



商業信託
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Country Profile: Gibraltar

The Facts

Location	Southwestern Europe, on the southern coast of Spain
Languages	Official – English Spoken – Spanish, Italian, Portuguese
Nationality	Gibraltarian
Religions	Roman Catholic – 78.1% Church of England – 7% Other Christian – 3.2% Muslim – 4% Others – 7.7%
Government	Constitutional Monarchy and Parliamentary Democratic Dependency
Head of Government	Chief Minister
Legislature	Unicameral Parliament
Constitutional Document	Gibraltar Constitution 2006
Economy	Gibraltar benefits from an extensive shipping trade, and a well-developed offshore banking sector. It has also built up a reputation as an international conference center. Financial sector, tourism, shipping services fees, and duties on consumer goods also generate most of the country's revenue. The financial sector, the shipping sector, and tourism each contribute about 25 to 30% of GDP while telecommunications accounts for 10%. Gibraltar imposes low tax on all the companies. It is also one of the top offshore tax havens for offshore banking in Europe, due to all the incomes and interests gained are not taxed in Gibraltar.
Currency	Gibraltar Pound (GIP)
GDP (2009)	Total – GIP 870 million Per capita – GIP 29,700 Real GDP growth – +7.4%
Population	29,100 (approx.)
Percentage of population	Britons – 27% Spanish – 24% Genoese and other Italians – 20% Portuguese – 10% Others – 19%
Area	6.5 km ²
Time zone	CEST (UCT +2) CET (UCT +1)
Public Holidays	National holidays – 13
Climate	Subtropical



Sources: AMB Country Risk Report, QFINANCE, Government of Gibraltar, Central Intelligence Agency

Gibraltar

Gibraltar is one of the 14 British territories under the jurisdiction of the UK. The Rock of Gibraltar is one of the major attractions of this region. The city area is located at the foot of the rock. Gibraltar has been a part of the European Union since 1972. The region features world class infrastructure in compliance with European standards of regulation. The government of Gibraltar has been very keen on bringing more foreign investments to the region. With several favorable government policies, Gibraltar benefits foreign investors with low tax rates, skilled and qualified workforce and competitive business operating costs. Let's take a close look at some of the major reasons that make Gibraltar one of most preferred investment destinations for investors.

The Gibraltar Business Climate

There are several reasons to invest in the Gibraltar:

- **Political Advantage:** Due to its special relationship with the EU, Gibraltar does not need to comply with the common agricultural policy, common customs tariff and Value Added Tax (VAT). This allows a company to operate its business at comparatively low costs in the region. According to the official website of the Gibraltar government, the region benefits investors with its "highly-developed business services infrastructure where it is possible to passport an EU license in financial services such as insurance and re-insurance, EU-wide pensions, banking and funds administration, amongst others."
- **Choice of financial products:** Gibraltar offers investors a wide range of financial products and services, such as monthly tax-free registered debentures and investor friendly funds development programs.
- **Credible legal system:** Gibraltar's legal system is mainly based on the legal structure of England. However, the government has amended some of the laws in order to meet the specific requirements of the region. The legal system of Gibraltar is modeled both on common laws and statute laws of the UK. A credible legal system is what attracts many foreigners to invest in Gibraltar.
- **Start-up incentives:** The government of Gibraltar started offering start-up incentives for setting up a business in Gibraltar from July 1, 2009. The purpose for this was to encourage foreign investors to start a business in Gibraltar.
- **World class infrastructure:** Gibraltar is well connected with all major countries and cities in the world via its international airport. It is also close to the Spanish regional airports at Seville, Jerez and Malaga. It is just two and half hours distance from London by air. Gibraltar also offers weather-protected port facilities. Moreover, Gibraltar has good roads, transportation facilities and an environment appropriate for corporate accommodation.
- **Advanced telecommunication:** According to latest statistics from the ITU, Gibraltar had around 20,200 Internet users as of June 2010, which suggests 69.8 percent internet penetration in the region. Moreover, easy access to modern telecommunication facilities makes Gibraltar one of most attractive offshore locations aimed at the EU market.
- **Low tax rates:** The government of Gibraltar charges very low tax for running a business. In addition, operating a business in Gibraltar doesn't require payment of the following taxes:
 1. Value Added Tax
 2. Inheritance tax
 3. Capital gains tax
 4. Wealth tax
 5. Stamp duty on transfers of shares
 6. Exchange control tax

The government also offers special tax benefits to executives who have relocated to Gibraltar.

Setting up a Business in Gibraltar

For foreign investors, there are three most popular ways to start a business in Gibraltar. Here's a close at each of these three ways:

- **Non-trading office:** This is perhaps the best option for businesses that don't require participating in selling activity in Gibraltar. By law, it is mandatory to register a place of business (non-trading office) for doing any kind of business activities in Gibraltar. Not to mention, a non trading office is not allowed to participate in selling activities in Gibraltar. Establishing a place of business is mandatory for every business that has a non-trading office in Gibraltar. Registering a place of business requires submitting the following documents.
 1. Name and full address of the non-trading office in Gibraltar
 2. Certified copies of the company's constitutional documents (If the documents are not in English, each document should be translated into English)
 3. Names and contact details of the company's top officials, such as the director and the secretariats
 4. Registration fee

The foreign company should also recruit a person for handling all legal formalities of the company in Gibraltar. The details of this person should be submitted.

- **Branch:** Foreign investors can choose to establish a branch of the existing foreign company in Gibraltar. A branch is considered as a part of the foreign company, and not a separate legal entity. Unlike a non-trading office, a branch office is allowed to participate in selling activities in Gibraltar. A branch office can also offer post sales support service to their customers. It is also possible to set up a branch office through a new subsidiary of the foreign company. Establishing a branch office requires submitting the following documents:
 1. Name and full address of the branch office in Gibraltar
 2. Names and contact details of the company's top officials, such as the director and the secretariats
 3. The country of incorporation
 4. Constitutional documents of the company
 5. Registration fee
 6. Copy of the latest audited accounts of the company
 7. Details of the person who have authorized by the company for accepting service of process on behalf of the company
- **Private limited company:** A private limited company is a separate legal entity. This type of company can be formed with a minimum of two members and a maximum of 50 members. The liability on each shareholder is limited to what they contributed to the company. A private limited company needs to comply with certain rules and regulations, such as filing annual returns, filing constitutional accounts, and informing any change in company policy to the company's registrar. By law, a private limited company is not allowed to invite the public to buy the company's shares. Foreign investors who want to establish a private limited company in Gibraltar require submitting the following documents:
 1. Memorandum of association: This should include the name of the proposed company and the nature of business. The memorandum should be duly signed by the authority of the parent company.
 2. Articles of Association: It is also mandatory to submit articles of association, which should include all important internal rules and regulations of the proposed company.
 3. Information about higher authority and registered office: Details about the company's director (s) and secretary should be submitted
 4. Statutory declaration: The company should also submit a declaration that they will operate the proposed company in compliance with rules and regulations of the government of Gibraltar

A certificate of incorporation is issued upon submitting all these documents along with the registration fee.

Apart from these three, there are several other business structures in Gibraltar. Some of those include partnership, public limited company, limited partnership, sole proprietorship, and European Economic Interest Groups ("EEIG").



Types of Business Structures in the Gibraltar

Any business that wants to take part in buying and selling activities in Gibraltar should obtain a trade license. The government of Gibraltar doesn't allow importing goods from foreign countries without proper license. Some other important requirements to fulfill for private limited companies doing business in Gibraltar include:

- **Recruiting an auditor:** This is mandatory for companies that earn taxable income in Gibraltar.
- Keeping records of the names, addresses, and other important details of all members of the company
- Keeping records of details about director and secretary
- Filing annual return to the Companies House
- Filing statutory accounts for each financial year to the Companies House

Employee Contracts

When it comes to creating employee contracts, an employer or business owner in Gibraltar should know about certain things. By law, a corporation should provide the following benefits to its employees:

- Providing a safe place of work
- Informing terms and conditions of a job through a written statement to each employee within two weeks of his/her joining
- Stating in the contract that weekly working hours will not exceed 48 hours
- Not discriminating employees in grounds of religious belief, race, ethnic origin, gender, color, nationality, age, marital status, and others

It is also mandatory to provide several employee benefits, as well as mention those in the employee contract.

Taxation

A corporation that is controlled and managed in Gibraltar is considered as a resident. All resident companies need to pay corporate income tax on any income earned by doing business in Gibraltar. A branch office of a foreign company is also subject to corporate income tax in Gibraltar.

Tax is imposed on the profit amount earned by a company. The Gibraltar government doesn't impose tax on royalty income or interest income. However, interest earned by banks is taxable. In general, the government of Gibraltar charges 10 percent tax on corporate income. However, the rate of taxation for utility companies stands at 20 percent.



Immigration and Visa Requirements

A Gibraltar Visa can be obtained from the Embassy or consulates of Gibraltar. A visa is not required for citizens of Australia, Canada and the USA, if the duration of the stay in Gibraltar is less than 90 days. In general, two different visas are required for the UK and Gibraltar. The application for a visa should be sent to the Government of Gibraltar's Immigration Department. It is mandatory to mention the purpose of the visit and the nature of business when applying for a business visa.

A residence permit is required for residing in Gibraltar permanently. However, citizens of the UK and Gibraltar do not require this permit. For nationals of other EEA states, approval for immigration is subject to certain conditions. First of all, the applicant must submit a work contract with the application. Then, it must be proved that the applicant will not be a burden on the state. This simply requires one to prove that no other citizens of Gibraltar or the European Union are available to fill the position.

Banking Requirements

Regulations for opening a bank account in Gibraltar are similar to those of the UK. As a rule, an applicant should come in person when opening a bank account in Gibraltar. Those who want to open an offshore bank account in Gibraltar can choose from one of the three types, namely, personal bank account, corporate bank account, and investment bank account. Following are some important documents to be submitted for opening a bank account in Gibraltar:

- **A copy of passport:** This should be a certified or notarized by proper authority of the applicant's country of origin
- **Banker's reference:** A reference letter from your existing bank should be sent to the bank where you want to open an account
- **Address proof:** Documents that are regarded a valid address proof include recent telephone bill, utility bill, bank statement, credit card, and others.

Reference

Government of Gibraltar	www.gibraltar.gov.gi
AMB Country Risk Report	www3.ambest.com/ratings/cr/reports/Gibraltar.pdf
Central Intelligence Agency	www.cia.gov
QFINANCE	www.qfinance.com/country-profiles/gibraltar
Hassans	www.gibraltarlaw.com/why_gibraltar.php
www.ppwc.gi	www.pwc.gi/publications/assets/DoingBusiness.pdf
Fast Offshore Company Formation	www.fastoffshorecompanyformation.com/why-set-up-in-gibraltar
Deloitte	www.deloitte.com/assets/Dcom-Global/Local%20Assets/Documents/Tax/Taxation%20and%20Investment%20Guides/2012/dttl_tax_highlight_2012_Gibraltar.pdf
DeltaQuest	www.myoffshoreaccounts.com/offshore-banking/gibraltar-offshore-bank-account/

Contact

Website: www.cmltrust.com

Email: inquire@cmltrust.com

Tel: +852 2162 7371