

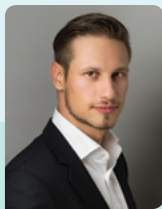
以公民身份及居留权规划作为税务规划的集成工具

Citizenship & Residence Planning as an Integrated Tool of Tax Planning

← Till Neumann

在全球化的世界中，随着“自动信息交换”（AEOI）和“统一报告标准”（CRS）的推行，私人会意识到在离岸辖区隐匿自己的财富来实现税务最优化已经不再是一个可行的解决方案。

除此之外，在财富和公司组织架构方面，人们也越来越意识到这种老旧的避税操作在未来不会再有效果。从国际



Till Neumann

Till Neumann 是 Citizen Lane 的创始人和管理合伙人。Citizen Lane 是一家专门处理投资移民事务的独立咨询及律师事务所，其总部位于瑞士，在德国、马耳他和中国设有办事处。Till Neumann 创立 Citizen Lane 是为了给客户提供量身定制的个人服务。他的信条就是充分理解客户的需求，因为这是提供个人咨询的基础。

Till Neumann is Founder and Managing Partner of Citizen Lane, an international consulting and law firm dedicated to investor migration. Citizen Lane is headquartered in Switzerland and has offices in Germany, Malta and China. Till Neumann has set up Citizen Lane with a view to serve his clients individually and with a tailor-made and personal approach. His credo is to fully understand his client's needs; because this is the fundament for individual advice.

In a globalised world, with implemented Automatic Exchange of Information (AEOI) and Common Reporting Standards (CRS) private individuals need to realise that hiding their wealth in offshore jurisdictions is nowadays not a feasible solution in regards of tax optimisation.

Beyond this and in regards of wealth and company structuring it becomes more and more important that people are aware that this timeworn practices of tax evasion will not work in future. The internationally growing requirements that operating companies need to prove substance in order to benefit from low taxes in offshore jurisdictions, shows this clearly.

For these reasons individuals and their advisors need to realise that payment of certain taxes especially on company level is inevitable, thus they have to consider reliable other approaches on the level of the ultimate beneficial owner.

Personal Tax Optimisation

Doubtlessly, because of these changes the private tax domicile of a High Net Worth Individual (UHNWI) has already and will gain even more importance during the upcoming years. Many UHNWI have already adapted their tax situation by relocating to low

tax jurisdictions. Whereby the earlier trend was relocating to Caribbean zero-tax jurisdictions, it is now shifting to European tax havens such as Switzerland, Malta and Cyprus. Nevertheless, company and trust structures will remain an integral part of personal wealth planning. As they are irreplaceable when it comes to tax optimisation on corporate level and for the individual in terms of asset protection.

Successful European jurisdictions like Cyprus and Malta offer for both, individuals and on companies, very tax efficient tax plans.

Malta

With just 5% the effective corporate tax in Malta is uniquely low in Europe





上对离岸公司不断提高的要求就可以明确看出这一点，现在这些运营中的公司要想获得离岸辖区的低税率，就必须拿出实质性证明。

出于此种原因，个人及其顾问应意识到支付某些税款已不可避免，尤其是公司层面上的税款，因此他们必须从最终受益所有人的角度考虑其他可靠的途径。

个人税务最优化

毫无疑问，因为这些变化，高净值人士（UHNWI）私人税收属地地的变化已经且在未来几年将变得越来越重要。很多高净值人士已通过迁往低税率辖区来调整自己的税务状况。较早期的趋势是迁往加勒比零税率辖区，目前的趋势则是

and the European Union; foreign individuals can benefit of a fixed income tax rate at 15%. The network of 72 Double Taxation Agreements (DTA) is a mayor benefit for Malta. Those countries include China, Germany, Hong-Kong, India, Lichtenstein, Singapore, Switzerland, the United Kingdom and the United States of America. Currently further DTAs have been signed with Belgium, Curacao and Ukraine, but are not yet in force.

Malta is one of the few jurisdictions that cater for both trusts and foundations. While trusts are peculiar to systems of law based on common law and are not generally found in civil

law countries, civil law in Malta is an exception to this rule. Malta trusts and foundations benefit from important advantages when compared to other trust jurisdictions, such as the excellent regulated legal basis, which is supervised by the European Union. As English is an official language, legislation is published in English.

Malta is not only known as an International Financial Centre, furthermore it is with its low taxes a hot spot for IT companies and is internationally well known for its online gambling and online gaming industry. It should also be noted that Malta provides particularly

前往瑞士、马耳他和塞浦路斯等欧洲避税天堂。但是公司和信托结构依然是个人财富规划中不可或缺的一环。因为在涉及到公司层面上的税务优化以及个人的资产保护时，它们是无可替代的。

塞浦路斯和马耳他等成功的欧洲辖区可为个人和公司提供有效的税务规划。

马耳他

马耳他的有效公司税率仅为5%，是欧洲及欧盟罕见的低税率辖区，外国个人可以享受到15%的固定所得税税率。72份双重税收协定（DTA）构成的网络是马耳他的核心优势所在。与其签订此类协定的国家包括中国、德国、香港、印度、列支敦士登、新加坡、瑞士、英国和美国。目前，它也已经和比利时、库拉索和乌克兰签订了双重税收协定，但尚未生效。

马耳他是少数几个既适合创立信托又适合创立基金会的辖区之一。信托往往局限于以普通法为基础的法律体系，在民法系国家中比较罕见，但马耳他的民法法系是一个例外。与其他信托辖区相比，马耳他的信托和基金会具有一些显著的优势，比如监管得当、受到欧盟监督的法律基础；以英语作为官方语言，意味着法律也以英文发布。

马耳他不仅是知名的国际金融中心，还因为其低税率，吸引了众多信息技术公司，其在线赌博和在线游戏行业更是享誉全球。还有一点不能忽略，马耳他还提供优质的游艇和私人飞机注册服务。

塞浦路斯

作为欧盟成员国之一，塞浦路斯的公司税相对较低，仅为12.5%，且其非定居居民计划不对股息和收益征收任何税费，这让塞浦路斯成为超高净值人士个人税务属地的理想选择。塞浦路斯的双边

competitive offers for registration of yachts and private jets.

Cyprus

As a member state of the European Union Cyprus' corporate tax is comparably low at 12.5%. Its resident non-domiciled scheme offers a 0% tax on dividends and interests; this makes Cyprus capturing as a personal tax domicile for UHNWIs. Cyprus' network of DTAs consists of 62 jurisdictions, including China, Germany, India,

Singapore, Switzerland, the United Kingdom and the United States of America. Provisions such as tax exempt status of gains from sale of securities and received dividends, under certain relatively easy to achieve conditions, make Cyprus an interesting jurisdiction for many companies. As a common law country, Cyprus International Trusts can be established for non-residents resulting in zero taxation.

Both countries serve a perfect





税收协定网络由62个辖区构成，包括中国、德国、印度、新加坡、瑞士、英国和美国。塞浦路斯的不少规定使它对公司都具有吸引力，比如通过销售有价证券的获得的收入以及已获得的股息，在特定条件下可作免于征税。作为一个普通法系国家，塞浦路斯可为非居民设立零税收的国际信托。

这两个国家都是企业家友好型环境的优秀典范，其特点是：为公司和个人提供优惠的税收制度；庞大的双边税收协定网络；信托和基金会法律完善；有吸引力的游艇注册服务；以英语为官方语言。当然，在欧盟国家设立枢纽，对所有公司而言也是一项重大优势，因为这样便于它们进入欧盟市场。这些都是别的离岸辖区不可能提供的优势。

居留权和公民身份

马耳他和塞浦路斯都提供居留权和公民身份计划，帮助投资人获得欧盟的居留许可或欧盟公民身份。如果说居留计划只是用于重新定位和税务规划的工具，那么公民身份计划就能提供更多、更广泛的优势，比如增加免签国家范围，保护个人权利，便于开展业务及购买房产等。下文将概述塞浦路斯和马耳他现有的此类计划。

公民身份投资

通过欧盟公民身份计划，投资人可以在任何欧盟国家或欧洲自由贸易联盟国家定居，包括瑞士。

example for an entrepreneur friendly environment, which is characterised by their favourable tax regimes for companies and individuals, their vast networks of double taxation treaties, their trust and foundation laws, their attractive yacht registration services and having English as official language. Certainly it is for every business a great advantage to have a hub in an EU country as this facilitates the market entry to the European Union. These are benefits which cannot be offered by other offshore jurisdictions.

Residence & Citizenship

Both, Malta and Cyprus offer residence and citizenship programs which enable investors to achieve an EU residence permit or EU citizenship. Whereby residence programs are rather just



relocation and tax planning tools, citizenship programs have a broader range of benefits, such as increased visa free traveling, protection of personal rights, easing of business and property purchase. The following information shall provide a partial but relevant overview regarding the residence and citizenship programs in Cyprus and Malta.

Citizenship-by-Investment

EU citizenship programs enable investors to work and take residency in any EU or EFTA country, including Switzerland.

The Malta Individual Investor Program (MIIP) requires an investor to

- donate €650,000 to a government fund, and
- invest €350,000 in real estate, and
- invest €150,000 in government bonds.

The investments must be held for a period of five years.

The Cypriot Citizenship-by-Investment program requires an investor to

- invest €2,000,000 in real estate, or business
- purchase a private property of a minimum value of €500,000.

马耳他个人投资人计划(MIIP)要求投资人:

- 向政府基金捐赠650000欧元,
- 在房地产领域投资350000欧元,
- 在政府债券领域投资150000欧元。

投资期限必须达到五年。

塞浦路斯投资公民身份计划要求投资人:

- 在房地产或商业领域投资2000000欧元,
- 购买最低价值为500000欧元的私人房产。

投资必须持有至少三年后方可销售,而私人住宅必须终身维持。

居留投资

马耳他提供两种居留计划:

马耳他居留及签证计划(MRVP)要求投资人:

- 租赁或购买私人房产,租赁房产最低价值为10000欧元/年,购买房产最低价值为270000欧元,
- 投资250000欧元购买政府债券或者其他符合规定的投资。

全球居留计划(GRP)要求投资人:

- 租赁或购买私人房产,租赁房产最低价值为9600欧元/年,购买房产最低价值为220000欧元,
- 就汇至马耳他的收入,缴纳15%的所得税,最低为15000欧元/年。

塞浦路斯的居留计划要求投资人:

- 购买最低价值为300000欧元的私人房产。

因为塞浦路斯并非申根条约国,所以非欧盟公民的居民必须获得签证才能前往申根国家。

作为财富规划的重要组成部分,Citizen Lane 提供关于公民身份和居留规划的咨询和法律服务,还提供公司服务。

The investment might be sold after a minimum holding period of three years, whereby the private home must be maintained lifelong.

Residence-by-Investment

Malta offers two residence programs:

The Malta Residence and Visa Program (MRVP) requires an investor to

- rent or purchase a private property of a minimum value of €10,000 p.a. respectively €270,000, and
- invest €250,000 in government bonds or other qualifying investments.

The Global Residence Program (GRP) requires an investor to

- rent or purchase a private property of a minimum value of €9,600 p.a. respectively €220,000, and

- pay taxes of 15% on the income remitted to Malta, minimum €15,000 p.a.

The residence program of Cyprus requires an investor to

- purchase a private property of a minimum value of €300,000.

As Cyprus is not a full Schengen member, residents who are not EU citizens require a visa for Schengen countries.

As an essential part of wealth planning Citizen Lane provides consultation and legal services in regards of citizenship and residence planning, and provides corporate services (company set ups, bank account openings, providing registered company addresses, book keeping).



