



BADAN KEBIJAKAN FISKAL
KEMENTERIAN KEUANGAN RI

Sosialisasi Perubahan P3B Indonesia- Singapura

Jakarta, Juli 2021



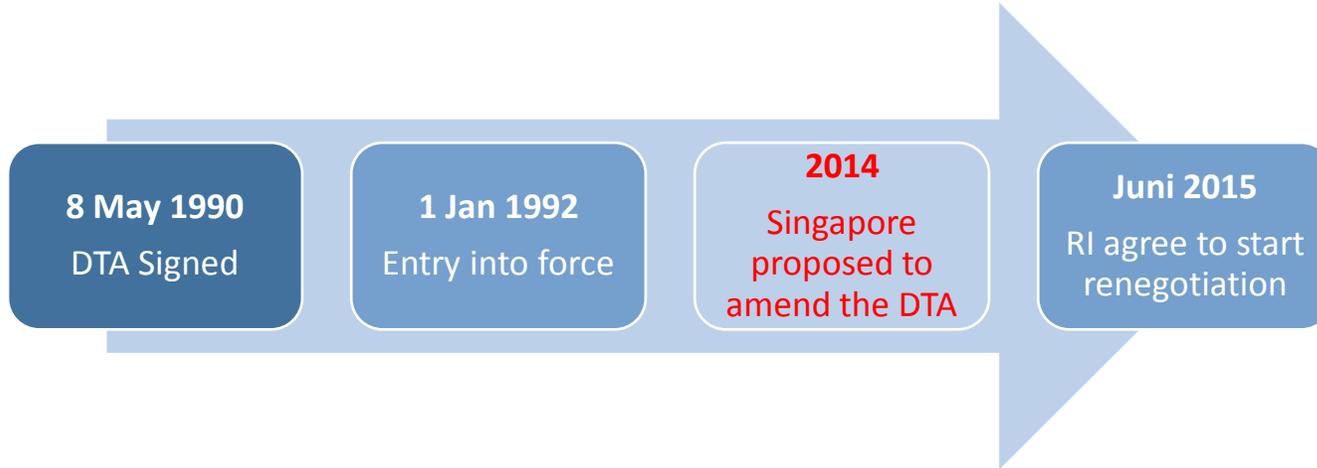


OUTLINE PAPARAN

1. Latar Belakang
2. Timeline Renegosiasi dan Pokok-Pokok Kesepakatan
3. Pasal-Pasal Perubahan P3B Indonesia-Singapura



LATAR BELAKANG



- menyesuaikan dinamika perkembangan hubungan perekonomian.
- Menyesuaikan standar internasional perpajakan, utamanya:
 - Pertukaran informasi perpajakan
 - Anti avoidance





TIMELINE RENEGOSIASI



8-10 July
2015
1st Round

27-29 July
2016
2nd Round

12-14 Sep
2018
3rd Round

26-28 Nov
2018
4th Round

6-9 Jan 2020
5th Round

4 Feb 2020
Signed

Perpres
35/2021
11 Mei 2021



POKOK-POKOK KESEPAKATAN

Tarif branch profit tax turun dari 15% menjadi 10%

Tarif pajak royalti turun: 15% ->10% dan 8%

penguatan pengaturan kontrak bagi hasil dan kontrak karya

government exemption untuk penghasilan bunga

Pajak atas bunga obligasi pemerintah diatur sesuai ketentuan domestik (maksimal 10%)

capital gains atas penjualan aset

klausul anti penghindaran dan pengelakan pajak

pertukaran informasi perpajakan



Pasal-Pasal Perubahan P3B Indonesia-Singapura



P3B Indonesia - Singapura

Scope of the Convention

Persons Covered

Taxes Covered

Definitions

Substantive Articles

resident

PE

Immovable Property

Business Profits

Air transport

Associated Enterprise

Dividend

Interest

Royalties

Capital Gains

IPS

DPS

Directors' Fee

Entertainers & Sports person

Pensions

Govt. Service

Teacher & Researchers

Students

Other Income

Non-Substantive/Administrative Article

Elimination of double taxation

Non-Discrimination

MAP

EOI

Assistance in Collection

Diplomatic members

Entitlement Benefit

Final Provisions

Entry into force

termination





Preamble

Lama

DESIRING to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

Baru

Intending to conclude an Agreement for the elimination of double taxation with respect to taxes on income **without creating opportunities for non-taxation or reduced taxation through tax evasion or avoidance (including through treaty-shopping arrangements aimed at obtaining reliefs provided in this Agreement for the indirect benefit of residents of third jurisdictions),**

Pernyataan
tujuan anti
penghindaran
pajak





ARTICLE 9: ASSOCIATED ENTERPRISES

Lama

NA

Coresponding
adjustment

Baru

2. Where a Contracting State includes in the profits of an enterprise of that State – and taxes accordingly –.....then that other State shall make an **appropriate adjustment** to the amount of the tax charged therein on those profits...

3. The provisions of paragraph 2 shall not apply where judicial or other legal proceedings have resulted in **a final ruling** that by actions giving rise to an adjustment of profits under paragraph 1, one of the enterprises concerned **is liable to penalty with respect to fraud, gross negligence or wilful default.**





ARTICLE 10: DIVIDENDS

Lama

Protocol

3. In connection with Article 7 "Business profits", nothing in this Article shall prevent either Contracting State from imposing, apart from the corporate income tax, a **branch profits tax** on the after tax profits of the permanent establishment, provided that the tax so imposed shall **not exceed 15%** of such amount.

Penurunan
Branch Profit Tax

Baru

6. Notwithstanding any other provisions of this Agreement, where a company which is a resident of a Contracting State has a permanent establishment in the other Contracting State, the profits of the permanent establishment may be subjected to an additional tax in that other State in accordance with its law, but the **additional tax so charged shall not exceed 10 per cent** of the amount of such profits after deducting therefrom income tax and other taxes on income imposed thereon in that other State.



ARTICLE 10: DIVIDENDS

Lama

Baru

Protocol

4. In connection with Article 10 "Dividends":

(a) **nothing** in this Article shall affect the provisions contained in **any production sharing contracts relating to the exploitation and production of oil and natural gas** which have been negotiated with the Government of Indonesia or the relevant state oil company of Indonesia, **provided** that a company which is resident in Singapore deriving income from a production sharing contract **shall not be less favourably** treated with respect to tax than that levied on a company of any third state deriving income from a similar production sharing contract.

Penghapusan
Klausul MFN
pada PSC

7. The provisions of paragraph 6 of this Article **shall not affect** the provision contained in **any production sharing contracts relating to oil and gas, and contract of works for other mining sectors**, concluded by a Contracting State or its relevant state oil and gas company or any other entity thereof with a person who is a resident of the other Contracting State.





ARTICLE 11: INTEREST

Lama

Baru

3. Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State and **paid to a resident of the other Contracting State shall be taxable only in that other State**, if the interest is paid in respect of:

(a) **a bond, debenture or other similar obligation of the Government** of the first-mentioned State or a political subdivision or local authority thereof; or

(b) **a loan made, guaranteed or insured**, or a credit extended, guaranteed or insured by the Monetary Authority of Singapore, or the "Bank Indonesia" (The Central Bank of Indonesia), or any other lending institution, as may be specified and agreed in letters exchanged between the competent authorities of the Contracting States.

Kembali pada ketentuan umum pemajakan di ayat (2)

NA



ARTICLE 11: INTEREST

Lama

(a) in the case of Indonesia, means...:

- a local authority, Bank Indonesia, any other statutory body;

(b) in the case of Singapore, means...:

- the Monetary Authority of Singapore, a statutory body; **the Government of Singapore Investment Corporation** Pte Ltd; Port of Singapore Authority; Public Utilities Board; Telecommunication Authority of Singapore; and any statutory body, public body or

Perluasan tax exemption pada SWF dan anak usahanya

Baru

(a) in the case of Indonesia, means...:

- a local authority, Bank Indonesia, **the Indonesia Eximbank; BPJS**, any other statutory body; **any govt entity...**, any public body or institution as may be agreed between the competent authorities of the Contracting States.

(b) in the case of Singapore, means...:

- the Monetary Authority of Singapore, a statutory body; entities wholly owned (directly or indirectly) by the Government of Singapore..... **GIC Private Limited, GIC (Realty) Private Limited, GIC (Ventures) Pte. Ltd., Eurovest Pte. Ltd.** and their wholly-owned (direct or indirect) subsidiaries.



ARTICLE 12: ROYALTIES

Lama

2. However, such royalties may be taxed in the Contracting State in which they arise, and according to the law of that State, but if the recipient is the beneficial owner of the royalties, the tax so charged shall not exceed 15% of the gross amount of the royalties.

The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation.

Penurunan tarif pajak royalti

Baru

2. However, such royalties may also be taxed in the Contracting State in which they arise and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed:

(a) ... 10% ... for the use of, or the right to use, any copyright of literary, artistic or scientific work including cinematograph films, or films or tapes used for radio or television broadcasting, any patent, trade mark, design or model, plan, secret formula or process

(b) ...8%.. for the use of, or the right to use, industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience.





ARTICLE 13: CAPITAL GAIN

Lama

Baru

NA

Pengaturan
capital gain,
termasuk secara
khusus untuk
saham

1. from alienation of immovable property
2. from alienation of movable properti of PE
3. form alienation of ship or aircraft
4. Gains from the alienation of shares, other than shares traded on an approved stock exchange, deriving more than 50 per cent of their value directly or indirectly from immovable property... **may be taxed in that other State** if the alienator owned at least 50 per cent of the total issued shares of the company..
5. Gain shares traded on the Indonesia Stock Exchange may be taxed in Indonesia.
6. Other..



ARTICLE 14: INDEPENDENT PERSONAL SERVICES

Lama

1. Income derived by a resident of a Contracting State in respect of professional services or other activities of an independent character shall be taxable only in that State unless he is present in the other Contracting State for a period or periods exceeding **in the aggregate 90 days** in any twelve-month period. If he remains in that other State for the aforesaid period or periods, the income may be taxed in that other State but only so much of it as is derived in that other State during the aforesaid period or periods.

Penambahan
kriteria fixed base

Baru

- 1. Income derived by an individual who is a resident of a Contracting State in respect of professional services or other activities of an Independent character shall be taxable only in that State except in the following circumstances, when such income may also be taxed in the other Contracting State:
- (a) if he **has a fixed base regularly** available... ..the income as is attributable to that fixed base may be taxed in that other Contracting State; or
- (b) if his stay in the other Contracting State is for a period or periods amounting to or exceeding in the aggregate **90 days** ...may be taxed in that other State.





ARTICLE 26: EXCHANGE OF INFORMATION

Lama

Baru

1. ...exchange such information as is necessary ...Any information so exchanged shall be treated as secret..
2. In no case shall the provisions of paragraph 1 be construed so as to impose on a Contracting State the obligation..

Keterbukaan informasi tanpa pembatasan kerahasiaan bank

1. ...exchange such information as is necessary ...Any information so exchanged shall be treated as secret..
2. In no case shall the provisions of paragraph 1 be construed so as to impose on a Contracting State the obligation..
3. ..as to impose on a Contracting State the obligation..
4. ...the other Contracting State shall use its information gathering measures to obtain the requested information...
5. In no case shall ...to decline to supply information solely because the information is held by a bank, other financial institution...





ARTICLE 26: ENTITLEMENT TO BENEFITS

Lama

Baru

NA

Ketentuan anti avoidance

Notwithstanding the other provisions of this Agreement, **a benefit under this Agreement shall not be granted** in respect of an item of income if it is reasonable to conclude, having regard to all relevant facts and circumstances, that **obtaining that benefit was one of the principal purposes** of any arrangement or transaction that resulted directly or indirectly in that benefit, **unless** it is established that granting that benefit in these circumstances would be **in accordance with the object and purpose of the relevant provisions** of this Agreement.





Manfaat Perubahan P3B Indonesia-Singapura

- Sebagai sinyal positif untuk menarik lebih banyak investasi dari Singapura ke Indonesia.
- Memperkuat upaya menutup celah penghindaran dan pengelakan pajak secara lebih baik.
- Penguatan ketentuan kerja sama pertukaran informasi perpajakan (eoi).
- Secara umum, P3B hasil amandemen termasuk tarif pajak yang diatur masih harmonis dengan P3B Indonesia dengan negara mitra lainnya.





Terima Kasih