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Tax Treaties and Controlled Foreign Company Legislation

**Pushing the Boundaries
Second Edition**

Daniel Sandler



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Tax Treaties And Controlled Foreign Company Legislation Pushing The Boundaries

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Tax Treaties And Controlled Foreign Company Legislation Pushing The Boundaries:

Tax Treaties and Controlled Foreign Company Legislation: Pushing the Boundaries Daniel Sandler, 1998-07-29 In depth analysis of the potential conflict between CFC legislation and tax treaties The book also evaluates the potential conflict between the CFC legislation found in European Union countries and the EC Treaty Pushing the Boundaries Daniel Sandler, 1994

International Tax Planning and Prevention of Abuse Luc De Broe, 2008 This study considers how tax authorities attempt to strike down international tax avoidance structures in particular those involving the use of conduit and base companies set up by third country residents for purposes of treaty shopping and EC Directive shopping The book focuses on the interaction between provisions and judicially developed doctrines of domestic tax law preventing international tax avoidance on the one hand and norms of international law in particular tax treaties and rules of Community law on the other It also considers treaty based anti avoidance measures such as the beneficial ownership requirement and limitation on benefits provisions This part of the study compares and analyses the case law of Australia Austria Belgium Canada the Czech Republic Finland France Germany India the Netherlands Switzerland the United Kingdom and the United States

CFC Legislation, Tax Treaties and EC Law Michael Lang, Hans-Jorgen Aigner, Ulrich Scheuerle, 2004-01-01 Compilation of 23 national reports dealing with domestic CFC provisions and the influence of tax treaties and EC law on CFC legislation and a summarising general report originating from a joint conference on CFC legislation in Rust Austria from 3-6 July 2003

The Missing Keystone of Income Tax Treaties Joanna Wheeler, 2012 Le site d'IBFD indique This thesis reveals a fundamental flaw in the OECD Model namely that it pays no attention to the person who is liable to tax in respect of the income for which treaty benefits are claimed This missing keystone causes two major problems of interpretation One problem arises if the contracting states attribute the income to different persons the myriad ways in which such a conflict can occur is illustrated by an extensive comparison of the domestic law of the Netherlands and the United Kingdom in this respect This missing keystone also causes a disconnection between the two principal conditions for treaty entitlement The treaty residence of the claimant is based on a general liability to tax in a contracting state whereas the distributive articles focus on the ownership of the income Interpretation problems arise if domestic law imposes a tax liability on a person who is not the owner of the income for example under anti avoidance legislation or a corporate group regime In order to eliminate this fundamental flaw the thesis proposes a new approach in which the criterion for treaty entitlement is liability to tax on the income backed up by substantial connections between the income and the treaty claimant and between the treaty claimant and the residence state The new approach is tested in various situations many of them decided cases and proves to give appropriate policy results while respecting the tax sovereignty of states The thesis includes a proposal for a re draft of the OECD Model on this basis

Principles of International Taxation Lynne Oats, 2021-09-30 The book provides a clear introduction to international taxation and presents its material in a global context explaining policy legal issues and planning points central to taxation

issues primarily from the viewpoint of a multinational group of companies. It uses examples and diagrams throughout to aid the reader's understanding and offers more in-depth material on many important areas of the subject. Traditionally published every 2 years in both print and digital formats, this content is a core requirement for student reading lists at both undergraduate and postgraduate level. Fully updated to cover all new tax legislation and developments in light of the OECD BEPS project implementation, key areas to be included in this new edition are changes proposed by BEPS 2.0 in relation to taxation and the digital economy including Pillar Two and the proposed new UN Model Article 12B, further progress on the implementation of OECD Base Erosion and Profit Shifting, implementation including an update on the implementation of BEPS recommendations including artificial avoidance of permanent establishment status and prevention of treaty abuse, the implementation of transfer pricing documentation and country-by-country reporting, multilateral instrument implementation, the impact of Covid-19 on international taxation, further developments in European direct taxation including the transparency package, directives on anti-tax avoidance and the common corporate tax base and state aid cases, Apple in particular, and updates to the Directive on Administrative Cooperation and the new communication on Business Taxation for the 21st Century. Proposals in relation to the taxation of digital business in particular, the OECD's unified approach and the UN modifications to the Model Double Taxation Convention, Proposals for a global minimum corporate tax rate to curb base erosion and tax competition.

The Impact of Community Law on Tax Treaties: Issues and Solutions Pasquale Pistone, 2002-03-11. Study on the question of harmonization of direct taxation among European Community Member States: how Member States must comply with EC Law as they apply their tax treaties; how EC law regulates cross-border tax issues within the Community; and how EC law affects tax treaties between EU Member States and third countries. The book provides expert commentary on 27 leading tax cases from the European Court of Justice and gives the proposal of EC Model Tax Convention which combines existing provisions of international tax law with the principles of Community tax law.

Tax simplification - An African Perspective Edited by Chris Evans, Riël Franzsen, Elizabeth (Lilla) Stack, 2019. Edited by Chris Evans, Riël Franzsen, Elizabeth (Lilla) Stack, 2019-01-01. Tax simplification: An African Perspective. Edited by Chris Evans, Riël Franzsen, Elizabeth Lilla Stack, 2019. ISBN 978 1 920538 96 5. Pages 347. Print version Available. Electronic version Free PDF available. About the publication: Why are tax systems so complex and what are the causes and consequences of such complexity? The simplification of tax systems is one of the most important issues faced today in worldwide efforts to modernise and strengthen government finance and revenue-raising capacities. Nowhere is it more important than throughout the rapidly emerging economies of the dynamic African region. This volume brings together contributions in this field from a conference held in South Africa in October 2018 and provides a unique synthesis of knowledge and understanding gained from the specialist expertise and diverse backgrounds brought to the tax simplification debate by those authors. Featured topics include: Taxpayers' rights to simplicity; The African experience of tax simplification; Simplification trends among small

and medium sized entities Pension tax simplification Sources of complexity in value added taxation Simplification of recurrent property taxes Complexity and approaches to international taxation Complexity and taxation of multinational enterprises Lessons from overseas The analysis of these topics includes timely and relevant perspectives from the experience in other jurisdictions including Australia Canada New Zealand the United Kingdom and the United States The volume will be an essential reference for researchers and others interested in the field from academia government legal and accounting practice and public policy organisations in African and other countries worldwide Table of Contents Preface Foreword Tax Simplification in the United Kingdom Some Personal Reflections John Whiting Contributors Introduction Elizabeth Lilla Stack Chris Evans and Rikl Franzsen Tax Complexity and Tax Simplification A Critical Review of Concepts and Issues Binh Tran Nam Annet Wanyana Oguttu and Kyle Mandy The Taxpayers Right to Tax Simplicity in South Africa and the United States Carika Fritz and Nina E Olson The Role of the Office of Tax Simplification in the United Kingdom and Lessons for Other Countries Yige Zu and Lynne Oats An Analysis of the Tax Simplification Initiatives for Pension Provision in the United Kingdom and South Africa Bernadene de Clercq Andy Lymer and Chris Axelson Simplification Lessons from New Zealand Adrian Sawyer Marina Bornman and Greg Smith Legal Uncertainty in the South African VAT Marius van Oordt and Richard Krever Simplifying Recurrent Property Taxes in Africa Rikl Franzsen Abdallah Ali Nakyea and Adams Tommy Statutory and Effective Complexity for Individual Taxpayers in South Africa Sharon Smulders Karen Stark and Deborah Tickle Small and Micro Businesses Case Studies on the Complexity of Simplified Schemes Heinrich Dixon Judith Freedman and Wollela Abehodie Yesegat Tax Complexity for Multinational Corporations in South Africa Evidence from a Global Survey Thomas Hoppe Reyhaneh Safaei Amanda Singleton and Caren Sureth Sloane International Tax Simplification in South Africa through Managing Substantive Complexity and Improving Drafting Efficiency Jinyan Li and Teresa Pidduck Bibliography Index

Customary International Law and Tax Jurisdiction Céline Braumann, 2025-02-14 Customary International Law and Tax Jurisdiction Céline Braumann Little attention has been paid to the pervasive effects of customary international law in contemporary issues of international taxation Customary international law influences states bargaining power in treaty negotiations serves as a gap filler for issues not regulated by treaties and informs the interpretation of tax treaties by judges and administrative agencies This study represents the most comprehensive and robust empirical analysis of customary international tax law to date It adds the formerly absent voice of a public international lawyer to the conversation Using a novel and carefully theorized methodology for the identification of customary international law concerning international tax law the author approaches the subject through an assessment of three crucial jurisdictional issues the nexus principle which specifies how a state must be connected to a subject or object to exercise tax jurisdiction the norms that govern the cross border taxation of corporate business profits and the nexus of ownership and control and by extension the role of the corporate veil in contemporary international tax law A central contribution of this book is its new data set that compares the

relevant practice of 80 states providing a much larger and more geographically representative sample than any previous study. The book also includes an in depth discussion on how customary limits to tax jurisdiction relate to current reform proposals spearheaded by the OECD G20 Inclusive Framework and by the UN General Assembly as well as unilateral measures such as digital services taxes. It thereby furnishes new insights to the debate on their conformity with or divergence from the normative status quo of international tax law. At its core this book seeks to foster intra disciplinary dialogue between international tax lawyers and public international lawyers by offering an accessible analysis of a complex interaction a feature that will benefit academics practitioners and policymakers in both fields. International Tax Michael

Honiball, 2011-03-15 This book is not merely a new edition but a complete and significantly expanded rewrite. It comprises over 900 pages of expert and in depth exposition of this complex subject that has become so important in the modern global economy. Already established over four previous editions as the pre eminent work on the subject it is a must own book for all students and practitioners of tax whether from a legal business or accounting perspective. Professor Lynette Olivier and Michael Honiball are without peer in their understanding and clarity in this highly specialised field. Five new chapters have been added on Taxation of individuals Taxation of Companies and Dividends Taxation of Partnerships Cross border VAT and Interpretation of Statutes. **The Challenges of Tax Reform in a Global Economy** James Alm, Jorge

Martinez-Vazquez, Mark Rider, 2005-11-29 This book presents 15 original papers and commentaries by a distinguished group of tax policy and tax administration experts. Using international examples they highlight the state of knowledge of tax reform present new thinking about the issue and analyze useful policy options. The book's general goal is to examine the current and emerging challenges facing tax reformers and to assess possible directions future reforms are likely to take. More specific themes include distributional issues how to tax capital income how to design specific taxes e.g. the income tax the value added tax the property tax how to consider the politics and administrative aspects of tax reform and how to combine the separate insights into comprehensive tax reform. **The International Tax Law Concept of Dividend** Marjaana

Helminen, 2017-05-02 The distribution of profits between corporations resident in different jurisdictions gives rise to both significant tax planning opportunities and tax risks. As cross border transactions between corporations grow in number and complexity the question of how a profit distribution is classified for corporate income tax purposes becomes increasingly important particularly in the context of issues such as double taxation non taxation and tax neutrality. The OECD BEPS project has only increased the relevance. This unique work discusses the international tax law rules determining which transactions may be classified and taxed as dividends and how possible classification conflicts may be resolved. The author examines the tax classification of various inter corporate transactions including Payments made under dividend stripping arrangements Fictitious profit distributions Economic benefits in the context of transfer pricing Returns on debt equity hybrids Interest payments in thin capitalization situations and distributions following liquidation. The analysis of each

transaction refers to international tax law Most weight is given to tax treaties and EU tax law including the BEPS development The approaches adopted in different states national tax law are covered by a more general analysis The comprehensive coverage and the practical nature of The International Tax Law Concept of Dividend make it an essential acquisition for tax practitioners researchers and tax libraries worldwide *The Political Economy of International Tax Governance* T. Rixen, 2008-11-03 Covering the period from the 1920s when international tax policy was solely about avoiding double taxation to the present era of international tax competition Rixen investigates the fate of the power to tax in an era of globalization illustrating that tax sovereignty is both shaped and constrained by an international tax regime An Examination of U.S. Tax Policy and Its Effects on the International Competitiveness of U.S.-owned Foreign Operations United States. Congress. Senate. Committee on Finance, 2004

The Taxation of Corporate Groups Under Consolidation Antony Ting, 2013 Antony Ting presents the first comprehensive comparative study of the tax consolidation regimes adopted in eight countries Financial Integration Marga Peeters, Nidal Sabri, Wassim Shahin, 2013-09-21 The Arab upheaval and the world's biggest financial crisis after the Great Depression were almost simultaneous in their occurrence The Mediterranean economies now face a dual challenge of a political and financial restructuring in the light of a shaky economic pedestal on which they stand In light of this socio political and economic shift in both inland and in world markets this book offers a thorough analysis on problems prospects and the way ahead for the financial integration of the South Mediterranean region Several perspectives on financial integration and policy recommendations are put forward from a leading group of researchers specializing on the Mediterranean region

Concept and Implementation of CFC Legislation Nathalie Bravo, Alexandra Miladinovic, 2021-09-21 An in depth analysis of various aspects of CFC legislation This volume provides an in depth analysis of various aspects of the topic Concept and Implementation of CFC legislation The volume is divided into four parts The first part comprises chapters discussing the historical background policy considerations and different CFC approaches that have been implemented in domestic legislation While the chapters included in the second part focus on the recommendation for the effective design of CFC rules found in BEPS Action 3 the chapters encompassed in the third part analyse the implementation of these criteria in Articles 7 and 8 of the ATAD and the compatibility of these provisions with EU primary law Finally the chapters encompassed in part four deal with selected issues related to CFC rules including the compatibility of CFC legislation and tax treaties the relationship between these rules and general anti abuse rules the implications of the proposed CCCTB Directive on CFC rules alternative approaches to CFC legislation such as the Global Anti Base Erosion proposal of the OECD G20 the interrelationship between CFC rules and transfer pricing legislation and the balance between effective CFC rules and compliance burdens

Controlled Foreign Company Legislation Organisation for Economic Co-operation and Development, 1996 A descriptive report providing factual information on controlled foreign company legislation as of June 1995 in the 14 OECD member countries that operated such regimes International Tax

Lynette Olivier, Michael Honiball, 2008 The book gives an overview of international tax aspects from a South African perspective These topics include taxation of controlled foreign companies tax treatment of foreign dividends exchange controls tax havens intermediate holding companies and double taxation agreements It also includes the latest international tax amendments to the South African Income Tax Act up to August 2007 tax treaties signed by South Africa overseas court cases examples of tax treaty application and an expanded glossary Beneficial Ownership in International Taxation

Kuźniacki, Błażej, 2022-08-12 This authoritative book provides a structural global view of evolving judicial and doctrinal trends in the understanding of beneficial ownership in international taxation B a ej Ku niacki presents a route towards an international autonomous meaning of beneficial ownership while also offering a comprehensive explanation of the divergent understandings and tax policy arguments underpinning its continuing ambiguity

Whispering the Strategies of Language: An Mental Journey through **Tax Treaties And Controlled Foreign Company Legislation Pushing The Boundaries**

In a digitally-driven earth where monitors reign supreme and quick transmission drowns out the subtleties of language, the profound secrets and emotional nuances hidden within words often go unheard. Yet, set within the pages of **Tax Treaties And Controlled Foreign Company Legislation Pushing The Boundaries** a captivating literary treasure pulsing with natural emotions, lies a fantastic quest waiting to be undertaken. Written by an experienced wordsmith, this enchanting opus invites visitors on an introspective trip, delicately unraveling the veiled truths and profound influence resonating within ab muscles cloth of each and every word. Within the emotional depths with this emotional evaluation, we can embark upon a genuine exploration of the book is core themes, dissect its interesting publishing style, and succumb to the effective resonance it evokes heavy within the recesses of readers hearts.

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