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IRS Tax Credits for Fiscal Year 2018

Autor: Dennis Swing Greene

Designer: Maria de São José Belchior Horta

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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





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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.

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Beyond Questions on Taxation in Portugal

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* 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
- International Tax Reconciliation
- 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

*euro*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
- Local Lodging Plan





Basic Compliance

Your "IRS" Declaration

Residents are taxable on worldwide income, regardless of where it is arises, in what currency, or whether or not it comes into Portugal. All tax returns must be submitted by 01 April and 31 May following the tax year to avoid penalties:

Also remember that the fiscal year in Portugal corresponds to the calendar year (1 January - 31 December). British nationals need to be especially careful since their April-to-April "P 60's" will not correspond to the Portuguese fiscal year.

Submitting your return

Declarations may only be submitted over the internet at:

http://www.e-financas.gov.pt

The "IRS" reporting period is between 10 April and 31 May.

The website has only a Portuguese language version.

All business related submissions must also be submitted over the internet.

Filing Status

Single, widowed and divorced taxpayers submit an individual return. Couples file jointly or separately. All unmarried couples living together for more than two years - and registered with *Finanças* at the same address - may also file a joint return whether of different or the same sex.

Separated couples who are not divorced may file separately. This is usually advisable since both spouses are responsible for meeting all fiscal obligations under a joint return.

Tax Forms

Tax forms are in Portuguese bureaucratise and often change from year to year. The central form, *Modelo 3*, is an information cover sheet about the taxpayer(s). Different categories of Portuguese sourced income are reported on the appropriate corresponding annexes. Foreign income is reported exclusively on *Modelo J*. Any expenses eligible for tax credits are reported on Annex H. Net taxable income is calculated by reducing taxable income by personal deductions and tax credits.

Certain types of income benefit from specific tax incentives. Tax liability is computed according to tax rate tables, reduced by applicable tax credits. Marginal rates range between 14.5%-48%. If you are non-resident, you are taxable only on income arising in Portugal. In this instance, withholding tax represents a final payment and no further declaration is required. However, any other income arising in Portugal, such as rent or capital gains on Portuguese real estate, must be reported.

Paying your Income Tax

Based upon your submission, Finanças will calculate what you owe and later send a demand, usually by mid-summer. Income tax is due within 30 days of the issue of an assessment by the Tax Authorities. Late payment will incur interest penalties and costs.



1. Tax Brackets & Personal Tax Credits

The following tax rates are applied to arrive at a family group's gross tax liability, before the deduction of tax credits. To calculate, find the net taxable income, multiply this amount by the corresponding tax rate, then subtract the Tax Band Adjustment figure:

Mainland 2018

TAX RATE	Taxable Income	Tax Band Adjustment
14.5%	0 - € 7 091	-
23%	€ 7 091 - € 10 700	€ 602.74
28.5%	€ 10 700 - € 20 261	€ 1 191.24
35%	€ 20 261 - € 25 000	€ 2,508.20
37%	€ 25 000 - € 36 856	€ 3 008.20
45%	€ 36 856 - € 80 640	€ 5 956.68
48%	> € 80 640	€ 8 375.88

Azores 2018

Tax Rate	Taxable Income	Tax Band Adjustment
12.41%	0 - € 7 091	-
23%	€ 7 091 - € 10 700	€ 750.94
28.5%	€ 10 70 - € 20 261	€ 4 339.44
35%	€ 20 261 - €25 000	€ 2 656.40
37%	€ 25 000 - €36 856	€ 3 156.40
45%	€36 856 - €80 640	€ 6 104.88
48%	€80 640 - €	€8 524.08

Madeira 2018

TAX RATE	Taxable Income	Tax Band Adjustment
14.5%	0 - €7 091	-
23%	€7 091 - €10 700	€ 503.46
28.5%	€10 700 - €20 261	€ 944.84
35%	€20 261 - €25 000	€ 2 287.13
37%	€25 000 - € 36 856	€ 2 687.13
45%	€ 36 856 - € 80 640	€ 5045.91
48%	> € 80 640	€ 6 981.27

Tax Credits

You should always ask for invoices to be issued with your tax number ("NIF") to be entitled to tax credits:

- 35% of family expenses (i.e. supermarket spending, clothing, fuel, water, electricity, gas or other) up to a maximum per taxpayer of €250 (corresponding €715 pp in expenses);
- 15% of health expenditure, up to a maximum of €1,000;
- 30% of education expenses up to a maximum of €800;
- 15% of the costs of housing rent, up to a maximum of €502 or 15% of the costs of loan interest to housing, in the case of own home, up to a maximum of €296;
- 25% of the costs of Nursing Homes, up to €403.75;
- 15% of the VAT paid on each invoice for the expenses for restaurant, hairdressing and automobileand motorcycle repairs, up to a maximum of €250.

The calculation of costs to consider in your IRS declaration is based on the "e-fatura" system. When requesting invoices for purchases, be sure to include your tax number ("NIF") so that shops and businesses can automatically report the transaction. Based on these communications, the Portuguese Tax Authority ("AT") will list automatically all of your eligible expenses on your personal page on the Finanças web site, which can be consulted and approved by you online at any time.

Most tax breaks come in the form of tax credits. After gross taxable income is reduced by any deductions, gross tax is calculated. The tax owed is then reduced by tax credits.

Where taxable income per adult exceeds €7.000, the sum of health, education, property, retirement home and maintenance is capped at €1.250, reducing progressively to nil on incomes exceeding €80.000 (per adult). There is a 10% increase to the cap per child.

	Description	Limit per person
15%	Medical Expenses; Health Insurance	€ 1 000
	Retirement saving plans (PPR)	€ 600 - € 800
20%	Public capitalization regime	€ 350
	Alimony / Child Support	no limit
250/	Nursing care	€ 403.75
25%	Donations - State	no limit
	Donations - other entities	up to 15% of tax due
30%	Education	€ 800

^{*} for each dependent, the limits are increased by ϵ 25.

FISCAL & EXPATRIATE SERVICES from euroFINESCO



We are a full service company, helping expatriates to make the most of their life in Portugal since 1991. Whether it be meeting obligations in a new land, maximizing opportunities in a smooth transition from the past, or financial and estate planning for the future, euroFINESCO is here to guide you, keep you compliant and prepare you to meet your goals.

TAX CONSULTANCY
FISCAL REPRESENTATION
PORTUGUESE NOMINEE COMPANIES
CROSS BORDER ESTATE PLANNING
SMALL BUSINESS FORMATION

DOCUMENTATION



2. Tax Credits for Medical Expenditures

We arrive at the perpetual question on everyone's mind: *how can I save on my taxes?* Of all the credits and deductions available, medical expenses are customarily the single largest. In 2018, the tax credit is set at 15%. Before examining the ins and outs, let's examine some of the basics about claiming credits.

Question: What kinds of expenses are eligible for a tax credit?

FINESCO: A 15% tax credit is allotted on the following non-reimbursed medical expenses:

- Services from medical professionals such as doctors, dentists, physiotherapists, etc.
- Laboratory analyses;
- Surgery and hospitalisation;
- Dentures and orthodontic braces:
- Eyeglasses and hearing aids (when accompanied by a doctor's prescription);
- Prescribed medical treatments;
- Nursing care;
- Prescribed & un-prescribed medications (6% VAT);
- Prescribed treatments taxed at 23% VAT (subject to limitations);
- Ambulances and special transport;
- Necessary travel outside the country when treatment is unavailable in Portugal;
- Interest on loans to pay for medical treatment;
- Health Insurance.

Question: What expenses cannot be claimed?

FINESCO: The following expenses do not qualify for a tax credit:

- Any reimbursed medical expenses;
- Non-essential travel expenses;
- Products such as cosmetics and hygiene products (sold in pharmacies, identifiable by the 23% VAT):
- "Natural" remedies, such as medicinal herbs and teas;
- Mattresses, pillows, chairs, etc.
- Sports equipment, exercise apparatus, etc.
- Jacuzzi, air conditioners, etc.

Question: How do I go about substantiating medical expenses?

FINESCO: "NIF, se faz favor!" Always give your fiscal number to be put on invoices!

Question: Last year I had a major operation. Is there an upper limit to the tax credit?

FINESCO: Yes. There is now an upper limit of €1 000 based on 15% of your total medical expenses.

Question: I had medical treatment abroad. Are these expenses allowable?

FINESCO: While there are medical expenses from abroad that you can claim, the authorities may ask to have translations and authentication of documents. This can be a tedious, expensive process, making it advisable to omit any minor claims.



The IRS code allows you a 30% credit for costs of education with an upper limit of €800 for family members. You can claim tuition and school fees. However, with the exception of school meals, expenses that pay full rate VAT such as books and scholastic supplies are not acceptable. In addition, necessary expenses such as travel, room and board when study is away from home (only within Portugal), as long as provided by public transportation.

For foreign residents with children to educate or grandchildren's school fees to pay, the exclusively national nature of this tax credit brings no relief. Most education expenses outside of Portugal may <u>not</u> be claimed unless the institution is recognised by the Portuguese Ministry of Education.

You may claim "extracurricular activity" expenses <u>only</u> if the school is an integral part of the National Education System or is so recognised by the appropriate Portuguese Ministry.

Nevertheless, since many residents take Portuguese lessons, this tax credit can make a significant dent in the costs of these classes as long as in a recognised school.

The following examples are expenses which are considered unacceptable for tax purposes:

- Baby-sitters;
- Expenses relating to internships;
- Workshops, conventions or professional development;
- musical instruments, encyclopaedias, uniforms or computer equipment for other than school use;
- school materials taxed at full VAT rate (23%).

- Question: Our 2 children attend a private school in Portugal.

 Does their tuition qualify for a credit?
- FINESCO: Yes. As long as the institution is recognised by the Ministry of Education, you may take a 30% tax credit of up to €800. You can verify the status of your school on the internet at http://roteiro.min-edu.pt
- Question: My son attends the local state school. Are there any expenses that will reduce our tax bill?
- **FINESCO:** Yes. You may deduct goods and services that are VAT exempt or taxed at the reduced rate 6% as follows:
 - Education tuition;
 - Retail sale of text books in specialized stores;
 - Day care activities.
- Question: Our daughter studies with a tutor to improve her skills. Is this expense eligible for a credit?
- **FINESCO:** Yes, when the tutor registers and reports income.
- Question: Our eldest attends university in the UK. Do any of his expenses qualify for tax relief?
- FINESCO: Although it is unlikely, you may still want to check with the Ministry to see if his school is listed. Contact: Gabinete de Informação e Avaliação do Sistema Educativo Av. 24 de Julho, n.º 134, 1399-054 Lisboa
- Question: Our daughter attends school in a neighbouring town. Can I claim the cost of her bus pass?
- **FINESCO:** Yes. Travel expenses necessary to attend school are eligible as well as room and board expenses when a child studies away from home. However, only public transportation is eligible, not the running costs of a private automobile.



4. Tax Credits for Housing

The *IRS* tax code offers tax credits for housing costs within Portugal. Unusual in the international context is the fact that domestic legislation affords similar treatment to mortgage, leasing and rent. Despite the advantages afforded to renters, none can benefit if there is no rental contract with the Landlord.

income: < € 7 000 > €30 000	 repayments of interest to buy, build, or improve one's principal residence repayments of interest to cooperatives & group purchases 	€296
When income is between €7,000 and €30,000, use the following formula:		
€296 + [(€450-€296) x [€30.000 – taxable income / (€30.000 -€7.000)]]		
income: < € 7 000	 rent or lease charges (excluding any subsidies) permanent housing under Urban 	€502
> € 30 000	Rental Regime	
When rent is between €7,000 and €30,000, use the following formula:		
$€502 + [(€800-€502) \times [€30.000 - Taxable Income / (€30.000 - €7.000)]]$		

Property allowances are set to reduce over the coming years, to reach zero in 2018.

Attention: It is essential to have the proper type of rental contract since a copy of this agreement must also be registered at the local Finanças office that assures compliance on the part of the landlord.

Question: We have a mortgage on our flat but now rent out the apartment. Are we still eligible for this tax credit?

FINESCO: Yes. If the property serves as the principal residence for the tenant, you (the landlord) can still claim the tax benefit on the mortgage. There are specific contract requirements for such an arrangement: it must be done in triplicate, with one copy registered with *Finanças*. If the property is used for holiday lets, the credit does <u>not</u> apply.

Question: I have a home mortgage. How much is my tax credit?

FINESCO: Interest and capital repayments payments on your principal residence have a 15% tax credit (up to €591.00).

Question: I want to take out a loan for home improvements. Will this be eligible for a tax credit?

FINESCO: Yes. As long the property is your principal residence, interest repayments also qualify for tax relief.

Question: My family gave me a loan to buy our home. Does this type of loan meet the requirements for tax credit?

FINESCO: Yes. This credit is available for loans from diverse sources. You will need to have proper documentation to substantiate the loan, not just a handshake.

Question: How do I declare my mortgage on my IRS return?

FINESCO: As with other credits with upper limits, you report only what you have actually spent. *Finanças* do the calculations for you. If you have a mortgage ("*Crédito de Habitação*") from a Portuguese financial institution, they will send you annually a statement for tax purposes.

Question: I bought an apartment in the historic district of our city. Are there any incentives for urban renewal?

FINESCO: If the neighbourhood is classified as an "Urban Rehabilitation Area", there is a 30% deduction up ro €500 for owners. If you think you may be eligible, check with the local Council ("Câmara").





Tax Credits for Health Insurance

15% of Health Insurance premiums may be added to general medical expenses. The maximum limit for the tax credit for the combined expenses is €1,000.

Question: As part of my mortgage, I am required to carry life insurance. Can I claim a credit?

FINESCO: Not any more. Premiums for life insurance are no longer eligible for tax credits.

OTHER EXPENDITURES:

1) *Alimony* - If you pay court-ordered alimony or child support, there is a 20% tax credit for court ordered. You will need to provide the Portuguese Fiscal Number of the recipient. In certain instances, this requirement can prove awkward if the "ex" has never lived in Portugal and does not have a "*NIF*".

2) Nursing Homes and Home Care
25% of expenditure, limited to €403.75, on home care or
nursing home fees for oneself, or for elderly relatives (up to
three times removed) whose income is below the national
minimum wage.

3) Approved Savings Schemes

Because of the 8 year lock up period, these schemes are rarely interesting to foreign retirees. Your subscribing bank should be able to give you full details for your personal situation if you choose to proceed with this type of investment plan.

The broad outline of benefits are as follows:

	Maximum Tax Savings			nt necessary to e tax savings
age	single	married	single	married
< 35	€400	€800	€2.000	€4.000
35-50	€350	€700	€1.750	€3.500
> 50	€300	€600	€1.500	€3.000

Capitalisation Public Regime

Tax credit of 20% of the amount invested in individual accounts managed under the capitalisation public regime up to €700 per couple and €350 per individual.

Royalties

Royalties benefit from a 50% exemption up to a maximum exemption of $\in 10,000$.

Urban Renewal

30% up to ≤ 500.00 of costs incurred related with urban renewal projects.

QUESTIONS & ANSWERS:

Question: We installed solar panels last year. Are there any tax

credits?

FINESCO: This is another tax credit that disappeared.

Question: What about life insurance. Can I claim a credit?

FINESCO: No. Personal Accident and Life Insurance credits have

also been removed.



Tax Credits for charitable gifts for individuals are based on the "Estatuto de Mecenato" (Patronage Statutes), which divides contributions according to the nature of the charity. The amount of the gift is enhanced for tax purposes by a stipulated percentage, then a tax credit of 25% is conceded on that amount. Like other credits, the upper ceiling of the tax credit is limited, in this case to ϵ 100. Donations above ϵ 200 should be made by cheque or bank transfer.

CHARITABLE GIFTS - (Estatuto do Mecenato . DL 74/99 de 16.03)			
Type of Organization	Amount	Tax Credit	
 State Autonomous Regions (Azores / Madeira) Town Councils State Foundations other recognized Foundations 	social solidarity: 140% educational, sports, scientific, cultural, environmental: 120%	25% of donation (no upper limit)	
 non-profit organizations¹ cultural and sport centres (INATEL) recognized private charities¹ if charities support social solidarity: 	120%	25% of donation ²	
 infancy; old age addiction; aids; cancer; diabetes social reinsertion; job opportunity 	140%	25% of donation ²	
cultural associations; cooperatives¹ museums and libraries¹ environmental organizations¹ sport associations¹	120%	25% of donation ²	
• religious institutions¹	130%	25% of donation ²	

organizations must be registered and recognized for any donations to qualify for tax credit.

² up to 15% of tax due

Question: I give regularly to my church. Do I get tax relief?

FINESCO: Yes, but only if you can substantiate your gift with a proper receipt. In other words, if the coins or bills that you put into the collection plate cannot be substantiated, they would not ordinarily qualify. On the other hand, if your church issues you a receipt, you can report 130% of that amount and receive a tax credit of 25% of that amount. It goes without saying that such a practice would be both in the best interest of the church as well as the donor.

Nevertheless, don't forget to take into account the new upper limits to tax credits (see table on page 73).

Question: I give to charities in my home country. Can I claim these contributions here in Portugal?

FINESCO: No, tax credits are only for Portuguese-based entities. If you are giving to an international organization, it must have an office in Portugal in order for the donation to qualify for a Portuguese tax credit.



With the passage of time come aches and pains. Many people discover that these ailments can qualify them for disability benefits when it comes to tax time. 60% or greater disability entitles a taxpayer to fiscal benefits. The advantages are numerous and, although reduced for many from the past, can still be quite significant. These and other benefits work as follows:

Benefits for the Disabled

Taxable income from categories A, B, H	reduced by 10%
Upper limit per individual	€1 900
Home care support for ≥90% disability	€1 900
Pensions: 10% or an upper limit of:	€2 500
Disabled dependent; disabled elderly dependents; care expenses	>60% = €1 187.50
30% of education and rehabilitation expenses for disabled family members	unlimited
25% of life, accident premiums and pension	up to 15% of
contributions for disabled	taxable income

Question: I believe that I may qualify for disability status for tax benefits but I don't have all of the documentation to substantiate my condition(s). What should I do?

FINESCO: You must be prepared to complete a lengthy bureaucratic process in order to qualify for disability status:

- 1) obtain a medical report from your family doctor.
- 2) At your local Health Centre (*Centro de Saúde*), request a review by the Medical Board (*Junta Médica*).

3) The Disability Declaration will serve as proof of the disability. If the Disability Declaration has not as yet been obtained at the time of submission of the IRS Tax Return, a second tax return may be presented when the Certificate is available.

Question: Are there any other benefits other than those mentioned above?

FINESCO: Yes. There are tax breaks when buying new cars. However, these are conceded at the time of vehicle importation into Portugal, not on the showroom floor. Professional guidance is advisable.

Limitation of Tax Benefits

deductible provisions

Tax bracket (€)	Limit (€)
≤ € 7.000	no limit
> € 7.000 – € 20.000	€ 1.000 + [(€2.500-€1.000) x [€80.000 -
> € 20.000 – € 40.000	
> € 40.000 – € 80.000	taxable income] / $(\in 80.000 - \in 7.000)$]]
> € 80.000	€ 1.000



Transferring Fiscal Residency

Whether you are planning an impending move to Portugal to retire, simply seeking a more attractive lifestyle in the sun or have lived here for many years yet are in arrears in your compliance obligations, our "Year One" Plan will help you get off to a proper start in Portugal. All those who live more than six months in the tax year (January - December) in Portugal and are in receipt of any income from anywhere in the world (rather than on a remittance basis) are required to submit a Portuguese "IRS" tax declaration with only rare exemptions.

Our *euro*FINESCO package of services will help you meet all outstanding requirements related to Individual Income Tax:

first by adopting fiscal residency in Portugal, then becoming officially non-resident in your home jurisdiction and finally, getting you a refund for any taxes withheld during the process of changing your fiscal residency.

Your First "IRS" Return

Submitting a tax return is not synonymous with paying tax. The Portuguese tax code has generous allowances and unexpected exclusions on certain forms of income, broad deductions for numerous types of expenses and liberal tax credits for many common expenditures. Many people find their new tax burden in Portugal to be significantly lower than they experienced before in their country of origin.

Fiscal Residency

Submitting your first income tax declaration in Portugal is just the kick-off point. You will not be recognised as resident for tax purposes in Portugal or no longer resident back home unless you

follow the appropriate procedures. With your first declaration in the hands of *Finanças*, the next step is to submit the application for a *Certificate of Fiscal Residency*.

Eliminating Withholding

With the completion of this formality, the International Division of the Tax Authority in your home country must be alerted to the change in your status. Some countries have specific dual language forms, while others accept the Portuguese *Certificate of Fiscal Residency*, duly translated. From this point on, most sources of income can be paid to you gross, thereby avoiding withholding tax levied at source.

Your Refund

Normally, there will be taxes that were inappropriately withheld in your previous home country after the initial date of fiscal residency in Portugal. By completing the appropriate steps, you will most likely be entitled to a tax refund. Many taxpayers are pleasantly surprised to find that the fiscal residency transition process, when properly completed, can more often than not pay for itself.

Remember . . .

Just because you have already paid tax elsewhere does not mean that you have done so *correctly*. The relevant Double Taxation Treaty sorts out conflicts between jurisdictions and defines your obligations as a taxpayer.

Compliance

Beyond meeting basic formalities and essential obligations, *euroFINESCO* will be by your side to help resolve any problems that may arise in navigating your way through Portuguese bureaucracy. It is our goal at *euroFINESCO* to assist you to become fully compliant while helping you to pay the legal minimum.



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
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- 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

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