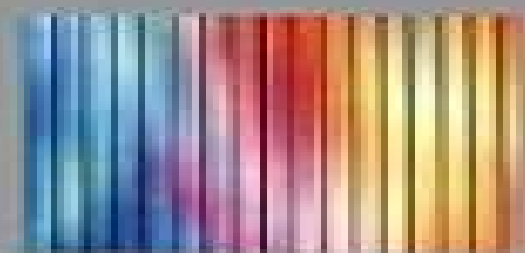


FINANCE AND CAPITAL MARKETS



TAXATION OF EQUITY DERIVATIVES AND STRUCTURED PRODUCTS

Edited by Tony Rumble



Taxation Of Equity Derivatives And Structured Products

Satyajit Das



Taxation Of Equity Derivatives And Structured Products:

The Taxation of Equity Derivatives and Structured Products T. Rumble, 2002-12-03 The taxation of equity derivatives and structured products is analyzed in detail by Tony Rumble and his contributors Mohammed Amin and Ed Kleinbard The book covers the financial and tax technical analysis of issues relating to equity derivatives and structured products Part 1 examines the derivatives building blocks and financial market corporate finance drivers of the equity derivatives and financial products market and includes case studies of typical and landmark transactions Part 2 looks at the tax technical rules in each of the target countries the US UK and Australia and examines the specific products highlighted in the first part of the book Case studies of significant transactions are included where necessary *Taxation of Derivatives and Cryptoassets* Oktavia Weidmann, 2024-06-10 Derivatives stand at the forefront of financial innovation continually evolving to accommodate new asset classes and risk categories In the past decade the growing popularity of cryptoassets and ESG investments has sparked the development of a variety of innovative investment strategies and risk management tools including crypto and ESG derivatives and related structured products This new edition has similarly evolved Using illustrative examples it provides a comprehensive analysis of the key tax issues associated with derivatives and cryptoassets in domestic and cross border transactions and presents approaches that tax legislators could adopt to solve them The new edition also comments on recent trends in global tax policy such as the OECD Base Erosion and Profit Shifting BEPS 1.0 and 2.0 projects Throughout the book specific references are made to UK German and Swiss tax law The updated edition addresses the following topics economic and financial properties of derivatives and cryptoassets definition of derivatives for tax purposes and its application to crypto derivatives and ESG derivatives among others accounting treatment of derivatives and cryptoassets under IFRS UK German and US GAAP current tax legislation and policy alternatives to the taxation of derivatives and cryptoassets characterisation of derivatives gains and losses as income or capital and equity or debt accounting and taxation treatment of hedging transactions involving derivatives or cryptoassets accounting and taxation rules applying to structured products and hybrid instruments including crypto and ESG linked structured products withholding taxes on derivatives and the concept of beneficial ownership in domestic and cross border transactions and anti avoidance legislation applying to derivatives and cryptoassets including the domestic law implementation of BEPS Action 2 the EU Anti Tax Avoidance Directives ATAD I and II the tax transparency rules for cryptoassets DAC8 and Pillar Two This comprehensive book analyses recent developments in three intertwined areas of expertise financial products accounting and tax law It will be a valuable resource to tax professionals in their daily practice of advising companies banks and investment funds It will also be of interest to government officials and researchers engaged in the taxation of derivatives cryptoassets and ESG investment products **Combating Fiscal Fraud and Empowering Regulators** Brigitte Unger, Lucia Rossel, Joras Ferwerda, 2021 Combating Fiscal Fraud and Empowering Regulators analyzes the impact of new international

tax regulations on the scope and scale of tax evasion tax avoidance and money laundering Banking on Failure Richard S Collier, 2020-09-01 Banks seem all too often involved in cases of misconduct particularly involving the exploitation of tax systems Banking on Failure explains why and how banks game the system accounting for these misconduct cases and analysing the wider implications for financial markets and tax systems Banking on Failure Cum Ex and Why and How Banks Game the System explains why banks design and use structured products to exploit tax systems It describes one of the biggest and most complex cases the cum ex scandal in which hundreds of banks and funds from across the globe participated in the raid on the public exchequers of a number of countries with losses in the tens of billions of euros The book then draws on the significance of this case study and what this tells us about modern banks and their interactions with tax systems Banking on Failure demonstrates why the exploitation of tax systems by banks is an inevitable feature of the financial markets landscape and suggests possible responses *The Handbook of Equity Derivatives* Jack Clark Francis, William W. Toy, J. Gregg Whittaker, 1999-11-08 There are so many ways to use derivatives that I m almost surprised when someone doesn t use them Producers and consumers investors and issuers hedgers and speculators governments and financial institutions almost everyone can use them From the Foreword by Fischer Black Cocreator of the Black Scholes Model Never before has there been so much interest in equity derivatives or so much innovation in structuring these products As new forms of instruments proliferate their complexity has grown as well Even equity derivatives professionals are unlikely to know all the details about every existing structure With equity derivatives comprising one of the most important components of the capital markets it s more crucial than ever for every financial professional specialist and nonspecialist alike to understand how derivative instruments behave how they re structured and how to use them profitably Edited by leading thinkers in the field The Handbook of Equity Derivatives Revised Edition assembles dozens of experts from universities and Wall Street to help the reader gain a practical grasp of the growing variety of financial instruments and how they work Contributions from such respected authorities as Gary Gastineau Mark Rubinstein J Gregg Whittaker and Fischer Black outline the full range of the equity derivatives market from classic warrants options and futures to the new and innovative PERCs equity swaps and equity linked bonds In nonmathematical language the book provides a clear introduction to equity derivatives including the fundamentals and history of options basic equity structures and pricing determinants along with a historical perspective on their evolution You ll find thorough surveys of The burgeoning field of synthetic structures OTC options and exotics equity swaps SPINs SIGNs PENs MITTs and SuperShares U S and foreign derivatives traded on organized exchanges Issuer derivative structures such as warrants convertibles PERCs and unbundled stock units The unique tax legal accounting and regulatory features of derivatives How to make the most profitable use of the many equity derivative products Why some financial instruments succeed and others fail The future of the equity derivative market place Whether you re a finance student becoming familiar with the field or a practicing professional seeking better ways to exploit the tremendous potential

of equity derivatives for profit The Handbook of Equity Derivatives Revised Edition belongs on your bookshelf I heartily endorse The Handbook of Equity Derivatives while the market is continuously inventing new instruments and discarding older ones the clarity and straightforward nature of the handbook hints at a longevity that will make it useful for many years to come Stephen A Ross Sterling Professor of Economics and Finance MIT on the first edition The most relied upon resource on equity derivative instruments their structure and diverse global markets now extensively revised and updated Once equity derivatives were exotic instruments relegated to the hands of specialists Today they are among the institutional investor s most popular tools for managing risk and uncovering new profit opportunities Recognized for its authoritative contributors and its accessible comprehensive coverage of the entire field The Handbook of Equity Derivatives has become the standard reference on the subject for specialist and nonspecialist alike Now this essential resource has been carefully updated and revised to cover the most current innovations in these continually evolving investment vehicles including Comprehensive coverage of the all important OTC market Basic equity structures and how they work Pricing determinants PERCs SPIDERS and WEBs The Black Scholes model The best uses for and profit potential of new derivative products Key accounting tax and regulatory issues

Hybrid Financial Instruments, Double Non-Taxation and Linking Rules Félix Daniel Martínez Laguna, 2019-06-12 Hybrid Financial Instruments Double Non taxation and Linking Rules Félix Daniel Martínez Laguna Hybrid financial instruments HFIs are widespread ordinary financial instruments that combine debt and equity features in their terms and design and may lead to double non taxation across borders This important book provides a deeply informed and critical analysis and guide to the linking rules developed to combat double non taxation stemming from HFIs within the framework of the Base Erosion and Profit Shifting project of the Organisation for Economic Co operation and Development OECD and the anti avoidance initiatives of the European Union EU These complex rules have now become essential in international taxation The book deals incisively with crucial theoretical and practical issues as the following Economic and legal reasons for financing business activity through debt instruments equity instruments and or HFIs Qualification of financial instruments from different perspectives such as economics corporate finance corporate law financial accounting law regulatory law and tax law and their interrelation The concept of double non taxation as a mere outcome of parallel exercises of sovereignty by different states and the role it plays within the international debate The concepts of tax planning tax avoidance and the misleading concept of aggressive tax planning within a tax competition international scenario and their relation with HFIs Comprehensive policy legal and technical detail and explanation of the linking rules proposed by the OECD i e BEPS Project Action 2 and the EU e g Anti Tax Avoidance Directive The in compatibility of linking rules with existing tax treaty rules and EU primary law The author refers throughout to relevant model convention provisions EU case law and a vast number of references of official documentation and literature With its detailed attention to the concept and legal nature of HFIs and double non taxation the critical and comprehensive analysis of the linking rules developed by the

OECD and the EU this provocative book allows to reconsider the legality of these linking rules and will quickly become a much used problem solving resource for policymakers tax practitioners tax authorities and tax academics This book allows to rethink whether linking rules relate to a solution or create actual legal issues *Taxation of Derivatives* Oktavia Weidmann,2015-07-16 The exploding use of derivatives in the last two decades has created a major challenge for tax authorities who had to develop appropriate derivatives taxation rules that strike a balance between allowing capital markets to function effectively by removing artificial tax barriers and at the same time protecting their countries tax base from tax avoidance schemes that utilise these instruments Derivatives exist in a vast variety and complexity and new forms or combinations of existing forms appear ad hoc as new risk categories emerge and companies seek to invest in or hedge these risks This very thorough book discusses and analyses taxation issues posed by derivatives used in domestic as well as in cross border transactions In great detail the author presents approaches that can be adopted by tax legislators to solve these problems clarifying her solutions with specific reference to components of the two most important domestic tax systems in relation to derivatives in Europe those of the United Kingdom and Germany Examples of derivatives transactions and arbitrage schemes greatly elucidate the nature of derivatives and how they can be effectively taxed The following aspects of the subject and more are covered basic economic concepts in the context of derivatives such as replication put call parity hedging and leverage designing a suitable definition of derivatives in domestic tax law achieving coherence in domestic tax rules by applying a special regime approach versus an integrative approach and the distinction of income and capital equity and debt alignment of accounting standards and taxation rules and the application of fair value accounting for tax purposes how to tax hedged positions and post tax hedging schemes taxation of structured financial products and hybrid instruments with focus on bifurcation and integration approaches and the recent BEPS discussion drafts on hybrid mismatch arrangements refining the beneficial ownership concept in domestic law and in tax treaties and an analysis of recent case law withholding taxes in the context of domestic and cross border dividend tax arbitrage schemes and tackling derivatives tax arbitrage effectively in anti avoidance legislation By providing an in depth analysis of corporate taxation issues that arise in domestic as well as in cross border derivatives transactions this book is not only timely but of lasting value in the day to day work of tax lawyers and tax professionals in companies banks and funds and is sure to be of interest to government officials academics and researchers involved with financial instruments taxation **Dividend Tax Abuse** United States. Congress. Senate. Committee on Homeland Security and Governmental Affairs. Permanent Subcommittee on Investigations,2008

Derivative Products and Pricing Satyajit Das,2005-10-06 Derivative Products Pricing consists of 4 Parts divided into 16 chapters covering the role and function of derivatives basic derivative instruments exchange traded products futures and options on future contracts and over the counter products forwards options and swaps the pricing and valuation of derivatives instruments derivative trading and portfolio management *International Taxation of Banking* John

Abrahamson,2020-02-20 Banking is an increasingly global business with a complex network of international transactions within multinational groups and with international customers This book provides a thorough practical analysis of international taxation issues as they affect the banking industry Thoroughly explaining banking s significant benefits and risks and its taxable activities the book s broad scope examines such issues as the following taxation of dividends and branch profits derived from other countries transfer pricing and branch profit attribution taxation of global trading activities tax risk management provision of services and intangible property within multinational groups taxation treatment of research and development expenses availability of tax incentives such as patent box tax regimes swaps and other derivatives loan provisions and debt restructuring financial technology FinTech group treasury interest flows and thin capitalisation tax havens and controlled foreign companies and taxation policy developments and trends Case studies show how international tax analysis can be applied to specific examples The Organisation for Economic Co operation and Development Base Erosion and Profit Shifting OECD BEPS measures and how they apply to banking taxation are discussed The related provisions of the OECD Model Tax Convention are analysed in detail The banking industry is characterised by rapid change including increased diversification with new banking products and services and the increasing significance of activities such as shadow banking outside current regulatory regimes For all these reasons and more this book will prove to be an invaluable springboard for problem solving and mastering international taxation issues arising from banking The book will be welcomed by corporate counsel banking law practitioners and all professionals officials and academics concerned with finance and its tax ramifications

Risk Management Satyajit Das,2005-10-14 Risk Management consists of 8 Parts and 18 Chapters covering risk management market risk methodologies including VAR and stress testing credit risk in derivative transactions other derivatives trading risks liquidity risk model risk and operational risk organizational aspects of risk management and operational aspects of derivative trading The volume also covers documentation legal aspects of derivative transactions including ISDA documentary framework accounting treatment including FASB 133 and IAS 39 issues taxation aspects and regulatory aspects of derivative trading affecting banks and securities dealers including the Basel framework for capital to be held against credit and market risk

The Use of Derivatives in Tax Planning Frank J. Fabozzi, CFA,1998-06-20 The Use of Derivatives in Tax Planning provides insightful and in depth coverage of timely issues including tax treatments of notional principal contracts taxation of credit derivatives derivative tax planning applications for fixed income instruments using derivatives to shift income enhancing after tax returns working with the straddle rules of tax code sections 1092 and 263 g derivatives in the charitable world using OTC equity derivatives for high net worth individuals corporate applications of derivatives synthetic exchangeables and convertibles and structures and selected tax issues

Taxation of Investment Derivatives Antti Laukkanen,2007 This dissertation aims to provide a comprehensive overview of the taxation of investment derivatives and the relationship between the derivatives and the accrual and realization methods Investment derivatives such

as convertible bonds include an initial investment and a derivative an option to buy or sell or to participate in the value movements of some underlying property The principal focus of this study is on three universal tax issues namely valuation timing and the taxation of unrealized gains As a common principle interest income and capital gains are treated more similarly in corporate taxation than in individual taxation Moreover the taxation of financial instruments is currently in a turn around phase in several countries not least because of the implementation of the IFRS rules in accounting and the related fair value principle The obligation to use fair values in accounting apparently motivates tax legislators to strive to use the same principles in taxation as well The comparative method plays a major role in this study by examining the tax legislations and the tax practices of different countries An in depth analysis of the similarities and differences of tax laws and practices in the United States the United Kingdom Germany Finland and Sweden is provided This is of particular interest as the underlying components single and often specified financial derivatives are basically identical While this study does not deal with individual tax treaties or bilateral transactions the OECD Model is scrutinized in order to highlight the underlying principles of the given recommendations especially with respect to interest income and capital gains Due to the increasing importance of IFRS rules in accounting the study is not limited to tax law but also looks at issues from the perspective of finance accounting and economics

Taxation of Hybrid Financial Instruments and the Remuneration Derived Therefrom in an International and Cross-border Context Sven-Eric Bärsch, 2012-12-13 Despite the enormous diversity and complexity of financial instruments the current taxation of hybrid financial instruments and the remuneration derived therefrom are characterized by a neat division into dividend generating equity and interest generating debt as well as by a coexistence of source and residence based taxation This book provides a comparative analysis of the classification of hybrid financial instruments in the national tax rules currently applied by Australia Germany Italy and the Netherlands as well as in the relevant tax treaties and EU Directives Moreover based on selected hybrid financial instruments mismatches in these tax classifications which lead to tax planning opportunities and risks and thus are in conflict with the single tax principle are identified To address these issues the author provides reform options that are in line with the dichotomous debt equity framework as he she suggests the coordination of either tax classifications or tax treatments

Swiss Finance Henri B. Meier, John E. Marthinsen, Pascal A. Gantenbein, Samuel S. Weber, 2023-04-01 How could a small country in the middle of Europe surrounded by much bigger countries and economic giants like Germany and France and in direct competition with North American and Asian rivals develop world class cutting edge financial markets Swiss Finance answers this question separating myth from reality by explaining how Switzerland managed dramatic pressures brought to bear on its financial markets during the past two decades perhaps none of them so great as the Competitive challenges caused by changes in Switzerland s banking secrecy laws and practices Shifting tide of new wealth generation toward Asia e g China Singapore and South Korea Burdensome federal stamp and withholding taxes and Digitalization of the financial services industry

including cybersecurity cryptocurrencies smart contracts central bank digital currencies the FinTech revolution and DLT applications Swiss Finance thoroughly analyzes Swiss financial markets successes and challenges It covers critical topics for practitioners and academics to fully understand this unique development in world financial markets and private wealth administration **Alternative Investments** CAIA Association, Hossein B. Kazemi, Keith H. Black, Donald R.

Chambers, 2016-09-22 In depth Level II exam preparation direct from the CAIA Association CAIA Level II is the official study guide for the Chartered Alternative Investment Analyst professional examination and an authoritative guide to working in the alternative investment sphere Written by the makers of the exam this book provides in depth guidance through the entire exam agenda the Level II strategies are the same as Level I but this time you'll review them through the lens of risk management and portfolio optimisation Topics include asset allocation and portfolio oversight style analysis risk management alternative asset securitisation secondary market creation performance and style attribution and indexing and benchmarking with clear organisation and a logical progression that allows you to customise your preparation focus This new third edition has been updated to align with the latest exam and to reflect the current practices in the field The CAIA designation was developed to provide a standardized knowledge base in the midst of explosive capital inflow into alternative investments This book provides a single source repository of that essential information tailored to those preparing for the Level II exam Measure monitor and manage funds from a risk management perspective Delve into advanced portfolio structures and optimisation strategies Master the nuances of private equity real assets commodities and hedge funds Gain expert insight into preparing thoroughly for the CAIA Level II exam The CAIA Charter programme is rigorous and comprehensive and the designation is globally recognised as the highest standard in alternative investment education Candidates seeking thorough preparation and detailed explanations of all aspects of alternative investment need look no further than CAIA Level II

Offshore Tax Evasion United States. Congress. Senate. Committee on Homeland Security and Governmental Affairs. Permanent Subcommittee on Investigations, 2014 **Wealth Management** Dimitris N. Chorafas, 2011-02-24 Wealth Management has two themes Private Banking and investment decisions regarding Structural Financial Products Dr Dimitris Chorafas examines in a rigorous way whether structured financial products are advisable investments for retail and institutional investors and if yes which risks they entail As our society becomes increasingly affluent and state supported pension schemes find it difficult to survive a growing number of high net worth individuals and families have become retail investors looking for ways and means to optimize wealth management and Private Banking deals with these sorts of clients Private banking also deals with clients that are institutional investors such as pension funds mutual funds and insurance companies as well as not for profits foundations and companies explicitly set up for wealth management Both institutional and retail investors are being offered by the banks they work with structured products Typically these are securities that provide them with a redemption amount which may be either with full or partial capital protection and some type of return The

book examines structured financial products their polyvalent nature and the results which could be expected from them Return on structural instruments which are essentially derivatives is paid in function of a specific investment strategy on selected underlying assets This essentially means on the performance of the underlyings obtained by asset managers which may be banks or hedge funds through purchase or sale of embedded options But there are risks Both risk and return from structured products are related to three main issues the volatility of future value of an underlying the uncertainty of future events and the exposure of the product Every type of investment is subject to market forces and the more leveraged a portfolio is the greater will probably be both the assumed risk and the expected reward The fact that structured financial products appeal or at least are being marketed to both retail investors and institutional investors makes the dual approach deliberately chosen in this book most advisable This book addresses all these issues in a practical manner with numerous case studies and real world examples drawn from the author's intensive research Because it is based on intensive research the book is rich in practical examples and case studies Addresses the growing trend towards the use of structured financial instruments in private banking Thorough treatment of structured financial products that keeps maths to a minimum *Tax Strategies for Corporate Acquisitions, Dispositions, Spin-offs, Joint Ventures and Other Strategic Alliances, Financings, Reorganizations and Restructurings*, 2005 Hybrid Financial Instruments in International Tax Law Jakob Bundgaard, 2016-11-15 Financial innovation allows companies and other entities that wish to raise capital to choose from a myriad of possible instruments that can be tailored to meet the specific business needs of the issuer and investor However such instruments put increasing pressure on a question that is fundamental to the tax and financial systems of a country the distinction between debt and equity Focusing on hybrid financial instruments HFIs which lie somewhere along the debt equity continuum but where exactly depends on the terms of the instrument as well as on applicable laws this book analyses their treatment under both domestic law and tax treaties Key jurisdictions including the EU some of its Member States and the United States are covered Advocating for a broader scope of application of HFIs as part of the financing of companies in Europe alongside traditional sources of debt and equity financing the book addresses such issues and topics as the following problems associated with the debt equity distinction in international tax law cross border tax arbitrage and linking rules drivers behind the use and design of HFIs tax law impact of perpetual and super maturity debt instruments profit participating loans convertible bonds mandatory convertible bonds contingent convertibles preference shares and warrant loans on HFIs financial accounting treatment administrative guidance influence of the TFEU on Member States approaches to classification of HFIs interpretation of the Parent Subsidiary Directive by the European Court of Justice applicability of the OECD Model Tax Convention and implications of the OECD Base Erosion and Profit Shifting BEPS project Throughout this book the analysis draws upon preparatory works case law and legal theory in English German and the Scandinavian languages In conclusion the author considers tax policy issues and identifies and outlines possible high level solutions Actual

or potential users of HFIs will greatly appreciate the clarity and insight offered here into the capacity and tax implications of HFIs. The book not only examines whether existing legislation is sufficient to handle the issues raised by international HFIs but also provides an in depth analysis of the interaction between corporate financing and tax law in the light of today's financial innovation. Corporate executives and their counsel will find it indispensable in the international taxation landscape that is currently coming into view and academics and policymakers will hugely augment their understanding of a complex and constantly changing area of tax law.

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