FLOWARD FOCUS

NEWSLETTER

EDITION NO.3

NAVIGATING THE TAX LANDSCAPE FOR ECOMMERCE IN THE GCC

FLOWARD
فلاورد

Navigating the Tax Landscape for eCommerce in the GCC

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INTRODUCTION

The GCC's tax landscape is undergoing a transformative phase, especially pertinent to eCommerce entities. As digital commerce continues its upward trajectory, understanding and adapting to these tax changes is not just about compliance—it's about seizing new opportunities and mitigating potential risks.

BILINGUAL RECROD-KEEPING: A STRATEGIC IMPERATIVE

In a region as linguistically diverse as the GCC, bilingual record-keeping in both Arabic and English transcends mere regulatory adherence. It's about fostering trust with local stakeholders, ensuring clarity in cross-border transactions, and preemptively addressing potential language barriers that could arise during audits or reviews. This dual-language approach underscores a commitment to transparency and positions businesses as both locally rooted and globally informed.

UNPACKING DIFFERENT TYPES OF TAXES

The introduction and subsequent adjustments to tax regulations in the GCC signify the region's commitment to diversifying its revenue streams. But beneath the surface, there's more than VAT to consider; taxes in the GCC include but are not limited to:

- ***Withholding Taxes:*** Mostly relevant for entities with multi country operations.

- ***Contract Compliance:*** The importance of complying with contract uploading and disclosures in multiple countries.

- ***Corporate Income Tax:*** Ever evolving corporate income taxes both for nationals and foreigners in different countries.

- ***Zakat:*** Most relevant to the KSA and ensuring compliance with the way Zakat should be calculated which is not as exactly straightforward as financial reporting calculations.

- ***Capital Gains Tax:*** Very relevant for the KSA and for companies engaged in M&A activities.

SUPPLIER AND VENDOR RELATIONSHIPS: BEYOND TRANSACTIONS

In the intricate web of eCommerce, suppliers and vendors play pivotal roles. Their compliance, or lack thereof, can have cascading effects on your business. The GCC's regulatory bodies expect businesses to take ownership of their entire supply chain. This means rigorous vetting, continuous monitoring, and open communication channels with all partners, ensuring that the entire chain remains compliant and aligned with regional tax mandates.

At times, it might seem like the company is carrying out tasks on behalf of its vendors, and this may indeed be the case. However, to safeguard both the company and the interests of its shareholders while adhering to regulatory requirements, it is essential for companies to diligently conduct vendor assessments and ensure strict compliance with tax authorities in contractual matters.

An illustration of this situation can be observed in Kuwait, where, for instance, the client is obligated to request the vendor's tax clearance. Failure to do so can result in the client assuming liability for any unpaid taxes by the vendor on the amount invoiced to the client.

CHOOSING NEW TERRITORIES: THE TAX DIMENSION

Expansion decisions, historically rooted in market potential and administrative ease, now have a new critical factor: tax implications. The modern GCC tax landscape, with its evolving regulations like the transfer pricing in the UAE, necessitates a thorough tax-centric evaluation before entering new territories. This approach ensures that businesses are not caught off-guard by unforeseen tax liabilities and can strategically leverage tax incentives offered by different jurisdictions.

TECHNOLOGY: ENHANCING, NOT REPLACING

The allure of technology solutions, especially in the realm of tax management, is undeniable. They promise efficiency, accuracy, and real-time insights. However, it's essential to recognize that technology is most effective when it enhances existing robust processes. Before onboarding a new solution, businesses must evaluate its fit with their current systems, ensuring that technology serves as a tool for enhancement, not an overhaul.

Frequently, there is a misconception that the term "system" refers exclusively to a technological tool. However, it's crucial to clarify that a system can encompass a collection of workflows, processes, and the human resources responsible for executing them, all utilizing standard office tools. The adoption of technology solutions that streamline common office software should only be considered after the tax teams have gained confidence in their business system.

The evolving tax landscape in the GCC is a testament to the region's economic dynamism. For eCommerce businesses, this presents a dual challenge: staying compliant while also leveraging new tax structures for strategic advantage. With informed decision-making, proactive relationship management, and judicious use of technology, businesses can navigate this landscape successfully.

ORGANIZATIONAL STRUCTURE: INCORPORATION PROCESS

Incorporating correctly and taking the advice of both lawyers and tax advisors is extremely important in the world of growth and expansion in the GCC. Certain countries have stringent requirements on foreign/national ownerships that may hinder the process if the principal does not take proper advice in advance.