

### Ficha Técnica:

12ª Edição: euroFINESCO eBook nº 14

Fiscal Representation in Portugal

Dennis Swing Greene Autor:

Designer: Maria de São José Belchior Horta

Distribuição: euroFINESCOs.a.

Tiragem: Internet Abril 2018 Executado:

### Reservados todos os direitos.

Esta publicação não pode ser reproduzida no todo ou em parte, por qualquer processo, sem prévia autorização por escrito do autor.

# COPYRIGHT © ALL RIGHTS RESERVED

Violators will be prosecuted to the full extent of the law

### euroFINESCO s.a.

### **HEADQUARTERS** Lisbon Branch

Rua António Maria Cardoso, 15, 4°D Rua do Sol, 4 8200-448 GUIA (Algarve) 1200-273 LISBOA (Chiado) tel: +351 289 561 333 tel: +351 21 342 4210 fax: +351 289 562 061 fax: +351 21 342 4212

### Madeira Branch

Internet Rua do Aljube, 61, 2º Dtº e-mail: info@eurofinesco.com www.eurofinesco.com 9000-067 Funchal (*Sé*) tel: +351 291 221095 **Portugal** fax: +351 291 221103 mobile: +351 96 910 2813



Beyond Advising on Fiscal Representation		
1.	<ul> <li>Legislation Impacts Fiscal Representation</li></ul>	
2.	<ul> <li>Taxation on Portuguese Property.</li> <li>Municipal Property Transfer Tax</li> <li>Individual Income Tax</li> <li>Municipal Property Tax</li> <li>Stamp Duty</li> <li>Inheritance Tax</li> </ul>	
3.	<ul> <li>Protecting Your Investment Against CGT.</li> <li>The Best Structure</li> <li>Capital Improvements</li> <li>Asking the Right Questions</li> <li>Understanding the Requirements</li> <li>Plain English</li> </ul>	
4.	<ul> <li>Taxation of Income from Portuguese Property</li></ul>	

5.	Local Lodging Plan
	• What is the Plan?
	<ul><li>What are the advantages?</li></ul>
	• Are there other benefits?
	• VAT
	Social Security
	• Conclusion
6.	"The Better Way to Hold Portuguese Property"
	Fully Compliant Structure
	<ul> <li>Lower Taxation</li> </ul>
	• Ease of Transfer
	Expenses Never Expire
	<ul> <li>No Benefit-in-Kind Assessment</li> </ul>
	• International Tax Credits for Non-Residents
7.	<b>Conclusion</b>
Of	her eBooks from euroFINESCO



# Beyond Questions on Fiscal Representation

At *euro*FINESCO, we take pride in being a frontrunner in fiscal and expatriate services in Portugal, playing a leading role in interpreting Portuguese fiscal legislation as plain English for the foreign resident community since 1991.

### PORTUGUESE TAXATION

- IRS Individual Income Tax Returns
- *IRC* Income Tax Preparation for Portuguese Nominee Companies as well as Non-Resident Companies
- Fiscal Residency Transitions to Portugal
- Fiscal Representation for Non-Resident Individuals
- Fiscal Representation for Companies

### INTERNATIONAL TAX ISSUES

- Bilateral Tax Treaties
- Jurisdiction Conflict Resolution
- Compliance Issues

### PERSONAL TAX PREPARATION

The Portuguese tax system offers surprising opportunities to the foreign resident. When properly prepared, Portugal can prove to be a "tax haven within Europe" for you.

### PORTUGUESE "IRS" INCOME TAX RETURNS

FINESCO specializes in helping foreign residents by preparing their annual Portuguese *IRS* Income Tax Returns.

### NOMINEE COMPANIES FOR PORTUGUESE PROPERTY

- · Meeting basic compulsory compliance commitments;
- Liaison between Finanças and Company Owners.
- Resourcing information to Owners;

# FISCAL REPRESENTATION

- · Protecting your Valuable Investment
- Meeting Compliance Requirements
- Resourcing Key Information
- Liaison with Finanças
- · Personalised Service
- · Payment Facility
- · Plain English

### **DOCUMENTATION**

We can assist you by cutting through the bureaucracy:

- · "Residências"
- · Portuguese Wills
- · Driving Licences
- · Rates Exemptions
- Fiscal Numbers
- · Medical Cards

### **SMALL BUSINESS FORMATION**

We can help expatriates launch new businesses in Portugal:

- Choosing the right structure
- Accountancy Services
- Social Security & VAT

## **CROSS BORDER ESTATE PLANNING**

We can provide you with the following comprehensive Estate Planning services:

- ANALYSIS
- EVALUATION
- IMPLEMENTATION



# 1. Legislation Impacts Fiscal Representation

# "Why do I need a Fiscal Representative?"

Property ownership is synonymous with paying tax. Whether it be Transfer Tax & Stamp Duty at purchase, Council Rates and Income Tax as an Owner or Capital Gains assessment when you eventually sell, fiscal compliance is a constant.

A qualified, professional fiscal representative can help fulfill these responsibilities while assuring that you pay only the legal minimum.

# **Theory and Practice**

In the past, the tax authorities habitually turned a blind eye to the tax requirements of most foreigners in Portugal. While there are many explanations for past lack of implementation, the important point is that this practice has changed substantially. Foreigners, whether resident or non-resident, have become prime targets for tax collectors thirsty for new revenues. Property managers, lawyers and the like, who may be currently acting as Fiscal Representatives, are often at a loss to mount a proper defence in fiscal inspections when you will need the most and the best support.

### **Professional Services**

Using qualified professionals such as *euro* FINESCO as your Fiscal Representative does much more than provide you with just the bare minimum. Whether helping you to get off to a good start when you first come to Portugal, keeping you informed about important changes in legislation over the years, or saving you money in the long run by achieving substantial tax savings on your behalf, our comprehensive services can add real value to your property investment.

With *euro*FINESCO on your side, you can count on the following quality services:

# 1) COMPLIANCE

Fiscal Representation is a legal requirement in Portugal to ensure that tax commitments are met in full. Non-Residents who own property or have income arising in Portugal and have tax obligations need Fiscal Representation services to meet their tax responsibilities.

# 2) ACCOUNTABILITY

It is your Fiscal Representative who is answerable for your obligations, whether as liaison with Finanças, defending you in tax inspections or ensuring that fiscal commitments are current.

# 3) SUBSTANTIAL TAX SAVINGS

# a. Paying the Legal Minimum

Save thousands when reporting your rental income. Take advantage of our *know-how* and experience to reduce your tax bill to the legal minimum and still leave you eligible for a refund.

# b. Your Rightful Refund

As EU citizens, Residents and Non-Residents have the right to comparable tax treatment. As your Fiscal Representative, we can get you your lawful refund when you have been overtaxed.

### 4) **STAY INFORMED**:

Portugal is a difficult country for obtaining accurate, reliable information. At *euroFINESCO*, we "wrote the book". We have publications on a host of different topics relating to Portuguese Taxation.. We can provide you with the most accurate, up-to-date answers to your questions.

When changes occur in legislation that may impact your situation, we will keep you abreast of current requirements and the steps that you need to take to stay compliant.

# 5) LIAISON between Finanças and Property Owners:

We will represent you and defend you and your interests as we have for others in Portugal since 1991. We have broad experience as well as an excellent rapport with local, regional and national *Finanças* offices to help sort out any problems that may arise.

# 6) PERSONALISED SERVICE:

As a diversified service company, we have a dedicated Fiscal Representation Department, staffed by capable, knowledgeable professionals who are specialised in meeting your representation needs. Personalised service is one of our principal goals.

### 7) PAYMENT FACILITY:

Included in your annual fee is a Payment Facility. Through deposits to your *personal client account*, we can pay Rates or Income Tax demands on a timely basis at no extra charge, avoiding additional costs and delays that could eventually lead to fines and late interest payments.

## 8) PLAIN ENGLISH

As you have probably already learned by now, Portugal has complex bureaucracy. All the forms and web pages are only available in Portuguese and instructions are often in a language that even native Portuguese nationals sometimes have trouble understanding.

We put the full process to you in Plain English. With proper guidance, even those who speak English as a Second Language should have little trouble in getting it right.

# Local Lodging Plan for Non-Residents from euroFINESCO



If you have qualifying short-term tourist lets, our *Local Lodging Plan* allows you to reduce your Portuguese income tax assessment to just 5%. Even more important, this specific category of income is normally taxable only in Portugal, exempt from subsequent assessment in the country of tax residency in most cases.

(If you do not as yet have a Local Lodging License for your property, euroFINESCO can help you obtain the necessary permit at no extra charge as part of our standard Fiscal Representation service)



# 2. Taxation on Portuguese Property

# before, during and after

As a *Non-Resident* investing in Portuguese property, you will need a professional Fiscal Representative to sort out tax matters for you. Portugal, like any other country in Europe, has a bewildering array of taxes relating to property. Some are connected to purchase, others to the possession, still others to different forms of related income, while finally there will be Capital Gains Tax on the eventual sale of the property. The following is a "first glimpse" of different levies that your fiscal representative will need to oversee on your behalf over the life of your investment.

# When buying property . . .

# 1) MUNICIPAL PROPERTY TRANSFER TAX

"IMT, formerly called "Sisa", is levied on the transfer for consideration of immovable property. The taxable person is the one who purchaser.

### Rates of Taxation:

For buildings intended for habitation	0 - 6%
Other Urban Property, such as building plots:	6.5%
"Rustic" Property (agricultural land):	5.0%
"Black-listed" Offshore Companies	15.0%

### **Assessment and Collection**

Payment must be made prior to the Transfer Deed at the local tax office.

# 2) INDIVIDUAL INCOME TAX "IRS" - Income from Property

It should be no surprise that if you are renting out a piece of Portugal, that your first and foremost tax obligation will be to *Finanças*, the Portuguese tax authority. The tax on chargeable events related to an

activity depend solely on where the activity takes place - not where you are paid - and that this income is made available to you.

Non-residents subsequently need to report this income in their home jurisdiction. Double Taxation is normally eliminated by granting a foreign tax credit on any tax paid in Portugal and final assessment made under local rules.

# a) CATEGORY B - "Letting" as a Business (Residents)

If you are engaged in letting our self-catering accommodations to holidaymakers, this activity receives special treatment under the Simplified Regime. If you let out furnished quarters to tourists on a short term basis, this type of activity is treated in a similar way to "Sales". In other words, you are only taxed on 20% of your invoiced income.

Unless *Standard Accounting* is specifically requested, those in this category remain in the *Simplified Regime* for the determination of taxable income, if gross turnover does not exceed &150,000.

The calculation for determining taxable income is as follows:

Invoiced income from services . . . . X . . . 75% Sales of merchandise & products . . . . X . . . 20% Local Lodgong activities . . . . . . . X . . . 35%

Non-Residents are assessed at a flat rate of 25% while Residents are taxed at progressive tax rates on the total of their worldwide income.

# b) CATEGORY F - Classic Rents

Long-term property lets (usually having a rental contract between landlord and tenant) are included in Category F and are reported on "Anexo F" in the second "IRS" filing period. In 2013, the flat tax rate climbs to 28%.

(Refer to Chapter 4)

### CATEGORY G - CGT for Individuals

As with all aspects of taxation in most countries, tax breaks exist for residents (who are the voters) that do not exist for non-residents (who cannot vote). Therefore, those that make their principal abode outside of Portugal pay a flat tax of 25%, more than any resident higher rate taxpayer would pay.

Residents receive a 50% exemption before the gain is added to their other income and taxed at marginal rates. If the property is your principal residence, then you can roll over your profit into a new property. You have a 3 year window to do so: up to one year before the sale and as much as 2 years after. If you re-invest less than the full amount, the exemption will be on a *pro rata* basis. In the event that you do not fulfill your declared intentions, an assessment will be made on the entire non-reinvested balance plus interest.

(Consult Chapter 3)

### PORTUGUESE NOMINEE COMPANY

If you use a Portuguese Nominee Company to hold your property, the Capital Gains Tax rate on the sale of the Company drops to only 14%.

(See Chapter 6)

# 3) PROPERTY TAX - "IMI"

At the heart of the Property Tax Reform is the new "VPT" Evaluation System ("Valor Patrimonial Tributário"). Comprised of five basic components, this calculation is based on "market value" rather than "potential rental income" as in the previous system:

 $VPT = VC \times A \times Ca \times Cl \times Cq \times Cv$ 

VPT	Rateable Value - "Valor Patrimonial Tributável"
VC	Cost per m <sup>2</sup> : € 615 m <sup>2</sup>
A	Area: habitation envelope + support areas + adjacent land
Ca	Type of Usage: $Residential = 1.0$
C1	Location: from 0.35 to 3.0
Cq	Quality and Comfort of Construction: plus or minus factors
Cv	Age of Construction: from 0.35 to 1.0

While the formulas are established by the new legislation, many of the respective values are yet to be defined at the time of printing. The law allows 10 years for full implementation.

# **Agricultural Land**

Rustic land used exclusively for agricultural purposes is valued at 20 times its annual production.

### Rates

Until final evaluations take place under the new VPT criteria, old rateable values have been adjusted for inflation. Under this transitory regime, properties are rated at between 0.3% to 0.8%, as fixed annually by the

local council. Increases are limited by the Safeguard Clause.

Properties that have completed their final VPT re-evaluation are rated at between 0.2% to 0.5%. The Safeguard Clause no longer applies.

Properties that are owned by Offshore Property Companies (with domicile in "black-listed" territories) are assessed at the flat rate of 1% of the final evaluation.

# **Assessment and Payment**

The tax is assessed each year for each municipality by the Central Services of the Directorate General for Taxation, on the basis of the values and the registered owners on 31st December of the year to which the tax relates. A demand for payment, specifying all relevant information concerning the property in question, as well as its taxable value and tax payable will be sent to each taxpayer by the end of March following each tax year. The tax is then payable in April or, if the amount due is more than  $\in$  249,40, it may be paid in two equal instalments in April and September.

# 4) STAMP DUTY

The Stamp Duty is levied on the value of each taxable deed or operation at a tax rate that varies according to the type of operation. Property transfers are assessed at 0.8% of the deed value.

# 5) INHERITANCE TAX

Last but not least comes the best news: Portugal abolished Inheritance Tax as of 1 January 2004. All immediate family members (spouse, children, grandchildren, parents and grandparents) are exempt from tax on gratuitous transfers due to either Gift or Inheritance. All others are assessed Stamp Duty at a flat rate of 10%.

# FREQUENTLY ASKED QUESTIONS from euroFINESCO



# Are you in doubt? Have a query?

# Find the answer in our FAQ's:

- 1. Pensions: the Audit Protection Plan
- 2. Capital Gain Tax
- 3. Fiscal Representation in Portugal
- 4. Licensing for Short-Term Lets
- 5. Fractional Ownership
- 6. EU Savings Directive
- 7. Dividends & Royalties
- 8. Rental Income
- 9. Sole Traders & the Simplified Regime
- 10. Portuguese "IRS" Scope of Taxation



# 3. Protecting Your Investment from CGT

planning ahead

Besides providing a roof over your head, a house or apartment can be a lucrative asset. For over 50 years, property has proved to be the most consistent vehicle for investment, with property prices doubling every 7-10 years. Making a profit is one thing. Not having it taxed away is quite another. One important way for your Fiscal Representative to be of value to you is by giving timely advice while options are still open. This is especially true when it comes to minimising Capital Gains Tax. Getting guidance after the fact is better than none at all but your best approach for a successful and profitable outcome is to plan carefully at the *beginning*, defining a long term strategy that will structure your property in the most advantageous manner to achieve your long-term goals.

# **Example**

A non-resident property owner who had renovated a farmhouse was only 24 hours away from signing a deed that would have triggered an avoidable CGT assessment of €150,000. Only last minute intervention permitted him to correct his residency status, enabling him to qualify for rollover relief and save the unanticipated tax bill.

### The Best Structure

Before you buy, it is important to determine which is the best structure to use. For those seeking a long-term primary residence in Portugal, direct ownership is often a good solution. However, if investment is your principal purpose, a Portuguese Nominee Company may prove to be the wiser solution. Only case-by-case analysis will determine the correct answer for you.

# **Capital Improvements**

If your new home requires major remodelling, these renovations will cease to offset CGT after 5 years in direct ownership. However, if you use a Nominee Company structure, any capital invested into the Company will never "expire".

# **Asking the Right Questions**

Expecting your estate agent or lawyer to uncover the "skeletons in the closet" of a prospective property can be a leap of faith that may end with an unpleasant surprise. You need to know which questions to ask before you make your commitment because you, as current owner, will be held responsible for all licencing and paperwork being up-to-date. Ignorance or lack of due diligence is never an excuse and may lead to fines or even eventual removal of any unlicensed structures.

# **Understanding the Requirements**

It is crucial for a successful conclusion that you grasp the essentials of where you and your property stand under Portuguese legislation. For example, key factors such as the Property's Rateable Value ("VPT") under recently enacted legislation or determining your Marital Property Regime (are you and your spouse co-owners or joint owners?) can open or close doors of opportunity. These and other issues can prove pivotal in achieving a successful outcome for your endeavour.

The complete "CGT Check-Up" is available to you at euroFINESCO. With the right advice and timely action, you may save tens of thousands of Euros in lawfully avoidable assessment. By maximising your rights under Portuguese statutes, you can avoid many of the pitfalls and headaches common to foreign buyers while limiting your tax to the legal minimum.



# 4. Taxation of Income from Portuguese Property

long term vs short term letting

### RENTING TO RESIDENTS

Long-term property lets (usually having a rental contract between landlord and tenant) are included in  $Category\ F$  and are reported on " $Anexo\ F$ " in the second filing period in April/May. Note that the fiscal year in Portugal corresponds to the calendar year.

For Non-Residents, the tax rate is a flat 28%. For Residents, the income is aggregated with other assessable sources.

When a rental agreement exceeds six months, a contract is required by law. With a proper contract, registered with *Finanças*, tenants should be eligible for a housing tax credit, much as they would as if they were paying a mortgage.

# **Deductible Expenses**

There are three broad categories of expenses that are deductible, thereby reducing the taxable income from rentals:

- 1) MAINTENANCE: such as interior and exterior painting, building insurance, condominium expenses, etc;
- 2) REPAIRS: repairs or replacements parts such as plumbing and/or electrical systems;
- 3) TAXES: Property Tax ("IMT") and Municipal Charges.

All expenses <u>must</u> be documented by proper receipts ("facturas"). These should be in the name of the landlord or beneficial owners in the case of a Portuguese Nominee Company since all income will be assessed directly to the landlord or the shareholders respectively.

Any tax withheld at source on the rentals is reported as a tax credit.

### **Non-Deductible Items**

Obviously not all expenses are allowable. Examples of non-deductible items include:

- construction altering building's structure;
- mortgage (normally deductible in the taxpayer's resident jurisdiction);
- installation of air conditioning;
- other capital improvements.

When correctly documented, you may enter capital improvements into the calculation of the taxable base for capital gains purposes when the property is eventually sold.

# **Proper Procedures**

By following the proper procedures, you will be protecting your investment. While none of us enjoy paying tax, you can be assured that with *euro*FINESCO, you will pay no more than the legal minimum.

# 5. Local Lodging Plan



# Letting to holidaymakers

Recent legislation opens up an opportunity for Non-Residents to reduce significantly tax assessment on short-term lets to holidaymakers ("Local Lodging").

By law, *Non-Residents* must report conventional rental income both in Portugal as well as in their home jurisdiction with double taxation being eliminated via international tax credits for tax paid in Portugal. Up to now, this extra rental income would often "top-slice" on total income, pushing assessment into higher rate tax brackets and substantially reducing final financial benefits to owners.

Under our *Local Lodging Plan*, you can reduce taxation to just 5% while simultaneously eliminating tax liabilities in your home jurisdiction.

(If you do not as yet have a Local Lodging License for your property, euroFINESCO can help you obtain the necessary permit at no extra charge, one of many of our standard Fiscal Representation services.)

### What is the Plan?

The Local Lodging Plan allows you to operate on a commercial basis, with associated benefits, rather than a classic rental basis. There are a number of mandatory one-off steps that need to be completed in order to operate as a business rather than a letting activity. On an on-going basis, there are additional reporting requirements and administration. We will take care of all of these needs for you with a single modest annual fee.

# What are the advantages?

Under current legislation, only a small percentage of your Local Lodging income is taxable. This equates to an effective tax rate of 5% on your gross income versus the standard 15% rate for rental income.

Equally important, according to Double Taxation Agreements throughout the EU, there is no further requirement to pay additional tax on this income in your home jurisdiction as it is <u>solely</u> taxable by treaty in Portugal. You are safeguarded against further assessment above and beyond what you pay in Portugal: 5%.

# **Example**

On Local Lodging income of €10,000, Portuguese "IRS" assessment would be only €500 by using our Plan.

If reported as rental income, the tax would be  $\in 1,500$  plus taxation in the home jurisdiction of an additional  $\in 2,500$  for higher rate taxpayers (40%).

In conclusion, reporting as a business represents in this case a total tax savings of €3,500.

# Are there other benefits?

Further benefits include simplified procedures, elimination of ever-changing criteria on deductions as well as the possibility to recover part or all of VAT paid on operating expenses. In addition, this solution can be backdated to encompass all of the current year or can start next year.

### VAT

If your Local Lodging income is under €10,000 pa, you are exempt from charging VAT to your customers and there is no requirement to present accounts for operating expenses.

If your Local Lodging income exceeds €10,000 pa, you will need to file quarterly VAT declarations. With any luck, you should be eligible to claim back VAT paid out on your expenses. Any legitimate expenditures directly related to your business activity should qualify, presenting a broad range of eligible expenses as opposed to the very narrow deductions available as conventional rental income.

# Social Security

Like any business activity within the EU, you will have to comply with mandatory Social Security requirements. However, you may be eligible for an exemption if a) you are in receipt of a State Pension (an "old age" S.S. pension) or b) you already make Social Security/National Insurance contributions in your home jurisdiction.

### Conclusion

Our Local Lodging Plan is just one more example of how *euro*FINESCO's experience, expertise and know-how can work for you, keeping you tax compliant while you pay only the legal minimum.

# ESSENTIAL SUPPORT SERVICES from euroFINESCO

The issues surrounding Short Term Letting continue to generate confusion amongst

Owners wanting to rent their properties and Agents wishing to serve the growing need for *self-catering accommodations*.

At euroFINESCO, we can help you take the right steps:

**Comprehension:** Facilitating the understanding of the key requirements and how they apply to you.

**Clarity:** Providing qualified Fiscal Representation Services; Linking you to specialised lawyers to prepare *protective contracts*.

**Compliance**: Submitting *Local Lodging* Registrations; Preparation of "*IRS*" Tax Declarations.



# **6. Portuguese Nominee Companies**

# "The Better Way to Hold Property in Portugal"

A Portuguese Nominee Company is often the better way for *non-residents* to hold Portuguese properties. Combining tax efficiency, low cost and simplicity, this type of non-trading company embraces many of the advantages that property buyers once sought in Offshore Property Companies, yet achieves these objectives in a compliant, mainstream fashion squarely under the Portuguese "umbrella".

### A FULLY COMPLIANT STRUCTURE

These small Nominee Companies have existed in Portuguese statute law since the 19<sup>th</sup> century and have been embraced in subsequent legislative reforms over the past 150 years. Therefore, they are fully compliant and are not subject to any of the punitive laws that have made Offshore Property Companies a pariah: no deemed income assessment, no 5% Rates bill. In fact, the simplicity of this form of company makes this structure easy and inexpensive to run.

### LOWER TAXATION

# *"CGT"*:

One of the big advantages of the Nominee Company is a substantial reduction in the Capital Gains rate on the sale of the Company. As a fully resident structure, eventual CGT assessment is only 10% on the sale of the shares, some two and a half fold less than the 25% of the non-resident rate. In addition, this assessment is flat-rated, so your profit will not push up any other income into a higher tax bracket. The operating costs of a Nominee Company are a fraction of other company structures, thus making them more attractive to owners and future buyers.

### "IMT":

In addition, future buyers qualify for exemption from Property Transfer Tax ("*IMT*"), something that would be impossible under direct property acquisition. If future shareholders avoid a 75% or greater concentration of shares in one individual, then the purchase of the Company's shares will not trigger "*IMT*" (formerly called "*Sisa*"). At the current rate of up to 6%, this can save tens of thousands of Euros;

# "Stamp Duty":

Using a Nominee Company also avoids the usual Stamp Duty of 0.8% on Property Deeds, giving additional savings of thousands of Euros on the transaction.

### "IHT":

Like other assets in Portugal, bequests upon death or gifts during one's lifetime suffer no Inheritance Tax. Exempt transfers are permitted to immediate relatives: spouse, children, grandchildren, parents or grandparents. All others are assessed Stamp Duty of 10%.

### EASE OF TRANSFER

With the property secured safely within the Nominee Company, bureaucracy is significantly reduced at the time of eventual sale of the Company, cutting costs and complications, so often associated with property ownership in Portugal. A simple deed, declaring the sale of the shares, is all it takes, thereby avoiding the headaches related to licencing, registration and everchanging rules associated with property paperwork.

### EXPENSES NEVER EXPIRE

Unlike direct ownership where capital improvements no longer can be offset against Capital Gains after five years, any capital invested into your Nominee Company is always reflected in the Company value. This is important when major remodelling is contemplated, such as new kitchen, bathroom, swimming pool and the like.

### NO BENEFIT-IN-KIND ASSESSMENT FOR NON-RESIDENTS

While no specific rulings from Tax Authorities in other EU jurisdictions have as yet been made regarding potential benefit-in-kind assessment for non-residents in Portugal, it is clear that the presumptions surrounding this type of taxation do not apply to Portuguese Nominee Companies and their owners. Both under Legislation as well as Company Statutes, there is clearly no basis to conclude that the Shareholders could be construed as "Shadow Directors", the underlying premise for any benefit-in-kind assessment.

### **International Tax Credits for Non-Residents**

As a non-resident in Portugal, you now understand your compliance obligations. Under bilateral double taxation treaty agreements, any CGT paid in Portugal should be eligible for an international tax credit, thereby reducing or eliminating the assessment you paid in Portugal. It is now up to your local tax advisors to apply their ingenuity and knowledge of the Law to mitigate your final tax liability at home.



# euroFINESCO Tax Techniques

Our periodic newsletter brings you the latest news & information before it reaches other media. Stay informed about the crucial changes that will impact your life in Portugal.

Subscribe today at www.eurofinesco.com



Whether you elect to use a Portuguese Nominee Company to mitigate long-term liabilities or choose to purchase your new home directly in your own name, there is one certainty: as a *non-resident* owning Portuguese property, you will need qualified Fiscal Representation.

At *euro*FINESCO, we recognise that each individual has different requirements; no two situations are identical. We are prepared to meet all of your compulsory compliance commitments.

Whether helping you to get off to a good start, keeping you informed about important changes or saving you money in the long run, our comprehensive *Fiscal Representation* assistance and services add real value to your Portuguese property investment. With *euroFINESCO* by your side, we can help you to make the most of your life in Portugal.

# **Professional Services**

We provide expertise and quality services that assure enhanced value:

- Acquiring Fiscal Cards
- Licensing for self-catering lets ("Local Lodging")
- "Senha" (your Finanças PIN number) & related services

### Tax Simulations

Before taking key decisions, we can provide Tax Simulations so you can anticipate the consequences of each option:

- "CGT" Capital Gains Tax
- "IMT" Property Transfer Tax
- "IMI" Property Tax
- Stamp Duty & others

# Payment Plan Options

We meet your payment requirements in Portugal through a variety of options:

- with your euroFINESCO Client Account
- via your existing Property Manager
- through an individual Bank Account

# ► Availability

We are a national expatriate service company with convenient offices to serve you throughout Portugal:

- Algarve (Guia Albufeira)
- Lisbon (Chiado)
- Madeira (Funchal Sé)
- Conferencing (telephone or internet video)

### Personalised Service

- Cutting through Bureaucracy
- Our knowledgeable, professional team is dedicated to meeting your needs in Portugal.

# Languages Spoken

- English Portuguese Italian German
- Russian Spanish French

# **Professional Links**

When your needs extend beyond our range of services, we can recommend you to trustworthy professionals throughout Portugal:

- Lawyers & other professionals Translations
- Estate Agents Architects, builders, handymen, etc.

# • Escrow Tax Payments

As your Fiscal Representative, we are responsible to see that you meet your tax commitments. We can make escrow payments for a variety of taxes:

- IMI- Property Tax Rates Capital Gains Tax
- IRS Individual Income Tax

# Information Library

Portugal is a country where clear, accurate information is hard to find. Our extensive library of up-to-date information is available to you on-line in PDF format or in print.

- eBooks Brochures • FAO's
- Newsletters
  Books
  Reprints





# euroFINESCO s.a.

# **HEADQUARTERS**

Rua do Sol, 4 8200-448 GUIA (Algarve) tel: +351 289 561 333 fax: +351 289 562 061

# Madeira Branch

Rua do Aljube, 61, 2° Dt° 9000-067 FUNCHAL (*Sé*) *tel*: +351 291 221095 *fax*: +351 291 221103

# **Lisbon Branch**

Rua A.M. Cardoso, 15, 4°D 1200-273 LISBOA (Chiado) *tel:* +351 21 342 4210 *fax:* +351 21 342 4212

# Internet

e-mail: info@eurofinesco.com www.eurofinesco.com Portugal mobile: +351 96 910 2813

# eBooks from euroFINESCO

- 1) Offshore Companies: Moving Onshore
- 2) Self-Employed in Portugal
- 3) Requirements of the Common Reporting Standard
- 4) Setting Up Fiscal Residence
- 5) Capital Gains Tax on Portuguese Property
- 6) Portuguese Tax Code Summaries
- 7) "VPT" Unveiled
- 8) Tax-Efficient Investing in Portuguese Property
- 9) Income from Portuguese Property
- 10) Taxation on Portuguese Property
- 11) "S.C.I.": Sociedade Civil Imobiliária
- 12) Property Companies: White-List or Portugal
- 13) Nominee Companies for Portuguese Property
- 14) Fiscal Representation in Portugal
- 15) "Permutas" or Property Swaps
- 16) Estate Planning & Nominee Companies
- 17) "I.H.T." Residence Rules & Determining Domicile
- 18) Moving to Portugal before, during & after
- 19) Taxation of Pensions in Portugal
- 20) "I.R.S." Tax Credits
- 21) CGT Mitigation: 14 Arrows in the Quiver
- 22) Residence Rules: in the EU, Portugal and the UK

# Extracts from Relocating to Portugal - Useful Information

- 23) Acquiring Portuguese Citizenship
- 24) Visas and Legal Framework
- 25) Your Rights to Health Care
- 26) Access to Education
- 27) Recognition of Qualifications
- 28) Social Security Entitlements
- 29) Golden Residence Visa
- 30) Leaving Portugal Moving Back
- 31) Non-Habitual Residence Status and the Alternatives
- 32) Trusts, Foundations and Fiduciary Structures