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KEY=THE - MARTINEZ BATES

INTERNATIONAL TAX AS INTERNATIONAL LAW

AN ANALYSIS OF THE INTERNATIONAL TAX REGIME

INTERNATIONAL TAX AS INTERNATIONAL LAW

AN ANALYSIS OF THE INTERNATIONAL TAX REGIME

Cambridge University Press **This book explains how the tax rules of the various countries in the world interact with one another to form an international tax regime: a set of principles embodied in both domestic legislation and treaties that significantly limits the ability of countries to choose any tax rules they please. The growth of this international tax regime is an important part of the phenomenon of globalization, and the book delves into how tax revenues are divided among different countries. It also explains how U.S. tax rules in particular apply to cross-border transactions and how they embody the norms of the international tax regime.**

A GLOBAL ANALYSIS OF TAX TREATY DISPUTES

Cambridge University Press This two-volume set offers an in-depth analysis of the leading tax treaty disputes in the G20 and beyond within the first century of international tax law. Including country-by-country and thematic analyses, the study is structured around a novel global taxonomy of tax treaty disputes and includes an unprecedented dataset with over 1500 leading tax treaty cases. By adopting a contextual approach the local expertise of the contributors allows for a thorough and transparent analysis. This set is an important reference tool for anyone implementing or studying international tax regulations and will facilitate the work of courts, tax administrations and practitioners around the world. It is designed to complement model conventions such as the OECD Model Tax Convention on Income and on Capital. Together with *Resolving Transfer Pricing Disputes (2012)*, it is a comprehensive addition to current debate on the international tax law regime.

THE CIRCULAR

AN IN-DEPTH ANALYSIS OF BELGIUM'S SPECIAL TAX REGIME FOR FOREIGN EXECUTIVES, WITH MENTION OF THE COMPARABLE TAX REGIMES EXISTING IN GERMANY, THE UNITED KINGDOM, HOLLAND, AND FRANCE

INTERNATIONAL TAXATION OF ENERGY PRODUCTION AND DISTRIBUTION

Kluwer Law International B.V. Energy is a major global industry with rapid ongoing changes in areas such as carbon taxes, emissions trading regimes, and the development of renewable energy. The cross-border nature of the industry calls for the thorough, expert, and up-to-date analysis provided in this timely and practical book. Taking a down-to-earth, problem-solving approach to policy and practice in the field worldwide, the author focuses on the international tax framework, and the tax regimes in leading energy producing and consuming countries. The book introduces and analyses significant international tax issues related to energy production and distribution, extending from the tax regime in the country where the oil, gas, or coal exploration and production activities are located, through to cross-border transportation using pipelines, tankers, and bulk carriers, to the taxation of power stations and electricity transmission and distribution networks. The taxation issues covered include the following: - upstream oil and gas and mining taxes; - incentives for renewable energy; - carbon taxes and emission trading regimes; - dividend, interest, and royalty flows; - foreign tax credits; - permanent establishments; - mergers and acquisitions; - taxation issues for

derivatives and hedging; - transfer pricing; - regional purchasing, marketing, service, and intangible property structures; - free trade agreements and customs unions; - dispute resolution; and - tax administration and risk management. Detailed updates are included on the most recent international tax developments affecting the energy industry, including the OECD Action Plan on Base Erosion and Profit Shifting (BEPS) and the 2017 OECD Transfer Pricing Guidelines. Case studies offer an opportunity to apply international tax analysis to specific examples, and gain practice in identifying and discussing relevant international taxation issues. This book will be of significant value to corporate tax managers and in-house counsel, together with accountants, lawyers, economists, government officials, and academics connected with the energy industry and related international taxation issues.

A CRITICAL LEGAL ANALYSIS OF THE REGIME FOR THE TAXATION OF CONTROLLED FOREIGN ENTITIES IN TERMS OF SECTION 9D OF THE INCOME TAX ACT NO.58 OF 1962

US INTERNATIONAL TAXATION IN COMPARISON WITH OTHER REGULATORY REGIMES

This article proposes that U.S. international tax policy analysis must take into account non-tax regulation, which is generally disregarded in international tax policy analysis. Structural features of non-tax regulatory regimes will be shown to have significant implications for fundamental normative claims of the international tax policy literature. The article begins with the insight that taxation and regulation are in some sense substitutes. In light of the substitutability of taxation and regulation, the article asks why U.S. international taxation diverges from U.S. international regulation, specifically why the United States imposes tax on worldwide income while non-tax regulations typically have limited extra-territorial effect. The article proposes that the policies underlying U.S. international income taxation provide a useful framework with which to analyze U.S. international regulatory regimes. Using such a framework, the article finds that the divergence between taxation and regulation in the international context can be explained by differences in the distribution of the benefits of taxation and regulation. The article then demonstrates, by analyzing U.S. international regulatory regimes within the framework of international tax policy, how non-tax regulatory regimes have significant implications for international tax policy. Given the substitutability of, and the divergence between, taxation and non-tax regulatory regimes, the normative justification for imposing tax on worldwide income is weakened when the neutrality norms (such as capital export neutrality and capital import neutrality) that are commonly used to evaluate international taxation are used to evaluate regulation. Although worldwide taxation appears advisable when regulatory costs are not considered (because worldwide taxation supports

capital export neutrality when non-tax factors are omitted from the analysis), a territorial system of taxation may instead be supported depending on the relative rates of regulatory costs. Furthermore, a new justification for the limitations on the foreign tax credit, that an unlimited foreign tax credit may incentivize the export of capital rather than support capital export neutrality (which an unlimited foreign tax credit is claimed to do), becomes apparent when regulation is taken into account. The analytical results are consistent with the general theory of the second best of welfare economics.

COMPARATIVE INCOME TAXATION

A STRUCTURAL ANALYSIS

Kluwer Law International B.V. Comparative Income Taxation A Structural Analysis Fourth Edition Hugh J. Ault, Brian J. Arnold & Graeme S. Cooper In complex national income tax systems, structural and design variations from one country to another present major obstacles to the kind of comparative understanding that economic globalization requires. Hence the great significance of this outstanding book, highly acclaimed through three previous editions and now thoroughly updated to encompass the latest changes and trends. In it, leading authorities from eleven of the world's most important national taxation systems each contribute their particular expertise to a study of specific crucial problems of tax design. In addition to the nine countries covered in previous editions—Australia, Canada, France, Germany, Japan, the Netherlands, Sweden, the United Kingdom and the United States—China and India have now been added to provide the perspective of developing countries. Individually authored country descriptions outline the climate and institutional framework in which each of the eleven national taxation systems' substantive rules operate. All the country descriptions are analyzed in accordance with a common format to facilitate comparisons of the ways in which the countries' tax systems are similar and in which they differ. They form the background to an expertly informed comparative analysis focusing on three major areas: basic income taxation, taxation of business organizations and international taxation. Most of the rules especially important for international business and investment are dealt with here, including (among many others) rules on the following: classification of business entities; taxation of corporations and their shareholders; corporate organization and restructuring; taxation of partnerships; residence and source taxation; controlled foreign company rules; restrictions on the deduction of interest; courts dealing with tax matters; and effect of tax treaties. Several new topics—including the classification of employees and independent contractors, the taxation of pensions, patent box regimes, the taxation of indirect

transfers and the tax challenges of the digital economy—have been added. Especially timely are discussions of changes stemming from the G20/OECD Base Erosion and Profit Shifting project. The introduction has also been expanded to include a new section on European Union (EU) law as it affects the tax laws of EU Member States. This new edition of a classic source of information and analysis for students, professors, researchers, tax practitioners and tax policy officials on the different ways that countries design their income tax systems will be widely welcomed by the international tax community.

INTERNATIONAL TAXATION IN CHINA

A CONTEXTUALIZED ANALYSIS

Chinese tax law affects corporations engaged in cross-border transactions with China. It may also impact the development of the international tax regime as China is increasingly engaged in international tax reform efforts, such as the G20/OECD BEPS Project. Chinese tax law is thus important to taxpayers, tax professionals and policymakers worldwide. However, it is a challenge to find comprehensive information and insightful analysis of Chinese tax law in English. 'International Taxation in China: A Contextualized Analysis' meets that challenge.

A CRITICAL LEGAL ANALYSIS OF THE REGIME FOR THE TAXATION OF CONTROLLED FOREIGN ENTITIES IN TERMS OF SECTION 9D OF THE INCOME TAX ACT NO.58 OF 1962

THE IMPACT OF TAX TREATIES AND EU LAW ON GROUP TAXATION REGIMES

Kluwer Law International B.V. Should the income of a corporate group be taxed differently solely because the traditional structure of the income tax system considers each company individually? Taxation affects business decisions, including location, the form in which business is carried out, and the efficient allocation of company resources. Disparities - differences arising from the interaction of different tax systems - and obstacles - distortions created by domestic legislation arising from differences between domestic and cross-border situations - both become more acute when a business chooses to set up or acquire other companies, thus forming a group, usually operating in multiple jurisdictions. Responding to such ever more common developments, this book is the first in-depth analysis of how tax treaties and EU law influence group taxation regimes. Among the issues and topics covered are the following: - analysis of the different tax group regimes adopted by different countries; - advantages and disadvantages of a variety

of models; - application of the non-discrimination provision of Article 24 of the OECD Model Tax Convention to group taxation regimes; - application of the fundamental freedoms of the TFEU to group taxation regimes following the three-step approach adopted by the EU Court of Justice; - uncertainty raised by the landmark Marks & Spencer case, its interpretation and consequences to other group taxations regimes; - interrelations between tax treaties and EU Law in the context of tax groups; and - per-element approach. The analysis considers concrete examples as well as relevant case law. With its analysis of the standards required by the two sets of norms (tax treaties and EU law) and their interaction, particularly in terms of non-discrimination, this book sheds clear light on ways to overcome the disparities and obstacles inherent in group taxation regimes. As a thorough survey of the extent to which the interpretation of tax treaties and EU law affect group taxation regimes, this book has no peers. All taxation professionals, whether working in EU Member States or in EU trading partners, will appreciate its invaluable insights and guidance.

INTERNATIONAL TAXATION OF MANUFACTURING AND DISTRIBUTION

Kluwer Law International B.V. The most thorough treatment of its subject available, this book introduces and analyses the international tax issues relating to international manufacturing and distribution activities, extending from the tax regime in the country where the manufacturing activities are located, through to regional purchase and sales companies, to the taxation of local country sales companies. The analysis includes the domestic tax laws relating to manufacturing and distribution company profits as well as international tax issues relating to income flows and the payment of dividends. Among the topics and issues analysed in depth are the following: - foreign tax credits; - taxation in the digital economy; - tax incentives; - intellectual property; - group treasury companies; - mergers and acquisitions; - leasing; - derivatives; - controlled foreign corporation provisions; - VAT and customs tariffs; - free trade agreements and customs unions; - transfer pricing; - role of tax treaties; - hedging; - related accounting issues; - deferred tax assets and liabilities; - tax risk management; - supply chain management; - depreciation allowances; and - carry-forward tax losses. The book includes descriptions of 21 country tax systems and ten detailed case studies applying the analysis to specific examples. Detailed up-to-date attention is paid to the OECD Action Plan on Base Erosion and Profit Shifting (BEPS) and other measures against tax avoidance. As a full-scale commentary and analysis of international taxation issues for multinational manufacturing groups - including in-depth consideration of corporate structures, tax treaties, transfer pricing, and current developments - this book is without peer. It will prove of inestimable value to all accountants, lawyers, economists, financial managers, and government officials working in

international trade environments.

ANALYSIS OF THE SUCCESS OF IRELAND'S LOW CORPORATION TAX REGIME IN ATTRACTING FOREIGN DIRECT INVESTMENT IN COMPARISON TO THE UNITED KINGDOM

INTERNATIONAL TAX EVASION IN THE GLOBAL INFORMATION AGE

Springer This book provides a comprehensive analysis of the Organisation for Economic Cooperation and Development's (OECD) war on offshore tax evasion. The authors explain the new emerging regulatory regimes on the global exchange of information to combat offshore tax evasion and analyse why Automatic Exchange of Information (AEOI) is not a "magic bullet" solution. Chapters include coverage of the Foreign Account Tax Compliance Act (FATCA), AEOI and the Common Reporting Standards (CRS), and the unprecedented extra-territorial enforcement by the United States of its tax and reporting laws, including the FBAR provisions of the Bank Secrecy Act. These new legal regimes directly impact nearly all financial institutions and financial service providers in the U.S., U.K., EU, Canada, and each of the 132 member jurisdictions of the OECD's Global Forum, as well as 8 million U.S. expats. In light of The Panama Papers, this book offers a timely and valuable contribution on the prevalence and costs of international tax evasion for the global financial community, policy-makers, and practitioners alike.

TAX TREATY DISPUTES

A GLOBAL QUANTITATIVE ANALYSIS

This chapter offers the first global quantitative analysis of tax treaty disputes emerging in the almost first 100 years of the international tax regime (ITR). The time and space dimensions of the analysis are as follows. The time dimension covers the era that ran from 1923 -- when four economists produced the League of Nations' Report on Double Taxation proposing a legal technology that is now encapsulated in the OECD Model Tax Convention on Income and on Capital (OECD MTC) -- until 2015, when the G20 and the OECD published the Base Erosion and Profit Shifting 2015 Final Reports (BEPS Reports), which 'represents the first substantial renovation of the international tax standards in almost a century' (pre-BEPS Reports Era). The space dimension of this analysis covers the G20 countries.

THE ROLE OF TAX LAW IN MERGERS AND ACQUISITIONS

A CHINESE PERSPECTIVE

Kluwer Law International B.V. Series on International Taxation, Volume 82 The economic value of China's mergers and acquisitions (M&A) market is exceeded only by that of the United States. However, China's rapid and somewhat chaotic economic transformation has made the task of taxing M&A transactions in a consistent and prudent manner difficult, leading to a patchwork of fragmented rules that are hard to grasp not only for taxpayers but even for tax professionals and tax officials. Responding to this complex situation, this groundbreaking book explores in detail how income derived from M&A transactions is taxed in China. Using empirical studies in order to provide a first-hand understanding of the context in which the tax law operates, the book critically examines China's income tax regime for M&A and, based upon this examination, sets out reform proposals. In six informative chapters of great practical relevance, the author thoroughly describes and explains the intersection of such aspects as the following: M&A transactions in the eyes of tax law; disparities between ordinary and special tax treatment; eligibility for special tax treatment; applying taxation principles such as neutrality and equity; continuity of interest doctrine; stock acquisition versus asset acquisition; and adjustment to tax basis. In addition to its empirical research, the analysis makes use of an examination of the rules and theories on taxing M&A in other jurisdictions such as Australia and the United States as part of its proposed blueprint for improving China's M&A taxation. Drawing on commonly recognized taxation principles, this book definitively sets up the normative criteria for evaluating the income taxation of M&A and reveals the fundamental problems encountered by China's current regime. Its comprehensive analysis of the Chinese income tax rules for M&A and detailed disclosure of how they are both divergent from and convergent with that of some other major economies will prove of immeasurable value to in-house counsel for multinational corporations, business enterprises with interests in China, taxation consultants, taxation academics, and taxation authorities worldwide.

THE DYNAMICS OF GLOBAL ECONOMIC GOVERNANCE

THE OECD, THE GLOBAL FINANCIAL CRISIS AND THE TRANSFORMATION OF INTERNATIONAL TAX REGULATION

Edward Elgar Publishing This book is an exceptionally interesting and well-researched analysis of one of the most important reforms in global governance that have been put into place in the wake of the global financial crisis that

began in 2007. Eccleston insightfully draws on and contributes to theories of global governance, explaining the surprisingly innovative and successful aspects of the global arrangements for combating tax evasion while also highlighting their deficiencies. • Tony Porter, McMaster University, Canada • In the atmosphere of fiscal emergency after the financial crisis, international tax policy has become a critical concern. There is no better guide to inter-linked political and economic challenges that result than Richard Eccleston's new book, *The Dynamics of Global Economic Governance*. Eccleston provides a detailed and authoritative guide to global tax governance after the financial crisis, and makes a highly persuasive case that the current international tax regime is fundamentally flawed in its efforts to combat tax evasion. • Jason Sharman, Griffith University, Australia The financial crisis that engulfed global markets in 2008 created an acute need for improved international economic cooperation. Despite the G20's prominent coordination role, the regulatory response to the crisis has varied considerably across governance arenas. This book focuses on international taxation and examines how the financial crisis prompted renewed attempts to enhance international tax transparency and confront tax havens. It highlights the complexity of international regime change and the significance of national and financial interests, international organizations, domestic politics and the emerging G20 leaders forum in this process. This timely book highlights the challenges in post-financial crisis global economic governance, information that will strongly appeal to scholars and graduate students in the fields of political science, international political economy, global governance, international taxation and law. Stakeholders in the international tax regime including diplomats and tax administrators, international organizations, NGO and business representatives will also find plenty of enriching information in this study.

CORPORATE INCOME TAXATION AND FOREIGN DIRECT INVESTMENT IN CENTRAL AND EASTERN EUROPE

World Bank Publications This report is based on a detailed analysis of the impact that CEE corporate income tax regimes have on the profitability of foreign investment. It has two purposes. The first is to describe the analysis and compare the corporate income tax regimes in the five CEE countries with the regimes in other countries that might compete for the same capital. The second purpose is to discuss the benefits and costs of the various options that the five CEE countries may consider for development of their corporate income tax policies. Particular attention is paid to the effects of tax holidays, which are temporary tax relief that all five countries offer to foreign investors. Some other tax incentives are examined including the impact that inflation would have on them.

TAX SENSITIVITY OF FOREIGN DIRECT INVESTMENT : AN EMPIRICAL ASSESSMENT

World Bank Publications

TAXING PROFIT IN A GLOBAL ECONOMY

Oxford University Press **The international tax system is in dire need of reform. It allows multinational companies to shift profits to low tax jurisdictions and thus reduce their global effective tax rates. A major international project, launched in 2013, aimed to fix the system, but failed to seriously analyse the fundamental aims and rationales for the taxation of multinationals' profit, and in particular where profit should be taxed. As this project nears its completion, it is becoming increasingly clear that the fundamental structural weaknesses in the system will remain. This book, produced by a group of economists and lawyers, adopts a different approach and starts from first principles in order to generate an international tax system fit for the 21st century. This approach examines fundamental issues of principle and practice in the taxation of business profit and the allocation of taxing rights over such profit amongst countries, paying attention to the interests and circumstances of advanced and developing countries. Once this conceptual framework is developed, the book evaluates the existing system and potential reform options against it. A number of reform options are considered, ranging from those requiring marginal change to radically different systems. Some options have been discussed widely. Others, particularly Residual Profit Split systems and a Destination Based Cash-Flow Tax, are more innovative and have been developed at some length and in depth for the first time in this book. Their common feature is that they assign taxing rights partly/fully to the location of relatively immobile factors: shareholders or consumers. Stepping back from current political debates on combatting profit shifting and how taxing rights over the profits of the digitalized economy should be allocated, this book undertakes a fundamental review of the existing international system of taxing business profit. It argues that the existing system is fundamentally flawed, and that there is a need for radical reform.**

FISCAL REGIMES FOR EXTRACTIVE INDUSTRIES—DESIGN AND IMPLEMENTATION

International Monetary Fund **Better designed and implemented fiscal regimes for oil, gas, and mining can make a substantial contribution to the revenue needs of many developing countries while ensuring an attractive return for investors, according to a new policy paper from the International Monetary Fund. Revenues from extractive industries (EIs) have major macroeconomic implications. The EIs account for over half of government revenues in many**

petroleum-rich countries, and for over 20 percent in mining countries. About one-third of IMF member countries find (or could find) resource revenues “macro-critical” - especially with large numbers of recent new discoveries and planned oil, gas, and mining developments. IMF policy advice and technical assistance in the field has massively expanded in recent years - driven by demand from member countries and supported by increased donor finance. The paper sets out the analytical framework underpinning, and key elements of, the country-specific advice given. Also available in Arabic: ????? ?????? ?????? ?????????? ??????????????: ????????? ?????????? Also available in French: Régimes fiscaux des industries extractives: conception et application Also available in Spanish: Regímenes fiscales de las industrias extractivas: Diseño y aplicación

INTERNATIONAL AND EC TAX ASPECTS OF GROUPS AND COMPANIES

IBFD

FISCAL ANALYSIS OF RESOURCE INDUSTRIES

(FARI METHODOLOGY)

International Monetary Fund This manual introduces key concepts and methodology used by the Fiscal Affairs Department (FAD) in its fiscal analysis of resource industries (FARI) framework. Proper evaluation of fiscal regimes for extractive industries (EI) requires economic and financial analysis at the project level, and FARI is an analytical tool that allows such fiscal regime design and evaluation. The FARI framework has been primarily used in FAD’s advisory work on fiscal regime design: it supports calibration of fiscal parameters, sensitivity analysis, and international comparisons. In parallel to that, FARI has also evolved into a revenue forecasting tool, allowing IMF economists and government officials to estimate the composition and timing of expected revenue streams from the EI sector, analyze revenue management issues (including quantification of fiscal rules), and better integrate the EI sector in the country macroeconomic frameworks. Looking forward, the model presents a useful tool for revenue administration practitioners, allowing them to compare actual, realized revenues with model results in tax gap analysis.

INTERNATIONAL TAXATION OF EXPATRIATES

SURVEY OF 20 TAX AND SOCIAL SECURITY REGIMES AND ANALYSIS OF EFFECTIVE TAX BURDENS ON INTERNATIONAL ASSIGNMENTS

INTERNATIONAL TAXATION

U. S. TAXATION OF FOREIGN PERSONS AND FOREIGN INCOME (2016) NEW CUSTOMERS

International Taxation is a comprehensive four volume treatise written by Joseph Isenbergh, Professor of Law at the University of Chicago. It provides in-depth discussion and insightful analysis of the United States tax regime as applied to international transactions. Covering both inbound and outbound transactions, the author reduces the most complicated issues to clear, understandable and practical domestic and foreign-based tax strategies. Exploring the labyrinth of international tax law in a compelling and illuminating way, the book fosters a new level of understanding and appreciation of the law for all tax practitioners. International Taxation guides all those who face international tax questions and provides superlative commentary for those who must delve into the sprawling and amorphous assemblage of laws and regulation in this area. It shows the practitioner how to:-Structure international corporate transactions for maximum benefit.-Minimize liability under applicable laws and treaties.-Practice effectively and compliantly within the complex web of legal authority.The book includes over 100 distinct chapters that effectively present material in digestible amounts for the reader. It is organized in the following Eight Parts:Part I Elements of International Taxation Part II U.S. Taxation of Nonresident Aliens and Foreign CorporationsPart III U.S. Taxation of Foreign IncomePart IV Foreign Currency QuestionsPart V International Corporate ReorganizationsPart VI Income Tax TreatiesPart VII Withholding in International Taxation Part VIII International Transfer Taxation Detailed footnotes, finding lists, a topical index help readers reference authority and facilitate additional research.

SOUTH AFRICA

TECHNICAL ASSISTANCE REPORT-PETROLEUM SECTOR FISCAL REGIME REFORM-ADDITIONAL ANALYSIS FOR THE DAVIS TAX COMMITTEE

International Monetary Fund The mission first sought to understand the committee's further objectives in reforming the fiscal regime. The DTC's focus was on defining a robust and stable fiscal regime appropriate to the South African

context, with a focus on maintaining a palatable regime for investors. However, the potential instability of the current regime in the event of a large discovery was also recognized by the committee, particularly in the country's current fiscal context. The importance of revenue generation was also highlighted, given the current urgent revenue needs of the fiscus.

A PRACTITIONER'S GUIDE TO INTERNATIONAL TAX INFORMATION EXCHANGE REGIMES

DAC6, TIEAS, MDR, CRS, AND FATCA

Spiramus Press Ltd The recent introduction of the Directive on Administrative Cooperation in the field of taxation 6 (DAC6) and mandatory disclosure regimes by many jurisdictions have led to a large number of professionals potentially being required to disclose information in relation to their clients' arrangements. The authors analyse the operation of the various automatic exchange of information regimes which have been introduced in the last five years including the OECD common reporting standards DAC6 and MDR. They set them in their historical context as well as giving a technical analysis of the regimes. They focus on the guidance offered by the Irish and UK tax authorities with reference to other guidance in Europe and beyond, where appropriate.

JUSTICE IN INTERNATIONAL TAX LAW

A NORMATIVE REVIEW OF THE INTERNATIONAL TAX REGIME

Présentation de l'éditeur : "The main purpose of this book is to review the most fundamental design principles used in international tax policy and some of the most important rules of the current international tax regime. The benchmark for such review is justice as understood in recent theory of political philosophy. The book is structured into three main parts. The first part outlines the international law framework in which the international tax regime operates. It looks at the different sources of international law, such as treaties, customary law, general principles of international law and soft law, in order to demonstrate how these sources are (or are not) influenced by moral theory in general and by the notion of justice in particular. This part aims at demonstrating that the international law framework does not provide for detailed guidance on how to improve the international tax regime. This represents an important contrast with domestic tax systems in which a constitution sets certain orientation lines for the legislator. Based on an in-depth understanding of the international law framework, the second part looks at the recent debate concerning justice in

political philosophy. It refers to the existing theories of global justice in order to analyse whether these theories contain elements that can be used to improve the international tax regime. The author concludes this part with his own position on a theory of global justice. The third part reviews some of the most important principles and rules of the international tax regime in respect of their normative validity. That is, the author reviews whether a given principle or rule indeed helps to design a just international tax regime - or whether its application could even lead to injustice. Such analysis is based on the results developed in the second part of the book. The author reviews the following principles: inter-nation equity, ability to pay, efficiency, and the source and benefit principles. In addition, the author discusses the following rules: the arm's length principle, anti-abuse provisions, mandatory arbitration, fiscal transparency and CFC rules."

EVOLUTION OF APA REGIME

Kluwer Law International B.V. **Advance pricing agreements or arrangements (APAs) are designed as a dispute prevention mechanism for transfer pricing related issues and provide certainty to taxpayers on taxation of cross-border transactions. Since the APA procedure was introduced by tax authorities in the late 1980s, it has gradually taken hold worldwide and evolved along several dimensions with important characteristics. This book, the first exclusively dedicated to the global APA regime, provides a comprehensive, in-depth discussion of the APA concepts and procedures in twenty-five jurisdictions across Europe, Asia, Asia Pacific, North America, South America and Africa, noting the particular genesis, features, and progress made under each programme. The analysis covers such elements as the following: the types of APAs and their characteristics; the main steps involved in an APA process; key advantages of APA programme and comparative study of the APA as a preferred dispute prevention mechanism over other dispute resolution mechanisms; key issues observed and in practice by various APA authorities worldwide inter alia involving, cost base of captive entities, resolution of transfer pricing issues involving intangibles, location savings, joint site visits, attribution of profits to PEs, APAs for small businesses, abbreviated procedure for renewal of APAs, significance of economic nexus prior to the grant of APAs and other relevant issues; exchange of APA rulings equip tax authorities to quickly identify risk areas so as to curb Base Erosion and Profits Shifting (BEPS), which augurs well for the APA programme and is another milestone in its evolution process; APAs provide jurisdictions with an excellent platform to fostering a non-adversarial tax regime. The author includes an extended case study of India's APA programme, highlighting some of its conspicuous elements with equal focus on certain special characteristics of APAs in Australia, Canada, France, Germany, Ireland, Korea, The Netherlands, Poland, UK and the United States. Factors**

influencing speedier processing and suggestions on further improvement of APA programmes are also included. Numerous tables and figures illustrate all aspects associated with APAs. With more economies opening up and the worldwide implementation of the OECD/G20 BEPS Action Reports in an endeavour to combat BEPS, access and recourse to APAs is sure to grow. This invaluable book will enable tax administrations to learn from each other's experiences and help to prevent costly and time-consuming transfer pricing audits and litigation for multinational enterprises. The book will be welcomed by revenue officials, professionals, and advisors concerned with international taxation, as well as by tax law academics.

REAL ESTATE INVESTMENT TRUSTS IN EUROPE

EUROPEANISING TAX REGIMES

Kluwer Law International B.V. It is well known that investments in real estate provide relatively stable yields compared with stock market volatility, so it is not surprising that, with globalisation, investors have pursued such opportunities across borders, especially where foreign countries offer beneficial tax regimes. Nor it is surprising that states should fear erosion of their tax base in the presence of such investments. This groundbreaking book - the first in-depth comparative analysis of taxation of real estate investment trusts (REITs) in different European Union (EU) Member States - investigates the impact of EU law on direct taxation in the case of REITs, and whether EU policies in this area have led national legislators to adjust their REIT regimes. Presenting detailed case studies of three EU Member States - France (a well-established REIT regime), Bulgaria (a new accession state) and Spain (a recent REIT regime) - this book explores the idea of a harmonised EU REIT, and whether harmonisation among national REIT regimes may be possible. Among the issues and topics arising in the course of the presentation are the following: - 'goodness of fit' and adaptational soft pressure; - relevant case law from the European Court of Justice, including both tax and company law; - 'REIT shopping'; - noncompliance of REIT regimes with EU law; and - criteria for the 'misfit' analysis of REIT regimes and potential infringements of EU law. The analysis ultimately documents conditions and circumstances for the creation of a harmonised 'Euro-REIT' by assessing the level of change on the area of direct taxation within the Member States which would be needed for such a creation to become reality, identifying common themes across different legal systems that could assist the harmonisation of laws. Throughout, a holistic view is taken, linking tax and company law with considerations of sovereignty, policy and culture. In its structured framework comparing REIT regimes, this incomparable study takes a giant step towards overcoming resistance to a common REIT taxation regime

in the EU. As the first comparative study of REIT regimes to identify an emerging common understanding informed by European jurisprudence and Europeanisation policy and theory, it is sure to be welcomed by practitioners, academics and policymakers in European law and international taxation as well as European studies.

A GLOBAL ANALYSIS OF TAX TREATY DISPUTES

BRICS COUNTRIES AND BEYOND

This two-volume set offers an in-depth analysis of the leading tax treaty disputes in the G20 and beyond within the first century of international tax law. Including country-by-country and thematic analyses, the study is structured around a novel global taxonomy of tax treaty disputes and includes an unprecedented dataset with over 1500 leading tax treaty cases. By adopting a contextual approach the local expertise of the contributors allows for a thorough and transparent analysis. This set is an important reference tool for anyone implementing or studying international tax regulations and will facilitate the work of courts, tax administrations and practitioners around the world. It is designed to complement model conventions such as the OECD Model Tax Convention on Income and on Capital. Together with Resolving Transfer Pricing Disputes (2012), it is a comprehensive addition to current debate on the international tax law regime.--

INTERNATIONAL TAXATION

U. S. TAXATION OF FOREIGN PERSONS AND FOREIGN INCOME (2017) NEW CUSTOMERS

International Taxation is a comprehensive four volume treatise written by Joseph Isenbergh, Professor of Law at the University of Chicago. It provides in-depth discussion and insightful analysis of the United States tax regime as applied to international transactions. Covering both inbound and outbound transactions, the author reduces the most complicated issues to clear, understandable and practical domestic and foreign-based tax strategies. Exploring the labyrinth of international tax law in a compelling and illuminating way, the book fosters a new level of understanding and appreciation of the law for all tax practitioners. International Taxation guides all those who face international tax questions and provides superlative commentary for those who must delve into the sprawling and amorphous assemblage of laws and regulation in this area. It shows the practitioner how to:-Structure international corporate transactions for maximum benefit.-Minimize liability under applicable laws and treaties.-Practice effectively and

compliantly within the complex web of legal authority

A MULTILATERAL CONVENTION FOR TAX

FROM THEORY TO IMPLEMENTATION

Kluwer Law International B.V. **The Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI) is the most forceful multilateral initiative to coordinate tax regimes on a worldwide basis since the dawn of modern income taxation over a century ago. This book evaluates two radically opposed viewpoints on the convention—a momentous and revolutionary paradigm shift versus a mechanism that merely continues an ongoing flow of limited policy coordination—with detailed investigations that bring to life the hopes and the realities of the current era of multilateral tax cooperation. Bringing together authors from national jurisdictions across the globe to scrutinize the MLI and its likely future ramifications, the book provides in-depth commentary and analysis in the following sequence: first, a comprehensive discussion of the design and goals of the MLI as a treaty and an institutional framework; second, an overview of the structure of the convention and its take-up across the globe to date; and third, the substantive implementation of the MLI with a wide range of country reports. Practice areas covered include tax law, international law, and international relations. The legal workings and implications of the MLI might still seem mysterious to those whose daily work is impacted by it, and there is as yet little jurisprudence regarding its legal nature or ultimate effect on the bilateral treaties coming within its scope. For these reasons, this pathbreaking book will be warmly welcomed by in-house counsel and law firms advising cross-border investors and firms; nongovernmental organizations involved in policy analysis and issue advocacy; researchers working on technical areas of international tax law; and lawyers interested in international policymaking, including the creation and diffusion of consensus-based fiscal and related regulatory norms across jurisdictions of differing development levels.**

A CRITICAL ANALYSIS OF SOUTH AFRICA'S FOREIGN TAX RELIEF REGIME

COMPARATIVE INCOME TAXATION

A STRUCTURAL ANALYSIS

Kluwer Law International B.V. **The purpose of this book is to compare different solutions adopted by nine industrialized**

countries to common problems of income tax design. As in other legal domains, comparative study of income taxation can provide fresh perspectives from which to examine a particular national system. Increasing economic globalization also makes understanding foreign tax systems relevant to a growing set of transnational business transactions. Comparative study is, however, notoriously difficult. Full understanding of a foreign tax system may require mastery not only of a foreign language, but also of foreign business and legal cultures. It would be the work of a lifetime for a single individual to achieve that level of understanding of the nine income taxes compared in this volume. Suppose, however, that an international group of tax law professors, each expert in his own national system, were asked to describe how that system resolved specific problems of income tax design with respect to individuals, business organizations, and international transactions. Suppose further that the leaders of the group wove the resulting answers into a single continuous exposition, which was then reviewed and critiqued by a wider group of tax teachers. The resulting text would provide a convenient and comprehensive introduction to foreign approaches to income taxation for teachers, students, policy-makers and practitioners. That is the path followed by Hugh Ault and Brian Arnold and their collaborators in the development of this fascinating book. Henceforth, a reader interested in how other developed countries resolve such structural issues as the taxation of fringe benefits, the effect of unrealized appreciation at death, the classification of business entities, expatriation to avoid taxes, and so on, can turn to this volume for an initial answer. This book should greatly facilitate comparative analysis in teaching and writing about taxation in the US and elsewhere.

RESEARCH HANDBOOK ON INTERNATIONAL TAXATION

Edward Elgar Publishing Capturing the core challenges faced by the international tax regime, this timely **Research Handbook** assesses the impacts of these challenges on a range of stakeholders, evaluating various paths to reform at a time when international tax policy is a topic high on politicians' agendas.

BEYOND ECONOMIC EFFICIENCY IN UNITED STATES TAX LAW

Aspen Publishing A collection of unconventional voices, **BEYOND ECONOMIC EFFICIENCY IN UNITED STATES TAX LAW** articulates alternative approaches to traditional economic analysis that provide a fuller understanding of tax law. Twelve original essays shed new light on classical tax theory by demonstrating that efficiency should not be the sole mechanism for examining the merits of the U.S. tax system. Factors such as race, gender, ethics, fairness, social

justice, and political theory, to name a few should play a vital role in the design of the tax system. Reliance upon the myth that markets function solely by reference to efficiency concerns can be expected to result in a poorly functioning tax regime. Covering a broad range of topics including healthcare, housing, theories of justice, wealth transfer taxation, taxation as regulation, international taxation, state and local taxation, retirement security, and the charitable tax exemption this trail-blazing anthology scrutinizes the tax code along many neglected lines of analysis, including fairness, redistribution, organizational behavior and hierarchy, and social justice.

AN ASSESSMENT OF GLOBAL FORMULA APPORTIONMENT

International Monetary Fund Formula apportionment as a way to attribute taxable profits of multinationals across jurisdictions is receiving increased attention. This paper reviews existing literature and discusses experiences in selective federal states to evaluate the economic properties of formula apportionment relative to the current international tax regime that is based on separate accounting. It highlights major advantages, such as the elimination of profit shifting within multinational groups; and it discusses new distortions and the impact on tax competition. The analysis exploits different datasets to assess the direct revenue implications for individual countries under alternative formulas. The distributional effects across countries are found to be large, reflecting major discrepancies between where profits are currently attributed and where factors of production are located or sales take place. The largest losses appear in investment hubs (i.e. countries with a disproportionate ratio of foreign direct investment to GDP), while several large advanced countries are likely to gain. Developing countries gain most likely if employment receives a large weight in the formula; they also tend to benefit, on average, from a formula based on sales by destination.

THE INTERNATIONAL TAX REGIME AND THE BRIC WORLD

ELEMENTS FOR A THEORY

The global economy's centre of gravity is shifting. Emerging and developing countries have been contributing over 50% of the global GDP since the onset of the 21st century, which is unprecedented since the Industrial Revolution. This article offers the first analysis of the creeping convergence of the BRIC world (i.e. Brazil, Russia, India and China) with global legal standards in a key area of International Law: the International Tax Regime (ITR). The ITR is a legal technology fundamentally designed by the League of Nations in the 1920s, when the BRICs played no relevant role. This article proposes a theory that aims to illuminate the core driving forces of the on-going trend towards global

convergence in this area of International Law from both the static and dynamic dimensions. It is grounded on the logic of two-sided platforms.

INDIVIDUALS' INCOME UNDER DOUBLE TAXATION CONVENTIONS: A BRAZILIAN APPROACH

A BRAZILIAN APPROACH

Kluwer Law International B.V. Tax conventions (or tax treaties) provide a means of settling on a uniform basis the most common problems that arise in the field of international double taxation. Brazil has over two dozen such conventions in force. This number might seem small but the country will inevitably enter into more such treaties given its economic growth, foreign investments and economic globalization in general. Two highly practical aspects form the basis of the book's analysis: interpretation and qualification under international tax law; and Brazil's income tax on individuals. The author employs those starting points to tackle such thorny questions as: Is there coherence in the legal regime that is applicable to individuals' income in double taxation treaties? Is this "system" for individuals consistent? Is it in accordance with Brazilian constitutional principles? Professionals dealing with Brazil's tax regime will quickly find this work instructive, insightful and thought-provoking.