September 2024

WTS Global Financial Services Infoletter

Editorial

Tax developments affecting the international Financial Services industry

Dear Madam/Sir,

We hope you may find interesting the latest version of the WTS Global Financial Services Newsletter presenting taxation related news from eight countries with a focus on the international Financial Services industry[1].

The following participants in the WTS Global network are contributing with a diverse range of FS tax topics, e.g. two important German High Fiscal Court decisions concerning securities funds and German WHT, the article covering the fact that Swedish withholding tax on dividends to foreign public pension funds constitutes a prohibited restriction of the free movement of capital (C-39/23 Keva et al v. Skatteverket), and the discussions around the end of the LLP for fund managers in the United Kingdom:

- Finland – Castrén & Snellman
- Germany – WTS Germany
- Poland – WTS SAJA
- Portugal – Vieira de Almeida
- Serbia – WTS Porezi i Finansije
- South Korea – Lee & Ko
- Sweden – Svalner
- United Kingdom – FTI Consulting

Thank you very much for your interest.

Frankfurt, 17 September 2024

With best regards,

Robert Welzel
(Tel. +49 69 1338 456 80)

Steffen Gnutzmann
(Tel. +49 40 3208 666 13)

For details on WTS Global Financial Services please click here.

1 The editors would very much like to thank their WTS colleague Sergi Meseguer for his valuable support.

Contents

Hot topic (i): CJEU judgement KEVA – Swedish WHT on dividends and foreign pension institutions 3

Hot topic (ii): The Netherlands and dividend WHT – EU Commission initiates infringement procedure 4

Finland: CJEU ruling in case Keva (C-39/23) – Comment from the Finnish perspective 5

Germany: Securities funds and German WHT – Two important German High Fiscal Court decisions 7

Poland: Amendments to the Polish Tax Code regarding interest on overpayments resulting from CJEU's judgment; Opinion of Advocate General Kokott in case C-18/23, 11 July 2024: Polish CIT exemption for self-managed foreign investment funds; VAT exemption for bonds contributed by investment fund as capital into a company in exchange for shares 9

Portugal: New tax regime for loan funds – A milestone for Portuguese financial sector 11

Serbia: Exemption from capital gains tax on the transfer of copyright and related rights and industrial property rights 13

South Korea: South Korea ramps up its effort to increase foreign investors trading volume in its bourses through easing tax regulation starting from 2024 14

Sweden: Swedish WHT on dividends to foreign public pension funds constitutes a prohibited restriction of the free movement of capital (C-39/23 Keva et al v. Skatteverket) 16

United Kingdom: The end of the LLP for fund managers?; Taking up the carried interest tax change challenge 19

Please find the complete list of contact details at the end of the newsletter.

Hot Topic (i)

CJEU judgement KEVA – Swedish WHT on dividends and foreign pension institutions

Introduction

On 29 July 2024, the European Court of Justice ("CJEU") issued a new judgement ("KEVA", C-39/23) that concerns public pension funds, WHT and the EU fundamental freedom of capital movement.

The case was brought by the three Finnish public pension funds (Keva, the Landskapet Ålands pensionsfond and the Kyrkans Centralfond). The Finnish pension funds received dividends from Swedish companies in the period from 2003 – 2016. These dividends were subject to Swedish WHT. However, Swedish public pension funds are exempt from such WHT.

According to the CJEU judgement, the Swedish regulation under which dividend payments by resident companies to foreign public law pension funds are taxed at source, while dividend payments to domestic public law pension funds are exempt from WHT, constitutes a discrimination via tax law and an unjustified infringement of Art. 63 TFEU[2].

Importance of the judgment of the CJEU

The recent decision of the European Court of Justice is good news for the EU capital market, in line with its prior case law in comparable cases.

The judgement is important not only for EU pension fund entities, especially those regulated by the IORP Directive (2003/41/EC) as transformed into national regulatory law, but also for pension funds from **third countries**. Further, its importance is by no means limited to WHT suffered in Sweden, but covers many additional EU jurisdictions.

This is because, in a nutshell, the CJEU does not give credit to comparability arguments referring to **formal** differences between the pension funds, like different contribution collection and pension payout methods or the legal form of the public pension funds. Instead, the Court focuses on the **substance** of the pension funds, their (social) objective and function. Thus, national court decisions applying a mainly formal approach to the comparability analysis seem questionable.

For example, in the case of the CJEU judgement dated 13 November 2019, C-641/17 (College Pension Plan of British Columbia), German national tax courts denied the right of the (tax-exempt) Canadian pension fund for a refund of German WHT with the – very formal – argument that the applicant did not set-up (tax-deductible) reserves in the same way as a German comparable entity. The German courts did not consider sufficiently the identical purposes of both entities and the fact that, in the end, all (or almost all) of the income generated by the two pension funds is attributable to the pensioners (however, under differing formal mechanisms).

Based on the recent CJEU judgement, it ought to be expected that the WHT situation of foreign pension funds in Germany (and in further EU jurisdictions) is not yet settled and will be tested before the courts. Public law pension funds should therefore review their WHT positions. For the national analyses of the KEVA judgement, please refer to this Infoletter's below sections on Finland and Sweden.

If you wish to discuss these topics, please contact:
WTS Germany

Steffen Gnutzmann
steffen.gnutzmann@wts.de

Robert Welzel
robert.welzel@wts.de

Jonas Carstensen
jonas.carstensen@wts.de

2 The CJEU judgement follows the opinion of Attorney General Collins issued on 21 March 2024, also see Infoletter #32, dated April 2024.

Hot Topic (ii)

The Netherlands and dividend WHT – EU Commission initiates infringement procedure

The EU Commission recently decided to initiate infringement proceedings against the Netherlands (INFR 2024/4017 of 25 July 2024).

The initiation of the infringement procedure follows landmark decisions by Dutch national courts after the CJEU ruling in the Koeln-Aktienfonds-DEKA case (CJEU case C-156/17, dated 30 January 2020), which established the current status quo of taxation of foreign investment funds in the Netherlands. Specifically, the Dutch Supreme Court (Hoge Raad der Nederlanden) ruled on 9 April 2021, that foreign investment funds are not entitled to a refund of Dutch WHT because the court deemed as not objectively comparable the tax situations of Dutch and foreign funds.

Current situation in the Netherlands

Under Dutch law, domestic investment funds de facto receive a reduction of Dutch WHT on dividend income through the possibility to offset on fund level the WHT paid by the distributing Dutch company. However, this offset mechanism is not available to foreign investment funds. This discrepancy makes non-Dutch investment funds less attractive to Dutch investors and investments in shares of Dutch companies less attractive to foreign investment funds.

The Commission sees the different treatment as a potential infringement of Art. 63 TFEU (Treaty on the Functioning of the European Union) as well as Art. 40 EEA (Agreement on the European Economic Area). The infringement procedure may cause the Netherlands to reconsider a discriminatory practice with regard to the taxation of foreign investment funds, especially for investment funds with multiple fund investors, which has been in place for years.

Potential consequences of the infringement proceedings

The Netherlands has two months to reply to the Commission's letter of formal notice. If the Member State does not comply, the Commission can issue a reasoned opinion and refer the case to the European Court of Justice (CJEU). The CJEU would examine whether the Member State violates its obligations under EU law. If the CJEU rules against the Member State, the Member State must take measures to comply with the judgment. Non-compliance can result in the Commission seeking financial penalties under Article 260 para. 2 TFEU.

Thus, the infringement procedure could lead to a comprehensive change in the Dutch taxation of investment funds.

Recommendation

This new development significantly increases the chances of success of a WHT reclaim in the Netherlands by foreign multi-investor investment funds. WTS recommends the timely filing of fund level applications in the case of multi-investor funds and re-evaluating WHT threshold amounts when determining for which cases an application should be filed.

WHT refund applications for the WHT-year 2021 must be submitted by the end of 2024 to avoid being time-barred.

If you wish to discuss these topics, please contact:
WTS Germany

Steffen Gnutzmann
steffen.gnutzmann@wts.de

Robert Welzel
robert.welzel@wts.de

Jonas Carstensen
jonas.carstensen@wts.de

Finland

CASTRÉN & SNELLMAN

CJEU ruling in case Keva (C-39/23) – Comment from the Finnish perspective

On 29 July 2024, the Court of Justice of the European Union (CJEU) issued its judgement in CJEU case "KEVA" (Case C-39/23) between the Swedish Tax Agency and three Finnish public pension funds, regarding the levy of withholding tax (WHT) on foreign public pension institutions.

The CJEU ruled that Swedish legislation that imposes a WHT on dividends paid to non-resident public pension institutions while exempting resident public pension funds violates the principle of free movement of capital of article 63 TFEU.

Background and the CJEU ruling in short

The case concerned the differential tax treatment of dividends paid by Swedish corporations to foreign public pension institutions vis-à-vis those paid to Sweden's general pension funds (GP funds) which are governmental entities, exempt from tax on such dividends in Sweden by virtue of state exemption. The claimants, three Finnish public pension institutions, who are part of the Finnish pension system (occupational pension) on the other hand are subject to Swedish WHT on dividends. The Finnish pension funds are in practice exempted from income tax in Finland.

The Finnish funds applied for a refund of the Swedish WHT suffered in the years 2003 – 2016, referencing to the fact that WHT was levied contrary to the free movement of capital. The Swedish Supreme Administrative Court referred the matter to the CJEU for a preliminary ruling.

The CJEU assessed and reasoned its judgement from a number of different angles, including the objective and purpose of the Swedish legislation, direct comparability, and justification by overriding public interests, and legal and operational differences of the pension funds. The CJEU considered that the differential tax treatment of Swedish public pension funds and foreign public pension funds constitutes such a difference in treatment that deters foreign institutions from investing in Swedish companies and which constitutes a restriction on the free movement of capital.

The CJEU ruled that the domestic rules under which dividend distributions to non-resident pension institutions are subject to a WHT, whereas dividend distributions to resident pension institutions governed by public law are not, are contrary to EU law. The Swedish Supreme Administrative Court will next decide the outcome of the domestic cases based on the CJEU's ruling.

Commentary from the Finnish perspective

The Finnish claimants consisted of the three pension institutions Keva, the pension fund of the province of Åland and the Central Church Fund:

- **Keva** is the pension fund which manages the pensions of local government employees in Finland. Its primary task is to manage the occupational pension insurance funds provided for by law. Keva collects pension contributions and pays pensions. It is a legal person governed by public law within the meaning of Finnish legislation and is exempt from tax in Finland.

- **The pension fund of the province of Åland** is the pension fund responsible for managing the pensions of workers employed by the province of Åland. Its primary task is to manage the funds of the statutory occupational pension insurance scheme. However, it is the province of Åland which is responsible, inter alia, for the payment of employee pensions. The resources of the pension fund of the province of Åland are separate from the budget of the province of Åland. The fund does not have separate legal personality, but is part of the province of Åland. The fund is exempt in part from tax in Finland and does not pay tax on dividends received from public limited companies.

- **The Central Church Fund** was the Finnish fund for employees of the Evangelical Lutheran Church of Finland until 1 January 2016. It managed the funds paid out under the statutory occupational pension insurance scheme. The payment of retirement pensions on its behalf was managed by Keva. The Central Church Fund does not have separate legal personality, but is part of the Evangelical Lutheran Church of Finland. The Central Church Fund is, in practice, exempt from income tax in Finland.

In Sweden, the pension funds governed by public law are part of the State and benefit from a tax exemption granted to the income of the State. The main task of those pension funds is to manage the capital which constitutes, in part, the income-based old-age pensions and forms part of the Swedish old-age pension. The general old-age pension scheme itself forms part of the public and compulsory social security system.

In its ruling, the CJEU finds that the Swedish Government's arguments concerning the differences between the Swedish GP funds and the Finnish public pension funds, such as Finnish public pension funds having varying legal forms and the Swedish GP funds not being responsible for collecting pension contributions and paying pensions, does not have a direct link with the (different) tax treatment of the dividends received from Swedish corporations.

The CJEU states that it is apparent that the Swedish and Finnish general old-age pension schemes have the same social objective, the same task and the same type of legal organisation. Their method of financing is identical and they have a similar mode of operation. However, the Finnish pension institutions governed by public law have certain characteristics which differ from those of Swedish pension funds governed by public law in that those institutions have varying legal forms. Furthermore, Swedish pension funds governed by public law are not responsible for collecting pension contributions and paying pensions, although that task is nevertheless carried out by the Swedish public authorities. The CJEU considers that the collection of pension contributions, the payment of pensions and the legal form of the fund concerned do not appear to have a direct link with the tax treatment of the dividends received from Swedish companies. The CJEU finds that the only criterion that possibly could differentiate between pension funds governed by Swedish public law and non-resident pension institutions governed by public law, is the place of residence of the funds and the difference in treatment concerned situation that are objectively similar. The CJEU also finds that the restriction on the free movement of capital cannot not be justified by overriding public interests and thereby rules that the Swedish law constitutes a restriction on the free movement of capital.

The CJEU judgement has been eagerly monitored and awaited in Finland. From the Finnish perspective, the judgement is well reasoned and takes the characteristics, purpose and tax treatment of the Finnish pension institutions into account. The ruling follows the previous case law of the CJEU, and it is an important ruling for the Finnish pension funds, which have significant shareholdings in Sweden. From a broader perspective, the ruling could also be significant for other foreign pension funds and public bodies investing abroad in different Member States.

Withholding taxation of foreign pension operators in similar kinds of situations in Finland

The now published CJEU ruling concerns the Swedish withholding taxation of Finnish pension funds that received dividend income from Sweden. In this context, we would like to also briefly refer to the Finnish tax legislation and Finnish tax treatment in alike situations where a foreign pension operator receives dividend income from Finland.

In Finland, the published case law concerning the Finnish withholding taxation of foreign pension funds is very limited. However, a few years ago the Finnish Supreme Administrative Court issued a ruling (15.11.2022, decision H3272/2022, unpublished) in which it considered a foreign state pension investor tax exempt in Finland, because its operations, including its responsibility to take care of public pension responsibilities, and its legal form were comparable to Keva to such an extent that no objective differences could be found and therefore, the withholding taxation of dividends would have infringed the free movement of capital. The ruling is in line with the now published CJEU judgment in case Keva.

Following the CJEU judgement in case Keva, and when also taking into account the above-described case law of the Finnish Supreme Administrative Court, foreign pension operators should have strong grounds to request for refund of Finnish withholding taxes levied for their Finnish dividend income.

Mikko Alakare
mikko.alakare@castren.fi

Anette Laitinen
anette.laitinen@castren.fi

If you wish to discuss these topics, please contact:
Castrén & Snellman Attorneys Ltd.

Germany

Securities funds and German WHT – Two important German High Fiscal Court decisions

The German Federal Fiscal Court (BFH) recently published two – important – decisions according to which foreign securities investment funds were discriminated against compared to German investment funds, as far as the non-German investment funds suffered German WHT on German dividends during the time period from 2004 until the end of 2017 (Bundesfinanzhof, decisions I R 1/20 and I R 2/20, both dated 13 March 2024).

Facts of the BFH cases[3]

A French FCP fund had suffered German dividend WHT in the WHT-years 2008 – 2013 (case I R 1/20). The plaintiff asked for a refund of the WHT (15%) plus interest, based on the EU Free Movement of Capital. The BFH agrees that the French fund is entitled to equal treatment with the comparable German investment fund, which would not have suffered the German WHT. In the second decision the reasoning of which is almost identical, a Luxembourg SICAV (S.A.) had suffered German dividend WHT in the WHT-years 2009 – 2013 (case I R 2/20).

3 For further detail, please allow us to refer to the WTS Global FS Infoletter #29 of 27 June 2023.

The German Federal Fiscal Court (BFH) also decides that the claimant is entitled to interest on the overpaid WHT. While not foreseen in German national tax law, the BFH derives from EU law such direct entitlement of the claimant, especially from the obligation to effectively implement EU rules (effet utile).

The interest period generally starts with the date of the deduction of WHT and ends with the actual refund payment, at least from the WHT-year 2012. For WHT-years before 2012, the interest period starts later, generally six months after the WHT refund application was filed by the fund.

The interest rate has not been decided yet. However, without going into detail here, the BFH indicates that the rate will be between at least 1,8% p.a. and a maximum of 6% p.a.

Impact of the BFH decisions
The two recent decisions named are good news for the foreign investment funds. Their economic impact is that the German fiscal authority will – eventually – have to pay out billions of Euro.

Tax law methodologically, there now are a number of case law items and the tax legal questions seem settled now. In several lines of argument in favor of the plaintiff, the two recent BFH decisions quote the prior CJEU judgement on the discrimination of foreign real estate investment funds by means of German taxation (CJEU dated 27 April 2023, C-537/20, "L-Fund").

However, the "game is not yet over" for the German tax authority.

First, the details on the applicable interest rate have yet to be decided. The amounts at stake can be substantial.

Second, and operationally important, is the following aspect. Both of the two recent BFH decisions explicitly mention that so far, based on their legal position taken (no discrimination of the foreign investment fund) during the application process, the German Federal Office of Finance (BZSt) and the lower tax court did not investigate the question of whether the WHT reimbursement amounts claimed are correct in purely factual terms, i.e. whether the WHT was actually suffered by the plaintiff under the rules of German national tax law. In the cases at hand, the plaintiffs submitted their own lists of dividends received and WHT paid, i.e. the WHT related facts were not yet subject to review. The BFH points out that this review will now have to be carried out by the German tax authority (lower tax court) without giving further detail in this regard.

Applicant investment funds and their asset managers may wish to discuss how to prepare for such upcoming "beneficial ownership test" and to pursue the existing WHT reclaim applications with their tax advisors.

If you wish to discuss these topics, please contact:
WTS Germany

Steffen Gnutzmann
steffen.gnutzmann@wts.de

Robert Welzel
robert.welzel@wts.de

Poland

Amendments to the Polish Tax Code regarding interest on overpayments resulting from CJEU's judgment

The Polish government is currently working on amendments to the Polish Tax Code (Ordynacja podatkowa) in response to a recent ruling by the Court of Justice of the European Union (CJEU). These draft amendments, which were added to the legislative agenda of the Polish Cabinet on 14 June 2024, aim to bring Polish law in line with the CJEU's decision issued on 8 June 2023 in the case C-322/22.

The CJEU judgment found that certain provisions of Polish tax law, which limit or deny interest on overpaid Polish withholding tax (WHT), are incompatible with EU law, particularly the principle of effectiveness and the principle of sincere cooperation as outlined in Article 4(3) TEU.

Under current Polish tax law, specifically Article 78(5) of the Polish Tax Code, interest on WHT overpayments accrues:

› From the date the overpayment arises (i.e., the date on which the tax is withheld) until the tax is refunded, but only if the refund request is filed within 30 days of the publication of the relevant CJEU judgment; or

› From the date the overpayment arises until 30 days after the CJEU judgment's publication if the refund request is submitted beyond the 30-day window.

For further details, please refer to the Polish sections of the WTS Global Financial Services Infoletters #30, dated 23 October 2023, and #31, dated 17 January 2024.

The proposed amendments aim to rectify this breach of EU law by ensuring that interest on WHT refund claims resulting from a CJEU ruling will accrue from the date the overpayment occurred until the overpaid WHT is either refunded or settled against future tax liabilities.

The CJEU ruling and the proposed legislative amendments have significant implications for Polish taxpayers affected by the current Polish tax law on interest, especially in cases where overpayments occurred beyond the 30-day window.

The proposed amendments are currently at the stage of intra-cabinet consultations.

Opinion of Advocate General Kokott in case C-18/23, 11 July 2024: Polish CIT exemption for self-managed foreign investment funds

The case C-18/23 pending before the CJEU regarding the Polish corporate income tax (CIT) exemption for foreign EU and EEA investment funds could have significant implications, especially for self-managed funds like Luxembourgian SICAVs. Advocate General Juliane Kokott's recent opinion in Case C-18/23, delivered on 11 July 2024, has sparked concern due to her support for Poland's differential tax treatment of resident externally managed and non-resident internally managed (self-managed) investment funds.

AG Kokott concluded that Poland's approach, which exempts only externally managed investment funds from CIT, is justified by the objective of effective investor protection. She argued that this measure is both suitable and necessary, even if it results in an impairment of the free movement of capital. According to AG Kokott, such a restriction is permissible under EU law, provided that both domestic and foreign funds are treated equally and that there is no indirect discrimination since Polish law does not allow the establishment of internally managed investment funds.

If the CJEU follows AG Kokott's opinion, such decision would have significant ramifications, affirming that Poland's different fiscal treatment of non-resident self-managed funds is compatible with EU law and does not constitute discrimination.

The issue at hand arises from the restrictive interpretation of Polish tax law by Polish tax authorities and lower-level administrative courts, which have consistently denied CIT exemptions to self-managed foreign investment funds. They argue that these funds are not comparable to Polish investment funds because the internal management of the fund is not – as such – authorized by the respective financial supervision authority.

However, this view has been challenged by a series of favourable rulings from the Polish Supreme Administrative Court (SAC), which has held that all funds operating under the UCITS Directive should be considered comparable to their Polish counterparts (cases such as II FSK 699/19, II FSK 2965/18, II FSK 2663/18, and II FSK 1866/18). The SAC emphasized that requiring an external management company as a criterion for comparability contradicts EU legislation and undermines the principle of free movement of capital.

Despite these SAC rulings, the Regional Administrative Court in Gliwice referred a case involving a Luxembourg-based specialized investment fund (SICAV-SIF) to the Court of Justice of the European Union (CJEU) for a preliminary ruling. The Polish court sought clarification on whether the national law governing the CIT exemption for self-managed foreign funds is compatible with the UCITS Directive (Directive 2009/65/EC), particularly Article 29(1), and other relevant provisions of EU law. The case was described in more detail in the Polish section of the WTS Global Financial Services Infoletter #28, dated 15 March 2023.

The case raises broader questions about the interplay between national regulatory law and national tax law across different jurisdictions.

While there are differences in how investment funds can be structured under different national regulatory laws, it remains questionable whether these differences should be disregarded for tax equality purposes. The stringent and formalistic conditions for granting tax exemptions to foreign funds under Polish tax law, based on specific regulatory features of Polish investment funds, could lead to inconsistencies and misunderstandings in the application of national tax law. Conditions derived from regulatory law must not be assessed without considering their functional context and without adequate understanding of the relevant regulatory framework.

VAT exemption for bonds contributed by investment fund as capital into a company in exchange for shares

On 28 March 2024, the Director of the Polish National Revenue Information Centre issued a private tax ruling (ref. 0111-KDIB3–1.4012.938.2023.3.IK) addressing the VAT implications of a specific transaction involving bonds issued by a fund. The ruling examined whether the contribution of such bonds issued by an investment fund to a Polish company constitutes a supply of services involving financial instruments, and whether such a supply qualifies for VAT exemption under Article 43(1)(41) of the Polish VAT Act.

Under Polish VAT law, services involving financial instruments, as defined by the Financial Instruments Trading Act, are generally exempt from VAT, with certain exceptions such as safekeeping services and management services. The exemption also covers related agency (brokerage) services.
In the case at hand, the Polish company issued new share capital in exchange for the contribution of bonds by the fund. The fund is actively involved in financial market activities, including investments in securities and other financial instruments like bonds. The Fund engages in various financial transactions, such as purchasing bonds, earning interest, and selling bonds on the secondary market before their maturity, along with other activities like securities trading and loans.

As a result of the transaction, the Fund received new shares in the company in exchange for the bonds it contributed. The Polish National Revenue Information Centre determined that under these circumstances, the fund is acting within the scope of its business operations. By trading in financial instruments, including the bonds, the Fund is functioning as a professional entity providing services to the company through the sale of bonds. Consequently, these transactions constitute a taxable supply of services.

Magdalena Kostowska
magdalena.kostowska@wtssaja.pl

Bartosz Anulewicz
bartosz.anulewicz@wtssaja.pl

However, since the sale of bonds (financial instruments) by the Fund is conducted as part of its business activities, the transaction qualifies for a VAT exemption under Article 43(1)(41) of the VAT Act.

If you wish to discuss these topics, please contact:
Doradztwo Podatkowe WTS&SAJA Sp. z o.o.

Portugal

VIEIRA DE ALMEIDA

New tax regime for loan funds – A milestone for Portuguese financial sector

In 2019, Loan Funds were recognized as a form of alternative investment funds, triggering the interest of international investors. Unfortunately, the enactment of the regulatory framework was not matched by a corresponding tax framework. The special tax regime applicable to Loan Funds was finally enacted this Summer, paving the way to a new form of lending to Portuguese borrowers.

Loan Funds in a nutshell
Loan Funds are classified as alternative investment funds and are authorized to grant and acquire credits, including both performing and non-performing loans (NPLs). They can also participate in loans, subject to certain exceptions. The initial enthusiasm in the

Portuguese lending market is now boosted by a clear and favourable tax regime for these vehicles and respective investors.

Loan Funds' tax regime

According to the new regime, Loan Funds benefit from the same tax treatment as Venture Capital Funds (fundos de capital de risco), which is the most favorable tax regime available in Portugal for fund structures.

Taxation of the Fund

- Corporate Income Tax Exemption: Loan Funds are fully exempt from Corporate Income Tax on any income or gains.

- Stamp Duty Exemption: Unlike ordinary investment funds, which are subject to Stamp Duty on their net asset value periodically, Loan Funds will not be subject to this taxation. In practice, Loan Funds will operate as a tax neutral collective investment vehicle.

Taxation of the Investors

- Non-Resident Investors: Non-resident investors benefit from a full withholding tax exemption on distributions made by Loan Funds and on capital gains realized upon the redemption or disposal of participation units in the Loan Fund. This exemption does not apply to investors that are (i) legal entities directly or indirectly owned more than 25% by Portuguese-resident investors, or (ii) entities resident in blacklisted jurisdictions.

- Resident Investors: Resident investors can also invest in Loan Funds. For natural persons, a flat tax rate of 10% will apply to distributions and capital gains realized upon redemption or disposal of participation units, compared to the standard tax rate of 28%. For corporate resident investors, the primary benefit is the deferral of taxation, which will only occur upon distribution or disposal of participation units.

The enactment of this tax regime underscores Portugal's commitment to fostering a dynamic and competitive financial sector. It represents a highly competitive funding mechanism, particularly when compared to the tax implications of cross-border financing structures taking into consideration that interest paid abroad pursuant to a bank facility is subject to withholding tax at a rate ranging from 10% and 25%.

Francisco Cabral Matos
fcm@vda.pt

Rita Pereira de Abreu
rma@vda.pt

If you wish to discuss these topics, please contact:
Vieira de Almeida (VdA)

Serbia

Exemption from capital gains tax on the transfer of copyright and related rights and industrial property rights

Serbian economy is widely recognized as an investment destination for outsourcing activities. However, Serbian government introduced many incentives in order to attract businesses who will create intellectual property and change economic landscape.

Some of these measures are:

- Companies who perform research & development (R&D) activities on the territory of Republic of Serbia (i.e., at least 90% of employees engaged on the project of R&D perform activities in Serbia) may deduct those costs in double amount.
- Companies who generate revenue from intellectual property registered in Serbia can exempt part of the profit and decrease effective tax rate.
- Companies invest in innovative start-ups are granted with tax credit in amount of 30% of investment.
- Individuals who sell digital assets and then reinvest those funds in a resident company are granted with tax credit in amount of 50% of investment.

In addition, Serbian government is also introducing new capital market regulation, in order to help financing of such innovative companies, since such businesses are not attractive clients for domestic commercial banks. Some of examples such legislation are:

- Law on digital assets
- Law on alternative investment funds
- Law on crowdfunding – currently in preparation phase

In August, Serbian government introduced new legislation with goal of developing creative economy. The Rulebook on Exemption from Capital Gains Tax on the Transfer of Copyright and Related Rights and Industrial Property Rights was introduced. The rulebook provides more context to the Article 79b of Law of personal income tax, according to which an individual who invests copyright and related rights, as well as industrial property rights in the resident legal entity is exempt from capital gains tax.

According to the Rulebook, following conditions must be met in order to acquire capital gains tax exemption:

- The subject of transfer must be deposited/registered at the Serbian responsible state authority. This means only intellectual property deposited/registered in Serbia may be subject to capital gains tax exemption. However, an investment can be made by either Serbian tax resident or a foreign tax resident.
- This transfer is registered as an increase of basic equity of a Serbian legal entity, regardless of the fact whether company is newly established or already operating.
- The value of transferred rights is valued by either court – appointed financial expert registered with the competent authority, or an auditor or audit company conducting the valuation of the equity, in accordance with the law regulating auditing.

An individual which gets tax exemption is obliged to file the tax return and provide documents that are evidence for conditions stated in previous paragraph.

However, tax exemption can be lost in 2 cases:

› The intellectual property is sold by the company in 2 years of transferring those rights.

› During the same period, the rights of using the intellectual property are transferred to a related party under conditions which are not in accordance with the ''arm's length'' principle.

If tax exemption is lost, the tax liability is deemed to be created in the moment of investing the intellectual property in the company's equity.

Srecko Cosovic
srecko@ wtsserbia.com

If you wish to discuss these topics, please contact:
WTS Porezi i Finansije d.o.o.

South Korea

South Korea ramps up its effort to increase foreign investors trading volume in its bourses through easing tax regulation starting from 2024

The term "Korea discount" made headlines of major newspapers for quite a while since 2022. Korea discount is a term used to describe a phenomenon in the stock market where equities traded on Korean stock exchanges are undervalued compared to global peers. In a bid to address this particular issue at least from the regulatory policy perspective, Korean government has recently eased compliance procedure for foreign investors trading in Korean bourses through so-called "omnibus account," which was introduced by the Korean Financial Supervisory Service ("FSS") in 2017 to allow foreign investors to have easier access to the Korean capital market. Although such measure may not be sufficient enough to significantly ameliorate the issue facing the Korean stock exchanges, i.e., Korea discount, it will definitely ease administrative burdens of foreign investors to a large extent with a caveat that there may be a significant with-holding tax implication thereof.

Introduction to Omnibus Account in Korea

In 2017, The Korean Financial Services Commission introduced so-called "omnibus account for foreign investors" ("Omnibus Account") in a bid to ease foreign investors' trading of stocks in Korean bourses and facilitate more volume of trading by foreign investors. By definition, the Omnibus Account means a real account opened by a foreign securities company for the purpose of buying and selling shares on behalf of foreign investors under its name by means of bulk order and bulk settlement.

Prior to the introduction of the Omnibus Account, each foreign investor wanting to trade stocks listed in one of Korean bourses was required to (i) obtain an Investor Registration Certificate ("IRC") from the FSS ii) appoint a custodian bank in Korea, and (iii) open an account for trading purposes with one of Korean securities companies before being able to actually trade stocks. As stated earlier, the Korean government is trying to remove red tapes around the foreign investors' access to Korean stock exchanges in order to increase the trading volume.

However, when the Omnibus Account was firstly introduced in 2017, there remained a few impediments to the successful achievement of the foresaid objective of the Korean government as i) foreign investors still had to obtain the IRC from the FSS and ii) global securities companies holding the Omnibus Accounts were required to report the details of trades executed via their Omnibus Accounts immediately after the settlement (T+2).

Eased compliance burdens for foreign investors trading through the Omnibus Accounts

The Korean government recently overhauled the Financial Investment Services and Capital Markets Act ("FSCMA") and repealed the IRC system to further streamline the compliance procedure involving the Omnibus Account in order to ameliorate the Korean investment environment for foreign investors. In a nutshell, the streamlined procedure i) exempts foreign investors from obtaining the IRC prior to trading Korea-listed stocks and ii) provided much more flexibility to the Omnibus Account holders, to wit: the Omnibus Account holders are now required to report the details of the trading executed via their Omnibus Account only once a month. Although this may not be sufficient enough to achieve the objective of the Korean government to tackle the Korea discount issue, it is highly envisaged that foreign investors' easier access to Korean capital market will facilitate more volume of trading in Korean stock exchanges and this will have a positive impact on the undervalued stocks to a certain extent.

Some limitations of the measure introduced by the Korean government (compared to the U.S. system)

In the U.S., a Qualified Intermediary ("QI") program was introduced in 2001 to ease the administrative burden of foreign investors and to secure foreign investors' confidential information. A QI refers to a financial institution or entity that has entered into a formal agreement with the Internal Revenue Service ("IRS") under the provisions of the QI program. The primary function of a QI is to facilitate the proper withholding and reporting of taxes on income derived from U.S. securities owned by foreign investors. Additionally, a QI acts as an intermediary by collecting and documenting the tax status of foreign investors to ensure compliance with U.S. tax law and the applicable treaty benefits.

Similar to the QI program in the U.S., the Korean government introduced in 2022 so-called Qualified Foreign Financial Institution ("QFFI"). Under this new regime, foreign investors are required to submit requisite supporting documents to the QFFI with respect to their investments in Korean sovereign bonds to benefit from a pertinent tax treaty. In turn, the QFFI should submit a simple summarizing statement to the relevant tax office to complete the compliance procedure. Besides, unless there is any change in the status of foreign investors, they do not need to submit the same supporting documents again to the QFFI to enjoy a pertinent tax treaty benefit.

However, as stated above, there is a limitation of this new regime in a sense that QFFI system is applicable only to a specific asset type, i.e., Korean sovereign bonds. Therefore, it is cautiously anticipated that the Korean government may expand the application of QFFI to all different asset types in near future, allowing foreign investor much easier access to Korean capital market in order to ultimately address the Korea discount issue.

WHT implication on Korea-sourced income derived through the Omnibus Accounts
In July 2023, the Korean government issued a proposed a tax bill where it includes a new rule for WHT in response to the recently streamlined compliance procedure concerning the Omnibus Account introduced above.

Effective from January 1, 2024, the Korea-source income payer to foreign investors is required to withhold taxes at Korean domestic rates (22% for dividends) without applying any tax exemption or reduced tax rate under a pertinent tax treaty at the time of withholding. If foreign investors would like to benefit from a pertinent tax treaty, now they should submit a separate request for a tax refund after-the-fact to the tax office within five years.

This change in the WHT compliance will have a significant impact on the foreign investors' cash flow going forward as they may need to pay taxes at a higher rate upfront and claim for the refund later. This will definitely entail the necessity of prudent advice and assistance from tax advisors.

Steve Minhoo Kim
steve.kim@leeko.com

If you wish to discuss these topics, please contact:
Lee & Ko

Sweden

Swedish WHT on dividends to foreign public pension funds constitutes a prohibited restriction of the free movement of capital (C-39/23 Keva et al v. Skatteverket)

Under Swedish domestic tax law, the Swedish Government and its foreign equivalents are exempt from taxation meaning that dividends paid from Swedish corporations to Swedish public pension funds are tax exempt. The Swedish Tax Agency has however been of the view that foreign public pension funds are not objectively comparable to Swedish public pension funds, why their requests for refunds of WHT on dividends historically have been rejected. This difference in treatment was challenged by three Finnish pension funds and has now been tried before the CJEU, which confirmed that the Swedish system is discriminatory and contrary to EU law.

Background
According to the Swedish Income Tax Act (the ITA) (1999:122), the Swedish Government is exempt from taxation. Consequently, dividends received by Swedish public pension funds (GP funds) are tax exempt.

KEVA is a Finnish public pension fund which is exempted from tax in Finland. From 2003 to 2016, KEVA and two other Finnish public pension funds received dividends from Swedish companies. These dividends were subject to WHT in Sweden, although the terms and expressions used in the ITA are supposed to cover any foreign equivalents. The three Finnish public pension funds applied for refunds with the Swedish Tax Agency (the STA) and argued that levying Swedish WHT was contrary to the free movement of capital according to Article 63 TFEU. The STA rejected this application citing that the complainants were not in an objectively comparable situation to the Swedish GP funds. The three Finnish public pension funds together appealed the STA's decision to the

Swedish Administrative Court as well as the Swedish Administrative Court of Appeal. However, both courts ruled in favour of the STA. In January of 2023, the case reached the Swedish Supreme Administrative Court which in turn applied for a preliminary ruling from the CJEU.

The case before the CJEU

The CJEU initially stated that while Article 63(1) TFEU contains a general prohibition against restrictions on movements of capital between Member States, differences in treatment may be allowed if a restriction relates to situations which are not objectively comparable or if there is a reason relating to the public interest which overrides the difference in treatment.

The Court then swiftly established that the Swedish rules on WHT constituted a restriction of the free movement of capital as the difference in treatment might deter non-resident pension institutions from investing in companies established in Sweden.

The Court continued by assessing whether this difference in treatment concerned two objectively comparable situations. The Swedish Government, which had been given the opportunity to submit a written observation, had argued that the aim of the rule in Paragraph 2 of Chapter 7 of the ITA (which exempts the Swedish GP funds from taxation) is to avoid a circular flow of public resources of the Swedish State and that the exemption therefore promotes the stability and viability of the Swedish pension scheme.

The Swedish Government's argument was that since it is not the Finnish public pension funds' aim to promote the financial stability and durability of the Swedish social security system, they were not in an objectively comparable situation to the Swedish GP funds. Advocate General Collins had already in his opinion expressed that such a comparison was unduly restrictive, a view which was ultimately shared by the Court. Instead, the Court emphasized the fact that the Swedish GP funds and the Finnish public pension funds all share the same social objective, have the same function and same type of legal organisation. Furthermore, their methods of financing are identical, and they have similar modes of operation. The Court stated that the differences between the Swedish GP funds and the Finnish public pension funds that had been highlighted, such as Finnish public pension funds having varying legal forms and the Swedish GP funds not being responsible for collecting pension contributions and paying pensions, did not have a direct link with the (different) tax treatment of the dividends received from Swedish corporations. Thus, the Court found that the only criterion that possibly could differentiate between pension funds governed by Swedish public law and non-resident pension institutions governed by public law, was the place of residence of the funds. It was therefore the Court's conclusion that the difference in treatment concerned situations that were objectively comparable.

Lastly, the Court assessed whether this restriction on the free movement of capital could be justified by overriding reasons relating to the public interest. The Swedish Government had claimed that a potential restriction could be justified by, (i) the need to safeguard the Swedish social policy objective and its financing and, (ii) the principle of territoriality combined with the need to preserve a balanced allocation of the powers between the Member States as regards the general income-based old-age pension scheme. The Swedish Government elaborated its first point by stating that taxation of the GP funds would mean that the Swedish Government would be required to allocate the corresponding tax revenue to the GP funds in the annual budget in order for the GP funds not to use their own funds to finance that tax. Further, the Swedish Government argued that the exemption from taxation enjoyed by the Swedish GP funds made it possible to avoid an unnecessarily costly circular flow of public resources. In regard to its second point the Swedish Government argued that a Member State has the right to tax income generated in its own territory according to the principle of territoriality and that EU law does not require Member States to contribute to the financing of general national old-age pension schemes of other Member States.

However, the Court was quick to dismiss both arguments of overriding reasons in the public interest. Concerning the Swedish Government's argument that an exemption for the GP funds helped avoid a circular flow of public resources, the Court stated that according to CJEU case law, administrative disadvantages are not alone sufficient to justify a restriction of the free movement of capital. Regarding the Swedish Government's argument of the need to preserve a balanced allocation of the power to tax between Member States, the Court stated that a Member State which has chosen not to tax resident funds on their domestic income, cannot rely on the need to ensure a balanced allocation of the power of taxation between Member States to justify the taxation of non-resident funds receiving such income.

In accordance with the above, the Court found that the Swedish legislation constitutes a restriction on the free movement of capital and is discriminatory of non-resident public pension funds. The Court ruled:

"Article 63 TFEU must be interpreted as precluding legislation of a Member State under which dividends distributed by resident companies to non-resident pension institutions governed by public law are subject to a withholding tax, whereas dividends distributed to resident pension funds governed by public law are exempt from such a withholding tax.".

Svalner's comment

The ruling from the CJEU will hopefully provide an increased incentive to invest in Swedish corporations, not only for non-resident public pension funds but other foreign public institutions that could potentially be covered by the Government tax exemption in the ITA. Svalner looks forward to following the continued process as the KEVA case will now be tried before the Swedish Supreme Administrative Court. Svalner looks forward to a ruling by the Swedish Supreme Administrative Court in the national case which is in accordance with the CJEU's ruling.

As a result, non-Swedish public pension funds as well as other non-Swedish public entities which have suffered WHT in Sweden may be entitled to refunds. However, a five-year limit applies to such applications and thus, an application for a refund must be submitted to the Swedish Tax Agency within five years from the year the dividends were received. Svalner is happy to assist with both the material assessment as well as the procedure with the Swedish Tax Agency for non-Swedish public pension funds or other public institutions that have suffered Swedish WHT and want to assess the possibility of a refund.

If you wish to discuss these topics, please contact:
Svalner Skatt & Transaktion KB

Erik Nilsson
erik.nilsson@svalner.se

Veronica Björklund
veronica.bjorklund@svalner.se

United Kingdom

The end of the LLP for fund managers?

Private Equity ("PE") funds are impacted by recent HM Revenue & Customs ("HMRC") changes in the UK relating to the Limited Liability Partnerships ("LLPs") structure, meaning some partners are treated as employees for tax purposes.

Current landscape

Privately owned PE businesses in the UK are typically structured as LLPs, not companies. One key benefit is tax saving.

In a company, a senior employee pays income tax (up to 45%) and employee National Insurance Contributions ("NICs") (at 2%) on their remuneration, whilst the company pays employer NICs (at 13.8%). The company will also pay corporation tax (at 25%). In an LLP, there is the same income tax and employee NICs, but no corporation tax or employer NICs.

The 'Salaried Member' Rules

There are many commercial and legal reasons for choosing a structure, but all things being equal, tax may be a factor. However, one cannot decide to use an LLP, make everyone a partner (rather than an employee), and simply reduce tax.

Specific rules (the "Salaried Member" rules) seek to ensure only genuine business owners are treated as partners by recategorising other LLP members as disguised employees for tax purposes. The result is the LLP being liable for employer NICs.

A member of an LLP will be treated for tax purposes as an employee if they meet all these three conditions:

A) Receive 20% or less of their profit share in a manner which is variable by reference to the overall LLP profits.
B) Do not have significant influence over the LLP's affairs.
C) Do not contribute capital to give them a real, at risk, significant investment in the LLP.

Most LLP members avoid being in Condition C by contributing cash greater than 25% of their 'disguised salary' to the LLP. It is typical for LLPs to assist members in obtaining a loan for this, but the amount needs to be genuinely 'at risk'. Whilst a formulaic test, targeted anti-avoidance rules ("TAAR") in effect state that one needs to disregard any actions taken specifically to avoid being caught.

The Shift

There are now reports of HMRC using their guidance to investigate LLPs on Condition C. This creates the threat of backdated employer NICs plus penalties and interest equating to £millions.

Until recently, HMRC guidance on Condition C could broadly be paraphrased as saying that the TAAR would not be applied if capital was truly at risk. Under new guidance, the TAAR may be applied if the sole reason for increasing capital contributions is to exceed the 25% threshold. This means some members may now be treated as employees and the LLP will have underdeclared and underpaid NICs on distributions to those individuals.

Until the outcome of these compliance checks, it is difficult to predict the impact on PE firm structures. It is likely that the new guidance will impact large LLPs, where junior members will not have significant influence nor a profit share depending on the LLP's profits. PE firms will need to weigh up the pros and cons of continuing the LLP model.

These challenges are distinct from upcoming changes to the tax treatment of carried interest.

For LLPs, now is the time to review the structure through HMRC's lens.

If you wish to discuss these topics, please contact:
FTI Consulting LLP, London

Angus Wilson
angus.wilson@fticonsulting.com

Lewin Higgins-Green
lewin.higgins-green@fticonsulting.com

Taking up the carried interest tax change challenge

The UK Chancellor of the Exchequer Rachel Reeves confirmed that the Autumn Budget will be presented on 30 October and paved the way for a number of expected tax increases[4].

What does this news mean for private equity ("PE") firms and executives from a tax perspective? Some things we know, some things we don't and there are some things we might be able to guess.

In the Labour Party's manifesto the word 'tax' appears only 28 times. However, the manifesto confirms Labour's intention, amongst other things, to increase the tax on carried interest and abolish non-dom status (a UK resident whose permanent home – or domicile – for tax purposes is outside the UK), whilst also stopping the use of off-shore trusts for inheritance tax planning purposes. These policies have been re-confirmed, and some additional information provided[5]. A "call for evidence" on the tax treatment of carried interest, where stakeholders were invited to share their views, has recently closed.

So, what are the practical implications for PE firms and for the UK as a whole?

Carried Interest Taxation
Currently, carried interest returns to individuals are taxed, broadly, at 28% (assuming the returns are of a capital nature – e.g., proceeds of the sale of shares in portfolio companies rather than dividend distributions). This rate contrasts with a 20% tax rate that would apply to similar gains (e.g., the proceeds of share sales) outside of a carried interest structure and a 24% tax rate applying to gains on residential property.

Although there are many references to this carried interest rate being a 'loophole' (including in Labour's manifesto) given that it is lower than income tax rates (which are up to 45%) – it is not. Whilst many will have views over whether or not it is the correct tax rate, legislation both defines carried interest and specifies this tax rate.

The Labour manifesto estimated that 'closing [the] carried interest tax loophole' would net the government £565mn in 2028–29.

4 https://www.gov.uk/government/news/chancellor-i-will-take-the-difficult-decisions-to-restore-economic-stability
5 https://www.gov.uk/government/calls-for-evidence/the-tax-treatment-of-carried-interest-call-for-evidence

The Government could do this by increasing the 28% rate that applies (easy to do, legislation-wise), changing the underlying treatment by re-classifying the income as employment income (more complicated to do, legislation-wise), or it could do something else, such as removing the exemption to apply the 'income based' carried interest rules where the right to carried interest was acquired by an employee.

According to a recent article in the Financial Times by Patrick Jenkins, if carried interest tax rates were increased from 28% to 45% and the same amount of carried interest remained taxable in the UK, £1bn of tax would be generated. However, most experts would argue that given the highly mobile nature of PE executives it is likely the eventual figure would be significantly lower, and potentially even reduce the tax take of the Government if this approach was taken.

Doing something less risky – like increasing the specific capital gains tax rate from 28% to something like the 33% mentioned by Patrick Jenkins – would result in a favourable outcome for both sides. It would boost tax revenues, allowing Labour to say that had dealt with the issue, while minimising the number of tax-payers leaving the UK.

A 33% rate would be on the higher end within Europe, but perhaps not too difficult to swallow for those who enjoy living in the UK. An article from Macfarlanes highlights that the effective rate of tax for carried interest ranges from around 23% to 34% across European countries with major financial centres.

Those who do consider leaving the UK to escape the net of capital gains tax are likely to need to remain non-resident for tax purposes for at least five years (to ensure any carry distributions in the interim are not taxed on their return under 'temporary non residence' rules). And the potential tax take on their other income will, of course, be lost to the UK.

The Government's recent call for evidence[6] asked three specific questions:

1. How can the tax treatment of carried interest most appropriately reflect its economic characteristics?
2. What are the different structures and market practices with respect to carried interest?
3. Are there lessons that can be learned from approaches taken in other countries?

The questions appear to hint that the direction the government will follow may involve (1) an alignment of the specific carried interest tax rate with those that apply in other countries (thus hoping to ensure the UK doesn't become hugely uncompetitive in the PE world); and (2) a change in the conditions that a carry holder would have to meet to be within the tax regime (e.g., perhaps requiring a minimum cash investment into the underlying fund).

Knock-on impacts to other structures

One potential (and perhaps likely) consequence of any change to the tax rate applying to carried interest is that HMRC may further focus on the valuations used for share acquisitions as part of management incentive plans ("MIPs"), such as growth shares. MIPs often use a separate class of share to deliver a capital return to management in respect of future growth in a company above a hurdle (the economics not sounding so

6 https://www.gov.uk/government/calls-for-evidence/the-tax-treatment-of-carried-interest-call-for-evidence/b8a7b5ae-0fcd-49bc-bfd1-d5cf5f4a8599

dissimilar to carried interest). These arrangements typically do not fall within the definition of carried interest and are, therefore, subject to the usual capital gains tax ("CGT") rates, currently up to 20%. Knock-on impacts on growth share type arrangements are, therefore, also possible.

One of the key benefits of being within the carry rules is that, subject to the terms of the Memorandum of Understanding ("MoU") between HMRC and The British Private Equity and Venture Capital Association ("BVCA"), clients may be able to rely on a safe harbour as to the very low valuation on allocation. This is not available for most management incentive plan-type arrangements, with HMRC usually expecting a detailed option-based pricing model to be on file.

Of course, it is also possible that the main rate of CGT is also increased in October.

Next steps

The private equity industry is facing significant changes. Recent developments, including the call for evidence, highlight the need for careful assessment and adaptation. As the industry navigates these challenges, it's crucial to understand the implications of the upcoming tax changes.

If you wish to discuss these topics, please contact:
FTI Consulting LLP, London

Lewin Higgins-Green
lewin.higgins-green@fticonsulting.com

Josh Cameron
josh.cameron@fticonsulting.com

Nirmalee Wanduragala
nirmalee.wanduragala@fticonsulting.com

Contact

Hot topic
Steffen Gnutzmann
steffen.gnutzmann@wts.de
T +49 40 3208 666 13
Robert Welzel
robert.welzel@wts.de
T +49 69 133845680
Jonas Carstensen
jonas.carstensen@wts.de
T +49 431 99696169
WTS Germany
Brüsseler Straße 1–3
60327 Frankfurt am Main
https://wts.com/global/services/financial-services

Finland
Mikko Alakare
mikko.alakare@castren.fi
T +358 20 7765 290
Anette Laitinen
anette.laitinen@castren.fi
T +358 20 7765 373
Castrén & Snellman Attorneys Ltd.
PO Box 233
Eteläesplandi 14
FI-00131 Helsinki
www.castren.fi

wts global

Contact

Germany
Steffen Gnutzmann
steffen.gnutzmann@wts.de
T +49 40 3208 666 13
Robert Welzel
robert.welzel@wts.de
T +49 69 133845680
WTS Germany
Brüsseler Straße 1–3
60327 Frankfurt am Main
https://wts.com/global/services/financial-services

Poland
Magdalena Kostowska
magdalena.kostowska@wtssaja.pl
Bartosz Anulewicz
bartosz.anulewicz@wtssaja.pl
T +48 661 770 702
Doradztwo Podatkowe WTS&SAJA Sp. z o.o.
Bałtyk Building, 13th floor
ul. Roosevelta 22
60–829 Poznań
https://wtssaja.pl

Portugal
Francisco Cabral Matos
fcm@vda.pt
Rita Pereira de Abreu
rma@vda.pt
T +351 213 113 485
Vieira de Almeida (VdA)
Rua D. Luis I, 28
1200–151 Lisbon
www.vda.pt

Serbia
Srecko Cosovic
srecko@wtsserbia.com
T +381 60 70 330 80
WTS Porezi i Finansije d.o.o.
Vojvode Stepe 32/1
11000 Belgrade
www.wtsserbia.com

South Korea
Steve Minhoo Kim
steve.kim@leeko.com
T +82–2–6386–6271
Lee & Ko
Hanjin Building
63 Namdaemun-ro, Seoul
04532
https://leeko.com

Sweden
Erik Nilsson
erik.nilsson@svalner.se
T +46 73 525 15 51
Veronica Björklund
veronica.bjorklund@svalner.se
T +46 72 584 94 41
Svalner Skatt & Transaktion KB
Lästmakargatan 3
111 44 Stockholm
https://svalner.se

United Kingdom
Angus Wilson
angus.wilson@fticonsulting.com
Lewin Higgins-Green
lewin.higgins-green@fticonsulting.com
Nirmalee Wanduragala
nirmalee.wanduragala@fticonsulting.com
Josh Cameron
josh.cameron@fticonsulting.com
FTI Consulting LLP
200 Aldersgate Street
EC1A 4HD, London
https://www.fticonsulting.com/uk/services/transactions/european-tax-advisory

wts global

About WTS Global

With a representation in over 100 countries, WTS Global is one of the leading global tax practices offering the full range of tax services without the constraints of a global audit firm. WTS Global deliberately refrains from conducting annual audits in order to avoid any conflicts of interest and to be the long-term trusted advisor for its international clients.

Clients of WTS Global include multinational groups, international mid-size companies as well as private clients and family offices.

The member firms of WTS Global are strong players in their home market united by the ambition of building the tax firm of the future. WTS Global effectively combines senior tax expertise from different cultures and backgrounds whether in-house, advisory, regulatory or digital.

For more information, please visit **wts.com**

Imprint
WTS Global
P.O. Box 19201 | 3001 BE Rotterdam
Netherlands
T +31 (10) 217 91 71 | F +31 (10) 217 91 70
wts.com | info@wts.de

Publisher
WTS GmbH
Frankfurt Office
Brüsseler Straße 1 – 3
60327 Frankfurt/Main
Germany

› Robert.Welzel@wts.de T +49 69 1338 45680
› Steffen.Gnutzmann@wts.de T +49 40 3208 66613
› Christiane.Schoenbach@wts.de T +49 69 1338 45670
› Katrin.Classen@wts.de T +49 69 1338 45672
› Christian.Bischler@wts.de T +49 69 1338 45620
› Guido.Dahm@wts.de T +49 69 1338 45610
› Stefan.Zwiesele@wts.de T +49 69 1338 45630