

February 2021

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This edition of Global Insights contains tax, legal and business news, insights and perspectives we collected and compiled from our member firms and collaborating firms throughout the month of February.

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Global Webinars

- Canada
Moving To Canada 101: Tax Considerations Webinar 2021
 In this webinar, Partners Warren Dueck and Krista Rabidoux provide a general overview of Canadian tax considerations for Americans considering a move north of the border. [Learn More](#)

- India
Decoding – Union Budget 2021 with Renowned Industry Leaders
 The following is an exclusive webinar on decoding the Union Budget 2021, presented by Nangia Andersen India Pvt. Ltd. team and industry leaders. [Learn More](#)

- India
India Budget Impact for Foreign Investors
 The exclusive webinar discusses the Budget, wherein experts decoded its impact on foreign investors and shared insightful perspectives on the matter. [Learn More](#)

- India
Whether Criminal Trial for Offenses and Arrests Under the CGST Act 2017 Lacks Constitutional Backing
 The webinar discusses whether criminal trial for offenses and arrests under the CGST Act of 2017 lacks constitutional backing. [Learn More](#)

- India
Union Budget, 2021 – Decoding the Tax Fine-Print – Clause by Clause Analysis
 The webinar presents a clause by clause analysis of the Union Budget for the year 2021. [Learn More](#)

- Nigeria
Finance Act, 2020 Implications for Businesses and Revenue Generation
 This webinar discusses key provisions and the attendant obligations of all relevant parties arising from the changes introduced by the Finance Act, 2020. The Act touches on key economic, tax, fiscal and regulatory issues which are relevant to various businesses, industry players and numerous stakeholders. [Learn More](#)

- Slovakia
Construction Law: Current Challenges and Necessary Changes
 As a new member of the American Chamber of Commerce, Lansky, Ganzger & Partner had the opportunity to collaborate on the first podcast on the topic of the *Construction Law: Current Challenges and Necessary Changes*. [Learn More](#)

- United States
Final Regulations – Taxation of Carried Interest
 On Wednesday, February 17, Andersen's Alternative Investment Fund practice hosted a webcast on the changes and unresolved issues brought to light by the Sec. 1061 final regulations. [Learn More](#)

- United States
Deal Flow – Trends & Best Practices in Portfolio Company Transactions
 On Tuesday, February 23, Andersen's Alternative Investment Fund practice led a webcast discussion focused on the tax issues impacting the buying and selling of portfolio companies. [Learn More](#)

Africa

Nigeria

- **[Nigerian Tax and Fiscal Outlook 2021](#)**
This document seeks to review the key tax and fiscal highlights of 2020 and comment on potential developments in the Nigerian tax and fiscal space in 2021. [Read More](#)
- **[Impact of COVID-19 on Capital Adequacy Ratio of Financial Institutions in Nigeria](#)**
This article discusses the evolution of the Basel Accords that guides CAR submissions and the CBN's approach to their implementation. It also assesses the impact of COVID-19 on the Capital Adequacy Ratio and suggested measures to mitigate its effect. [Read More](#)
- **[Can Littoral States Lay Claim to Personal Income Taxes on Income Earned by Employees Working on Offshore Oil Platforms?](#)**
This article examines the role residency plays in the taxation of employees working on offshore platforms, assesses what determines the boundary of a littoral state, and provides recommendations on how clarity can be provided concerning the revenue agency with taxing rights on the income of employees working on offshore installations. [Read More](#)
- **[Finance Act, 2020 and Its Impact on Ease of Doing Business in Nigeria](#)**
The following article sets out some provisions of the FA 2020 and their potential impact on the ease of doing business in Nigeria. [Read More](#)
- **[Finance Act, 2020 – Impact on the Manufacturing Sector](#)**
This article seeks to review the key amendments made by the FA 2020, with a particular focus on their impact on the manufacturing sector. [Read More](#)

Australia

- **[Monthly Tax Update: February 2021](#)**
This edition provides recent updates in legislative, tax developments in the areas of corporate tax, individual tax and international tax, as well as the ATO's recent activities. [Read More](#)
- **[The ATO Extends Its Relaxed Compliance Approach to the Determination of Permanent Establishments](#)**
The Australian Taxation Office (ATO) has recently extended its relaxed compliance approach for determining whether a permanent establishment (PE) has been created by a foreign company until June 30, 2021. [Read More](#)

Europe

Armenia

- **"New Rules" of Market Competition**
The Armenian Parliament discussed in a second hearing a draft package on amendments to the law on the Protection of Economic Competition, proposed by the Government of Armenia. The draft package was at the origin of heavy critics among the society. [Read More](#)

Austria

- **Info Magazine LGP News 02/2020**
The issue 02/2020 of the information magazine *LGP News*, with its topic *Focus on Regulation*, deals with recent developments in the economy, law and society. [Read More](#)
- **FAQs and Infos: Coronavirus**
The following presents updated and new FAQs about the Coronavirus from a legal perspective in Austria. [Read More](#)

Belarus

- **The Peculiarities of Implementation of Medical in the Republic of Belarus**
The following is a comprehensive guide reflecting the specificity of the Belarusian market and describing the opportunities for doing business in Belarus, helpful for medical centers and companies in the medical services sector. [Read More](#)
- **International Arbitration in Belarus**
This guide aims to describe the Belarusian commercial arbitration, highlighting the existing court practice in this sphere and the peculiarities to consider when applying for arbitration in Belarus. [Read More](#)
- **Data Protection Compliance in the CIS and Neighboring Countries: Top 10 Frequently Asked Questions**
Over recent years, the issue of data protection has sparked much more interest in businesses. The following contains the 10 most popular discussions in the sphere of personal data protection. [Read More](#)

Malta

- **Optimizing Tax in Portugal Through Maltese Companies**
An EU member state bordering the Atlantic Ocean, Portugal, is an ideal location for families as well as businesses who are flocking to its shores on account of the country's sound political system and strong market economy. [Read More](#)
- **Brexit Agreement – EU-UK Trade and Cooperation Agreement**
After years of intensive negotiations and wrangling, the European Union and the United Kingdom have finally reached an agreement entitled the EU-UK Trade and Cooperation Agreement, also known as the Brexit Agreement or Agreement. [Read More](#)
- **Trademark Registration in Malta and the EU**
With the ever-growing influence that technology has on our lives and the radical increase in screen time, the use of brand identifiers and marks has become more vital than ever. [Read More](#)
- **Malta Residence Programs – Alternative Routes to Maltese Residency**
Maltese immigration law provides several Malta residence programs open to EU and non-EU nationals, allowing individuals and families to relocate or hold residency status in Malta for various reasons. [Read More](#)

Netherlands

- **ATAD 2 in the Netherlands**

As of January 1, 2020, the Netherlands has included anti-hybrid mismatch provisions in its domestic tax laws as an implementation of the Anti-Tax Avoidance Directive (ATAD 2). [Read More](#)

Poland

- **CIT-10Z Returns and IFT-2R Forms for 2020 to be Filed with the Tax Office of Lublin**

The following is a reminder that on January 1, 2021, changes took effect regarding the competence of tax offices in respect of the withholding tax. [Read More](#)

- **One Week Left to Repeatedly Report Cross-Border Tax Schemes!**

The excerpt provides information on the obligation to repeatedly report cross-border tax schemes. [Read More](#)

- **Slim VAT – Draft Explanations**

The following includes a draft explanation of the Slim VAT package and selected solutions elaborating on some VAT structures, published by the Ministry of Finance. [Read More](#)

Portugal

- **Work in a Digital Era: Legal Challenges**

Andersen in Portugal sponsors the XIII European Regional Congress of the International Society for Labour and Social Security Law: *Work in the Digital Era – Legal Challenges*, which will be held in May. [Read More](#)

Slovakia

- **Legal Aspects of the Coronavirus**

The following presents FAQs on the Coronavirus from a legal perspective in Slovakia. [Read More](#)

- **Q&A – Sale of Real Estate**

The consultancy concerned the conclusion of the purchase agreement under unfavorable conditions. The following provides information, how to proceed in this case, whether it is possible to withdraw from the contract in any way and how. [Read More](#)

- **New Temporary Protection for Entrepreneurs**

The article provides comprehensive information about temporary protection for entrepreneurs, the effects of the protection, rights and obligations of entrepreneurs, as well as the termination of temporary protection. [Read More](#)

Slovenia

- **General Meetings in the Era of the SARS-CoV-2 Epidemic**

In an article published by *CEE Legal Matters*, Partner Katja Šumah and Associate Luka Ržek analyzed the new legislation which introduced the option of *virtual* general meetings, complementing the existing regulation of electronic general meetings. [Read More](#)

Spain

- **Private Equity Key Players and Sectors in 2021**
Ignacio Aparicio analyzes the forecasts for this year, taking into account the economic crisis unleashed by the pandemic. [Read More](#)
- **Key Points of the New Cybersecurity Regulatory Framework**
The Royal Decree 43/2021, of January 26, on the security of information networks and systems, marks a turning point in the cybersecurity regulatory framework. [Read More](#)
- **Cuba, an Investment Destination?**
Ignacio Aparicio analyzes this year's forecasts and the situation in Cuba at the investment level. [Read More](#)
- **Commission and European Parliament Fail to Agree on 'ePrivacy' Regulation After Fourteen Drafts**
Isabel Martínez analyzes the ePrivacy Regulation (ePR) with which the European Union aims to formulate a mandatory privacy policy that is valid in all member states. [Read More](#)
- **Can the Company Force Employees to Be Vaccinated Against COVID-19?**
Alfredo Aspra and José María Gallego analyze the legal-practical scenario from the employment point of view on the voluntary or compulsory nature of vaccination in Spain. [Read More](#)

Ukraine

- **Merger Control 2020 – Ukraine**
Partners Vladimir Sayenko, Maksym Nazarenko and Valentyna Hvozdz contributed to the *Market Intelligence: Merger Control 2020* by Lexology GTDT with a chapter dedicated to Ukraine. [Read More](#)
- **Market Focus: Ukraine Fights History with Road PPP Plan**
Counsel Volodymyr Yaremko and Associate Vladlena Lavrushyna commented for *Inframation* about the interest of potential private investors in these projects and the legal framework in the budget legislation. [Read More](#)

India

- **India Business Guide: Start-Up to Set-Up**
The publication provides foreign investors, entrepreneurs and advisors with basic information about the relevant laws and procedures for setting up and doing business in India. [Read More](#)
- **Communiqué – Your Transfer Pricing Tabloid: Issue 8**
The quarterly tabloid highlights the developments in the transfer pricing (TP) landscape at both the Indian and global fronts. [Read More](#)
- **Tax & Regulatory Newsletter – February 2021 Edition**
This newsletter highlights major recent tax and regulatory developments. [Read More](#)
- **India Budget 2021: Snapshot with Industry Experts' Take**
The following discusses how Budget 2021 has addressed the concerns of the business community. [Read More](#)
- **India Budget Statement 2021: Detailed Analysis of the Fine Print**
The publication summarizes the important provisions of the Budget 2021 proposals as placed before the Parliament. [Read More](#)

India (continued)

- Supreme Court: Proceedings Under Section 34 of the Arbitration and Conciliation Act 1996 Not Maintainable Against Foreign Award**
 The Hon'ble Supreme Court has held that proceedings, under Section 34 of the Arbitration and Conciliation Act of 1996, are not maintainable against a foreign award. [Read More](#)
- NCLAT: Creditor Could Not Be Restrained from Simultaneously Initiating CIRP Against Both the Principal Borrower and the Guarantor**
 The National Company Law Appellate Tribunal held that a creditor could not be restrained from simultaneously initiating CIRP against both the principal borrower and the guarantor. [Read More](#)
- Supreme Court: Tenancy Disputes Under Transfer of Property Act 1882 Are Arbitrable Except When Governed by Rent Control Legislations**
 The Hon'ble Supreme Court has held that landlord-tenant disputes are arbitrable as the Transfer of Property Act of 1882 does not forbid arbitration. However, disputes governed by rent control legislation would not be arbitrable since a specific court or forum has been given exclusive jurisdiction to adjudicate such cases. [Read More](#)
- NCLAT: Reiterated that Rent Is Not to Be Considered as an Operational Debt Under the IBC**
 The National Company Law Appellate Tribunal has held that rent is not to be considered as an operational debt as defined under Section 5(21) of the Insolvency and Bankruptcy Code of 2016. [Read More](#)
- Parliament Competent to Make 'Criminal' Provisions in the Central Goods and Services Tax Act, 2017: Delhi High Court**
 The Hon'ble Delhi High Court upheld the constitutional validity of sections 69 and 132 of the Central Goods and Services Tax Act of 2017 while dismissing the petitioner's writ for grant of interim relief and allowing the revenue writ to vacate the interim order granting non-cancellation of bail of petitioners. [Read More](#)
- Writ Petition Challenging Constitutional Validity of GST Provision Dismissed: Supreme Court of India**
 The Hon'ble Supreme Court dismissed a writ petition wherein the constitutional validity of certain provisions of the Central Goods and Service Tax Act of 2017 was challenged. [Read More](#)

Latin America and the Caribbean

The Bahamas

- Digital Assets Regulation Enacted in The Bahamas**
 To keep pace with the provision of financial technology, the Digital Assets and Registered Exchanges Act, 2020 (the Act) came into force on December 14, 2020 to regulate the issuance, sale and trade of digital assets in or from within The Bahamas. [Read More](#)
- Electronic Signatures & the Private Client**
 During a pandemic, with the travel and movement restrictions and physical distancing mandates, the Electronic Communications and Transactions Act, 2006 of The Bahamas (ECT Act) may provide a useful option for the execution of documents for use in The Bahamas. [Read More](#)

Chile

- **[Legal Alert: COVID-19 – January 2021](#)**

The following presents legal alerts related to the legislative changes brought by the COVID-19 pandemic in the past months. [Read More](#)

- **[Legal Alert – December 2020](#)**

The following presents a collection of laws published in December 2020 and other legal matters in Chile. [Read More](#)

- **[Irregular Impeachment](#)**

Andrés Chirgwin, Managing Partner of Andersen Global's collaborating firm in Chile, discusses the change of command in the United States. [Read More](#)

Costa Rica

- **[Government Eliminates World Income from Linked Plan of the International Monetary Fund \(IMF\)](#)**

The dual global income is a system that combines the characteristics of the fixed income and global income systems, without leaving them totally aside. This new project aims to tax income generated abroad when they enter Costa Rican territory. [Read More](#)

- **[Franchise Offering Circular](#)**

The following discusses one of the most significant and relevant elements within the franchise topic. So important that in countries like Mexico and the United States, it has legal regulation. [Read More](#)

- **[Costa Rica Authorizes Automatic Extension of Appointments of Board of Directors](#)**

The excerpt provides information on the authorization of extension in the appointments of Boards of Directors and other bodies in civil organizations, expired in 2020, to ensure that this term is extended to 2021 automatically, before the declaration of national emergency by COVID-19. [Read More](#)

- **[Transfer Prices, a Requirement Under Law 9365](#)**

Transfer Pricing is a process that has been evolving since June 2003 with Directive 20-03 from the 10th of the year and month indicated to finally be introduced as a regulated aspect under the framework of Law 9635. [Read More](#)

- **[Alimony Obligation in Favor of Sons and Daughters of Legal Age](#)**

It is clear that there is an obligation on the part of parents to guarantee food for their minor children. However, what happens when they reach the age of majority? [Read More](#)

El Salvador

- **[More Robust Digital Ventures: Venture Capital](#)**

The following discusses how to make the digital venture more robust through venture capital and/or capital raising strategies. [Read More](#)

Guatemala

- **[Reforms to the Amount of the Subsidy for Temporary Disability of the Guatemalan Social Security Institute](#)**

The Governmental Agreement No. 245-2020 of the Ministry of Labor and Social Security was published in the Official Diary, approving the contents of the Agreement 1470 of the Board of Directors of the Guatemalan Institute of Social Security. [Read More](#)

Honduras

- **Tax Calendar**

The following presents the tax calendar of Honduras for the first quarter. [Read More](#)

Jamaica

- **Who Should File an Income Tax Return?**

The following excerpt provides information on who should file an income tax return for this year. [Read More](#)

Nicaragua

- **Personal Data: Lessons from WhatsApp and Facebook – Duties of the Company Regarding the Processing of Personal Data**

The article discusses the duties of companies regarding the processing of personal data. [Read More](#)

- **Notice of Need to Update the Final Beneficiary of Commercial Companies in Nicaragua**

Nicaraguan commercial companies will soon be required to report their final beneficiaries to the Commercial Registry, which is why companies are already being invited to collect the appropriate information, along with the documents to support it. [Read More](#)

St. Barts

- **Including a Shelter in Your Wealth Management Strategy**

The following presents some criteria to be considered when investing in a shelter during the pandemic. [Read More](#)

Suriname

- **Solidarity Levy and Sales Tax Increase Approved by Parliament**

The following presents an update on the solidarity levy and sales tax increase approved by Parliament. [Read More](#)

Uruguay

- **Tax News Included in the Budget Law**

On December 18, 2020, the National Budget Law No. 19,924 for the 2020-2024 period was approved. This report comments on the main tax modifications established in said law. [Read More](#)

Middle East

Egypt

- **Legal Alert: Egypt Signs Protocol to Eliminate Illicit Trade in Tobacco Products**

On January 30, 2021, Egypt promulgated Law No. 170 of 2020 to ratify the protocol to eliminate illicit trade in tobacco products, which is the first of its kind with regards to implementing the WHO Framework Convention on Tobacco Control (FCTC) and acts as a new international treaty in its own right. [Read More](#)

- **Agreements Applying Interest Exceeding 7% Violates Public Order**

When conducting commercial business in Egypt, businesses should be wary of a common misconception of the law, whereby, contracts may include clauses that are contrary to the law by confusing the types of interest applicable and exceeding the maximum permissible rate that may be agreed upon. [Read More](#)

North America

Canada

- **Canadian Snowbirds Weigh COVID-19 Quarantine Costs Against Tax and Health Insurance Consequences: 'We Are All Pretty Nervous Down Here'**
Warren Dueck was quoted in the *Globe and Mail* on the consequences of tax residency for Canadian snowbirds. [Read More](#)

United States

- **Maryland Enacts Nation's First Tax on Digital Advertising**
The Maryland General Assembly enacted two new taxes on digital commerce on February 12, 2021 after the state's senate overrode the governor's veto of the legislation. [Read More](#)
- **Preparing for Political Appointments**
Potential nominees should review prior year tax returns to identify any items that should be corrected and to develop a narrative around their tax history that can withstand the increasingly partisan confirmation process. [Read More](#)
- **Making a Timely or Late Component Election to Maximize Bonus Depreciation of QIP and Other Eligible Property**
The Coronavirus Aid, Relief and Economic Security (CARES) Act provided a long-awaited technical correction for qualified investment property (QIP), allowing taxpayers to claim bonus depreciation on eligible QIP as intended by the Tax Cuts and Jobs Act, and applies to QIP placed in service after December 31, 2017. [Read More](#)
- **Key Considerations for Maximizing Deductions Under the Final Tangible Property Regulations**
In 2014, IRS issued final regulations providing rules on the treatment of dispositions of tangible personal property. The regulations generally require taxpayers to capitalize amounts paid to acquire, produce or improve the property. However, the rules allow taxpayers to expense items with a low-dollar cost or with a useful life of a year or less. [Read More](#)

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