to be in compliance with the FATF rules.

Other Key Developments Moving us Towards Global Tax Transparency (2)



- Tax Rules Exchanged - Under new rules that came into force on 1 January, all 27 countries in the EU will have to compile and exchange bi-annual reports on the special tax deals they offer to multinational companies.
- BEPS - Reporting aggressive structures.
- BEPS – Country By Country (CBC) Reporting.
- BEPS - CFC and POEM in more countries (e.g.: China and Indonesia)
- GAAR rules - A statutory rule that empowers a revenue authority to deny taxpayers the benefit of an arrangement that they have entered into for an impermissible tax-related purpose. China and Indonesia has GAAR rules since 2008. Now UK and India also.
- Global Forum - review process considers whether a jurisdiction has a sufficient legal and regulatory framework as well as appropriate processes and procedures in place to meet the AEOI Standard. All members of the Global Forum (today 146 countries and jurisdictions) undergo a peer review, as do “jurisdictions of relevance”, to tackle tax evasion through a level-playing field based on greater transparency.
- Spontaneous Exchange by Banks or via Exchange of Information Treaty (UBS exchanged Dutch clients to Netherlands Government).

The Way Forward For Ultra High-Net-Worth Families (1)



Impact of global (tax) transparency on High Net Worth Individuals with Assets Offshore:

- High chance that info of UBO being reported/exchanged justly or not by either the bank, fiduciary company, lawyer, external asset manager or is victim of data leak or hack.
- The need to ensure that all assets you own or control are properly reported to the Tax Authorities in the country(s) where you are a tax resident.
- Banks may ask for Affidavit or CPA Certificate or tax opinion in the future and might not rely on Self Certification by client only. Increased demand from banks to clients to cooperate with Enhanced Due Diligence, and provide proof that offshore funds are disclosed in personal tax declaration forms.

The Way Forward For Ultra High-Net-Worth Families (2)



Impact of global (tax) transparency on High-Net-Worth Individuals with Assets Offshore:

- Proof that you are actually Tax Resident where you say you are and are spending more than 183 days in said country. How to proof? How will global families deal with this aspect?
- Complex or non-transparent structures might be unnecessarily scrutinized or assets frozen. Combating tax crimes is not the only reason for Global Transparency rules (AML in relation to extortion, terrorism etc.).
- Increase market segmentation by Financial Institutions in order to mitigate risk (example Swiss banks, who sold part of the books to other banks, in order to concentrate on a few core markets).

The Way Forward For Ultra High-Net-Worth Families (3)



Reevaluation by the families with their tax experts and consultation as to their options:

- Restructure? Postpone requirement of tax disclosure, if UBO does not own or control income generating assets (as per country where UBO is tax resident). Sustainable structuring more non-fiscal driven:
 - Asset Protection, Estate and Succession Planning, Diversification.
 - Onshore vs Offshore.
 - Trusts, Foundations, Funds, Life Insurances, Pension Funds with non-tax related purposes and benefits.
- Migrate? Emigrate and fully comply with residency and disclosure requirements in the chosen country). Try to avoid residency programs as they are already being scrutinized by the OECD.
- Regulate? Too late if European Tax Resident?
- Ensure tangible assets of value are properly reported and properly valued (property, art, yachts, aircraft, etc.)
- Donate? Organize division of assets to next generation ahead of time.

Immediate Effects (1)



- Trusts and other commonly used international structures are being scrutinized and losing their ability to provide confidentiality and are unnecessarily questioned by authorities and media.
- The consequence of over reporting, under reporting and misreporting:
 - Unnecessary tax audits, which paralyses the day-to-day business of the family.
 - Unnecessary media attention and negative unfounded press release which further damages the day-to-day family business activities.
 - No control by the family where their information is reported to and ends up.
- Misuse of sensitive data by the tax authorities and by the media – UHW family misunderstood by and targeted by public opinion (Reputational Risk).

Immediate Effects (2)

- The era of ethics: Tax planning under scrutiny.
- Transparency also in the financial sector such as MIFID, FIDLEG etc. which is derived from the numerous banking scandals which has led to a mistrust in large financial institutions.
- Transparency also means increased probability that excluded heirs or spouses find out they inherit nothing or less; hence, UHNW families need to better preparation for future transition of wealth. More robust structures and rules in place.



Action Plan (1)



- Trend in Migration such as UK, Switzerland, Spain and Portugal, where families can actually have their base of economic and social activities.
- Trend towards family office setup as a way to have consolidated overview of cash flow, information / reporting flow: the added value of becoming an Financial Institution ('FI').
- Trend towards families taking more of an interest to understand the financial and tax related rules and regulations.



Action Plan (2)



- Further elaborate on the type of family office services the family already receives (which are often more concentrated on asset allocation and investment management type of roles):
 1. More emphasis on proper advise covering all jurisdictions the assets and heirs are based as transparency rules in place.
 2. More frequent health checks as to whether governance structure (often Trusts, foundations or funds) and still tax efficient and have been properly managed and administered (**POEM and CFC analysis**).
 3. BEPS analysis Multiple residencies and impact: Increase of revision of bookkeeping and checks on reporting exposure. Ensure all third parties (fund managers, fiduciary service providers, custodian banks) have correct information in their files as to who are the controlling persons. Who will report what? (**clear understanding of the CRS/FATCA reporting chain**).
 4. Demand in Wealth consolidation, cash flow management and structure consolidation report.
 5. In terms of business structures, cash flow movements between related entities are properly documented and justified?

Tax Planning, Confidentiality versus Risk Management (1)

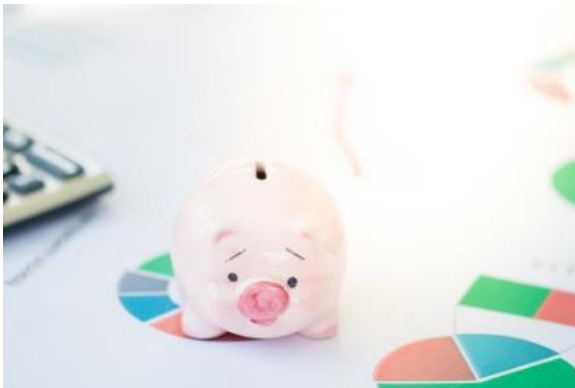


- Do not ask to not tell and asking your stakeholders to do the same, will not work in the future and is not ethical either.
- Ethics matters because of Public Opinion.
- Organize your affairs, keeping in mind, that one day your affairs might be exposed. When that happens the structures need to be compliant, well documented (and with supporting documents) and the reasons of having succession-, estate planning, and asset protection structures in place need to be credible.
- Banks and Services Providers are mitigating their risks. Bankers, external asset managers and independent family offices do not want to be criminally prosecuted and do not wish to lose their license to operate.

Tax Planning, Confidentiality versus Risk Management (2)



- Collect information on Ultimate Beneficial Ownership ('UBO') in Know Your Client ('KYC') documents and confirmation on tax compliance has become key tasks for Financial Institutions and Fiduciaries thanks to the new environment we live in.
- Focus on non-fiscal benefits.
- Please take BEPS into account when owning a business. Exposure does not necessarily happen on the private wealth management side (Starbucks, Apple, Google etc.)



Solutions

Spain – Domestic Tax Highlights



- Worldwide income approach, depending on the Autonomous region the tax rate may vary and can achieve 48% (Catalonia).
- Dividends and earnings distributed through the structure are subject to tax at 19%-23% .
- There is inheritance tax, gift tax and wealth tax applicable to Spanish residents depending on the Autonomous Region.
- Spanish blacklist enforce.
- CFC rules: if “direct/indirect control on voting/economic rights” and tax rate below 18.75% (>75% of 25%).
- Tax resident individuals are obliged to report (720 Form) assets and rights located outside of Spain to the Tax Authorities amounting more than 50,000 Euros.
- POEM and GAAR are applicable: we need personal and material means and economic valid reasons.
- Tax evasion is a criminal offence.
- IGA model 1A (limited reciprocity) with USA was signed in 2014.
- CRS 1 – Spain signed MCAA and is activating many relationships with CRS jurisdictions.

Spain – Informative Tax Return



As from 2012, individuals Tax resident in Spain are obliged to report (720 Form) the following assets and rights located outside of Spain to the Tax Authorities:

- Accounts in which the individual is the titleholder, or in which he is representative, authorized person or beneficiary, or in which he has disposal powers.
- Securities, rights, insurance and life or temporary annuities.
- Real estate or rights on real estate.

There will be no reporting obligation for those assets or rights which value (considered in aggregate for each group of assets listed above) is lower than Euro 50,000. The deadline for filing the 720 Form is from 1 January to 31 March of the year following that for which the information must be reported.

Structuring Ideas for Spanish UBOs



- Amicorp can provide structuring ideas for Spanish clients. Structuring ideas to be tailor-made in order to meet different needs.

1. Real Estate CO	Cross-border real estate investments in Spain through resident and/or non-resident entities to mitigate direct and indirect taxation Special tax regimes as SOCIMI, real estate investment funds, leased real estate entities...
2. SICAV	<ul style="list-style-type: none">• Tax deferral for UBO's residents in Spain.• Offer asset protection and estate planning to the UBO.
3. Fund (UCIT 4 only)	<ul style="list-style-type: none">• Tax deferral for UBO's residents in Spain.• Any Income received by Fund are not taxable, until distributed to UBO.• Offer asset protection and estate planning to the UBO.
4. Start up investments	<ul style="list-style-type: none">• Structuring start ups in Spain for foreigners who are entering the local market or want from Spain to carry out the expansion abroad.• Business angels tax incentives
5. Amicorp Insurance Platform	<ul style="list-style-type: none">• Tax deferral for UBO's residents in Spain.• Offer asset protection and estate planning to the UBO if UNIT LINKED irrevocable.

Chile – Domestic Tax Highlights



- Worldwide income approach, all income and assets must be reported.
- Personal Income Tax (PIT) is progressive from 0-35% (2017). Dividends and capital gains generally are taxed as ordinary income at that scale.
- Chile does not levy net wealth tax on individuals.
- Chile levies inheritance and gift tax on the net value of transfers of property at progressive rates.
- Trust and foundations are in decrease - Chilean inheritance law application:
 - Chilean nationals are subject to certain aspects of family and inheritance law, no matter where they reside
 - Chilean inheritance laws are highly structured and based on the concept of “forced heirs” specifically designed to avoid disinheritance of family members.
 - Gift taxes may arise for trusts constituted after Chilean Tax Amnesty

Chile – Domestic Tax Highlights



- The GAAR are in force since 30 September 2015. In its view, any structuring requires substance, independence, objectives other than merely tax deferral or tax planning, thus succession planning, asset protection, etc.
- SII published a Catalog of Aggressive Tax Planning Strategies on November 30th, 2016, where the tax regulator analyses 12 cases related to Transfer Pricing, use of special purpose vehicles domiciled in a low tax jurisdiction, use of foreign insurance policy, among others cases.
- CFC rules are applicable since 1 January 2016. Taxpayer residents of Chile are subject to tax on passive income derived by CFC if:
 - Control:
 - Chile tax resident has control (direct or indirect control in this terms: $\geq 50\%$ of economic rights or $\geq 50\%$ of the ownership or $\geq 50\%$ control over a foreign corporation.
 - When the foreign entity is resident in a low taxation country (= less than 30%), and
 - Passive income:
 - +10% or more than USD 100 k (2400 UF) per shareholder
 - Precision: +80% passive income is considered 100% passive income
- Tax planning with OECD jurisdictions – not considered as tax haven.
- Art 97 N° 4 Código Tributario: Criminal offence willful omission or incomplete tax declarations: Up to 300% over the evaded taxes and up to 5 years in jail.

Chile – Domestic Tax Highlights



- Sworn Declaration N° 1929 (DJ 1929): Taxpayer is required to report foreign assets, including Trusts, Insurance Policies, Real Estate, Financial Investments, etc.
- The due date for the Sworn Statement 1929 is June 30th. This applies to inform the investments that both Chilean and foreigners nationals have abroad.
- IGA with USA signed , model 2, direct registration of Chilean FFI with IRS and reporting of US persons directly to IRS.
- CRS: Chile committed to CRS as late adopter, signed the Multilateral CAA, thus first exchange sept 2018 regarding data of FY 2017.
- No POEM rules.

Structuring Ideas for Chilean UBOs



Amicorp can provide structuring ideas for Chile clients. Structuring ideas to be tailor-made in order to meet different needs.

1. Debt issuances through vehicles	<ul style="list-style-type: none">• The purpose of this structures is is to access to more liquid markets and with more efficient financing structures to restructure debt or capital needed in projects inside or outside of Chile.• Proposed vehicles located in Lux, UK or Ireland.
2. Outbound (for Passive Investments and Real Estate)	<ul style="list-style-type: none">• Passive Co below CFC control and income below the UF 2400 (USD 100,000).• US gift and estate tax protection.• To avoid reputational risk and legal presumption: Passive Co to be located in OECD jurisdictions
3. Start up investments	<ul style="list-style-type: none">• Structuring start ups in Chile for foreigners who are entering the local market or want from Chile to carry out the expansion within LatAm.
4. Private Investment Fund (FIP)	<ul style="list-style-type: none">• For investments in Chile or abroad. Ductile, flexible and with a certain level of supervision aligned with current regulations in terms of transparency. Minimum of 4 investors with a minimum of 10% each.• No corporate tax at a fund level. At shareholders level will be taxable according to their own tax regime. Exception for Foreign Investors.
5. Amicorp Insurance Platform	<ul style="list-style-type: none">• Tax deferral for UBO's residents in Chile.• Tax optimization in Chile.• Offer asset protection and succession planning.

Mexico – Domestic Tax Highlights



- Worldwide income approach, all income and assets must be reported to Mexican authorities.
- Dividends and earnings distributed through the structure are subject to tax at a 35% rate upon actual reception of the funds by the UBO.
- Dividends generated since 2014 may be subject to additional 10%, can be credited with 10% WHT; Capital gains on listed shares are subject to 10% WHT, other gains at regular 30 (corporate) or 35%.
- There is no inheritance tax or gift tax applicable to Mexican residents.
- Mexico does not levy a net wealth tax to Mexican residents.
- Mexican blacklist enforce.
- CFC rules: if “control on distributions”, passive income >20%, and tax rate below 26% (>75% of 35%).
- Tax reporting in Informative tax return only applies on income from assets (entities/partnerships) located in blacklisted jurisdictions.
- POEM is applicable. No GAAR as of yet.
- Tax evasion is a criminal offence.
- IGA model 1A (limited reciprocity) with USA is signed in 2014.
- CRS 1 - Mexico signed MCAA and is activating many relationships with CRS jurisdictions.

Mexico – Informative Tax Return



- The Mexican tax authorities have eliminated, as of July 15, 2016, the no-reporting exception available through the Administrative Tax Guidelines for:
 - Direct and indirect investments maintained in blacklisted jurisdictions, despite they have in force a Tax Information Exchange Agreement with Mexico; and
 - Investments carried out in any jurisdiction through fiscally transparent entities.
- This amendment requires Mexican residents who are holding* during 2016 any kind of off-shore investment in blacklisted jurisdictions or through fiscally transparent entities to report their participation in these structures by filing the informative tax return before the end of February 2017.

*Mexican residents are required to file this informative return, regardless of whether they retain or have relinquished control over the offshore investment.

- Failing to report is a penal or criminal offence.
- Such filing does not automatically trigger the application of the Preferential Tax Regime Rules (PTR) regarding the income inclusion on accrual basis.

Structuring Ideas for Mexican UBOs



Amicorp can provide tax compliant structures for Mexican clients. Structures to be tailor-made in order to meet different objectives.

1. Irrevocable Trust + ULE / P'ship	<ul style="list-style-type: none">• Tax deferral for UBO's residents in Mexico.• Any income received by Trust is not taxable , until distributed to UBO• Offer asset protection and estate and succession planning to the UBO.
2. SPF / FIP + ULE	<ul style="list-style-type: none">• Tax deferral for UBO's residents in Mexico.• Any Income received by SPF/FIP are not taxable, until distributed to UBO• Offer asset protection and estate and succession planning to the UBO.
3. Split Trust	<ul style="list-style-type: none">• Tax deferral for UBO's residents in Mexico.• Any income received by the Trust is not taxable.• Offer asset protection and estate and succession planning to the UBO.
4. Barbados POINT	<ul style="list-style-type: none">• Tax deferral for UBO's residents in Mexico.• Offer asset protection and estate planning to the UBO.
5. Canada LP	<ul style="list-style-type: none">• Tax deferral for UBO's residents in Mexico.• Tax optimization in Mexico.
6. Amicorp Insurance Platform	<ul style="list-style-type: none">• Tax deferral for UBO's residents in Mexico.• Tax optimization in Mexico.• Offer asset protection and estate and succession planning to the UBO.

THANK YOU



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