

transfer pricing arms length principle international tax law series on international taxation series in international

[#transfer pricing](#) [#arms length principle](#) [#international tax law](#) [#international taxation series](#) [#global tax compliance](#)

Explore the complexities of transfer pricing, a core component of international tax law, with a deep dive into the arms length principle. This comprehensive series on international taxation provides crucial insights for businesses and professionals navigating the global tax landscape.

Each paper contributes unique insights to the field it represents.

We sincerely thank you for visiting our website.

The document Transfer Pricing Series is now available for you.

Downloading it is free, quick, and simple.

All of our documents are provided in their original form.

You don't need to worry about quality or authenticity.

We always maintain integrity in our information sources.

We hope this document brings you great benefit.

Stay updated with more resources from our website.

Thank you for your trust.

In digital libraries across the web, this document is searched intensively.

Your visit here means you found the right place.

We are offering the complete full version Transfer Pricing Series for free.

Transfer Pricing and the Arm's Length Principle in International Tax Law

The arm's length principle serves as the domestic and international standard to evaluate transfer prices between members of multinational enterprises for tax purposes. The OECD has adopted the arm's length principle in Article 9 of its Model Income Tax Convention in order to ensure that transfer prices between members of multinational enterprises correspond to those that would have been agreed between independent enterprises under comparable circumstances. The arm's length principle provides the legal framework for governments to have their fair share of taxes, and for enterprises to avoid double taxation on their profits. This timely book contains a comparative analysis of the legal basis for the arm's length principle and the contents of the arm's length rules in US tax law as well as in the OECD Model Tax Convention and Transfer Pricing Guidelines. It includes a thorough review of international case law on transfer pricing from the United States, Canada, Australia, United Kingdom, Germany, France, the Netherlands, Denmark, Sweden, and Norway. The book ends with an analysis of the issues associated with the application of the arm's length principle for multinational enterprises in a global economy.

Contemporary Application of the Arm's Length Principle in Transfer Pricing

The effects of the growth of multinational enterprises and globalization in the past fifty years have been profound, and many multinational enterprises, such as international banks, now operate around the world through branches known as permanent establishments. The business profits article (Article 7) of the OECD model tax treaty attributes a multinational enterprise's business profits to a permanent establishment in a host country for tax purposes. Michael Kobetsky analyses the principles for allocating the profits of multinational enterprises to permanent establishments under this article, explains the shortcomings of the current arm's length principle for attributing business profits to permanent establishments and considers the alternative method of formulary apportionment for allocating business profits.

International Taxation of Permanent Establishments

This Second Edition provides an updated and succinct, yet highly informative overview of the key issues surrounding taxation and international law from Reuven Avi-Yonah, a leading authority on international tax. This small but powerful book surveys the nuances of the varying taxation systems, offering expert insight into the scope, reach and nature of international tax regimes, as well as providing an excellent platform for understanding how the principles of jurisdiction apply to tax and the connected tools that are used by countries in imposing taxes. It includes new material on BEPS, the EU Anti Tax Avoidance Package, and the US Tax Cuts and Jobs Act.

Advanced Introduction to International Tax Law

Virtually all international taxation provisions ultimately stem from two fundamental sources, both originating at the OECD: The Model Tax Convention (on which more than 3,000 bilateral tax treaties are based), and the Transfer Pricing Guidelines. During 2010, major revisions were made to both. This unique book provides an expert analysis of current, important topics in international taxation and transfer pricing. As such, it is a welcome and valuable resource for tax lawyers and consultants, corporate tax advisers, government officials and others involved in the international tax law market, as well as for academics and researchers in the field.

The 2010 OECD Updates

Value Creation and its effects on Transfer Pricing and tax law Emerging from the OECD/G20 BEPS Project, a new, somewhat fuzzy notion of Value Creation came to permeate not only Transfer Pricing language but also wider allocation rules and anti-abuse provisions in international tax law. The notion of 'Value Creation' reframes the interpretation and application of the Arm's Length Principle (ALP) that is embedded in Articles 7 and 9 of the OECD Model Convention. This new Value Creation notion and approach assist in understanding key enterprise functions while different industry sectors manifest these concepts in various ways. Situating such notions and this approach within the law of tax treaties and analyzing terms of the OECD Transfer Pricing Guidelines alongside their factual context is the aim of this book. Here, law students address Transfer Pricing and Value Creation in sectors as varied as commodities trade, automotive, consumer products, food and beverages, pharmaceutical and life sciences, telecommunications, and the key topic of value creation in a digitalized economy. Our LL.M. students were required to address issues not explored in legal research and to discuss factual topics relevant for Transfer Pricing. All students focused on topics that are new to the international tax debate that keep evolving and on factual matters that often escape legal research.

Transfer Pricing and Value Creation

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.

Research Handbook on International Taxation

This book contains essays written in honour of Prof. Dr Bertil Wiman, a renowned tax scholar and much-appreciated teacher. Prof. Wiman is one of the founding members of EATLP, former chairman of EATLP and former vice president of IFA. The essays cover various topics in the field of international tax law, with a major focus on corporate taxation, an area to which Prof. Dr Bertil Wiman has dedicated most of his research. The book includes authoritative analyses by acknowledged experts on several key international tax topics, which illustrates the growing complexity of this area together with its rapid evolution. The book contains analyses of key international topics, such as: the tax challenges of the digitalisation of the economy; the resolution of international tax disputes; the principles for the taxation of corporations; EU tax law; transfer pricing; and tax treaty law. The depth of the essays contained in this book mirrors the importance of the contributions of Prof. Dr Bertil Wiman to the international tax community. It will also prove of great value to policymakers, tax practitioners and academics.

International Taxation in a Changing Landscape

International taxation is a vital issue for a growing number of business and individuals across the world. The need to understand how the international system of taxation works is therefore a subject of importance to many people. The International Taxation System provides this understanding by bringing

together experts from the most important fields in the subject who have each authored chapters especially for this book. They each provide brief, structured and easy to understand explanations of the key concepts edited together into one volume to provide a unique, very readable, guide to the field. While this text is aimed at masters or advanced undergraduate level students, it will also be of interest to those requiring a professional understanding of the topic. Each chapter introduces a different aspect of the international taxation system, explains the important issues to be understood in each case and provides suggestions for discussion and further reading.

The International Taxation System

The notion of 'substance' is proving to be central to the OECD's base erosion and profit shifting (BEPS) project, particularly in the area of taxation of intangibles. In this book, this notoriously hard-to-define concept is examined from three distinct angles: transfer pricing (DEMPE Approach), harmful tax practices (Substantial Activity Requirement), and tax treaties (Beneficial Ownership). In a thoroughgoing investigation using the practical example of an IP company, the author provides detailed and precise answers to the following questions: What substance is necessary to be entitled to intangible-related returns? What substance is necessary to benefit from preferential IP regimes or no or only nominal tax jurisdictions? What substance is necessary to collect royalties free from withholding taxes? Given the need to agree on a common understanding of substance in international tax law in order to avoid costly tax disputes, this important book is unmatched for the clear light it sheds on the most relevant substance requirements regarding intangibles. It will prove invaluable to tax practitioners and in-house counsel who are dealing with cross-border transactions concerning intangibles.

Substance in International Tax Law

The taxation of multinational corporate groups has become a major concern in the academic and political debate on the future of international taxation. In particular the arm's length standard for the determination of transfer prices is under increasing pressure. Many countries and international bodies are now taking a closer look at the use of transfer prices for profit shifting and are exploring alternative mechanisms such as formulary apportionment for the allocation of taxing rights. With regard to this topic, this volume is the first to offer a concise analysis of transfer pricing in the international tax arena from an interdisciplinary legal and economic point of view. Fundamentals such as the efficient allocation of resources within multi-unit firms and distortions between different goals of transfer pricing as well as different aspects of it in tax and corporate law, the traditional OECD approach and practical aspects concerning intangibles, capital and risk allocation are covered by outstanding authors.

Fundamentals of International Transfer Pricing in Law and Economics

Via a global analysis of more than 180 transfer pricing cases from 20 representative jurisdictions, *Resolving Transfer Pricing Disputes* explains how the law on transfer pricing operates in practice and examines how disputes between taxpayers and tax administrations are dealt with around the world. It has been designed to be an essential complement to the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations, which focus on transfer pricing issues but do not refer to specific transfer pricing disputes. All of the transfer pricing cases discussed in the book are linked to the relevant paragraphs of the OECD Guidelines by means of a 'Golden Bridge', namely a table listing the cases according to the paragraphs of the Guidelines to which they refer. It therefore provides examples of the application of the Arm's Length Principle in many settings on all continents.

Resolving Transfer Pricing Disputes

The distribution of profits between corporations resident in different jurisdictions gives rise to significant tax planning opportunities for multinational enterprises. 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. This unique and practical work covers the rules determining which transactions may be classified and therefore taxed as dividend income and how classification conflicts may be resolved. The author examines the 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. The approaches adopted in different states and national tax law are covered by a more general analysis. The comprehensive coverage and practical nature of The International Tax Law Concept of Dividend make it an essential acquisition for tax practitioners, researchers and tax libraries worldwide.

The International Tax Law Concept of Dividend

The power of a country to freely design its tax system is generally understood to be an integral feature of sovereignty. However, as an inevitable result of globalization and income mobility, one country's exercise of tax sovereignty often overlaps, interferes with, or even impedes that of another. In this collection of essays, internationally respected practitioners and academics reveal how the OECD's Base Erosion and Profit Shifting (BEPS) initiative, although a major step in the right direction, is insufficient to resolve the tax sovereignty paradox. Each contribution deals with different facets of a single topic: How tax sovereignty is shaped in a post-BEPS world. The contributors provide in-depth analysis of such relevant issues as the following: why multilateral cooperation and soft law consensus are the preferred solutions to a loss of autonomy over national tax policy; – how digital commerce has upended traditional notions of source and residence; – why residence and source continue to be the two essential building blocks of tax sovereignty and the backbone of the international tax system; – how developing countries can take advantage of the new international tax architecture to ensure that their voices are truly shaping the standards; and – transfer pricing reform. Collectively, the authors provide an authoritative commentary on the necessary preconditions for exercising the power to tax in today's world. Their perspectives and recommendations will prove of great value to all policymakers, legislators, practitioners, and academics in the international taxation arena.

Tax Sovereignty in the BEPS Era

Time to discuss anti-BEPS measures around digitalization In the course of the BEPS Report on Action 1, it was concluded that there was no instantaneous need for specific rules to address base erosion and profit shifting (BEPS) made possible by the digitalization of enterprises and new digital businesses. At the same time, it was acknowledged that general measures may not suffice with the assessment of results to begin in 2020. While awaiting possible fundamental reforms of the tax framework, it is time to discuss anti-BEPS measures bearing in mind the peculiar features of the digital economy such as increased mobility, no need for physical presence, and dematerialization. The Book focuses on five key areas of interest: International Tax Policy Tax Treaty Law Transfer Pricing Indirect Taxation Issues EU Law "Taxation in a Global Digital Economy" analyses the issues and addresses the five key areas of interest from various viewpoints.

Taxation in a Global Digital Economy

This book discusses location-specific advantages, a novel concept originating from the transfer pricing practice in China and India.

LOCATION-SPECIFIC ADVANTAGES

CJEU - The most important cases in the field of direct taxation A great number of cases pending before the European Court of Justice (CJEU) concern the fundamental freedoms and state aid in respect of direct taxation. In particular, the number of infringement procedures brought before the CJEU by the European Commission has been increasing year on year. The CJEU is a driving force in the field of direct tax harmonization. All judgments and pending cases, therefore, have to be carefully analysed by academics as well as practitioners. This book discusses the most important cases in the field of direct taxation pending before or recently decided by the CJEU. Moreover, the national background of these cases is discussed and possible infringements of the fundamental freedoms and state aid rules are analysed. The analyses are presented by esteemed national and European tax law experts. The authors focus on the preliminary questions submitted to the CJEU by the national courts and the CJEU case law which could be of relevance for driving future judgments. This book goes to the heart of the national tax systems, exposing hidden obstacles to the fundamental freedoms.

CJEU - Recent Developments in Direct Taxation 2022

Transfer pricing continues to be one of the most significant areas of heightened controversy in international taxation for multinational enterprises and tax administrations. Due to its far-reaching conse-

quences, tax professionals and individual tax jurisdictions are required to understand the fundamentals of the topic, which is often caught in a maze of literature. Emerging from the joint research conducted by the WU Transfer Pricing Center at the Institute for Austrian and International Tax Law at WU (Vienna University of Economics and Business), the international tax law firm L&P – Ludovici Piccone & Partners, and the experiences from the annual advanced transfer pricing courses and conferences, this first edition of the book acts as a manual for understanding transfer pricing principles and their practical application. It provides a balanced approach by first detailing the basics of transfer pricing and second proceeding to specific topics that are highly relevant in today's tax environment. For the purpose of easy understanding, the book is presented in two parts: Part I: General Topics I. Introduction to Transfer Pricing II. Accurate Delineation and Recognition of Actual Transactions: Comparability Analysis III. Transfer Pricing Methods (Part I): Traditional Transaction Methods IV. Transfer Pricing Methods (Part II): Transactional Profit Methods V. Administrative Approaches to Avoiding/Minimizing Transfer Pricing Disputes VI. Administrative Approaches to Resolving Transfer Pricing Disputes VII. Transfer Pricing Documentation: Master File, Country File and Country-by-Country Reporting Part II: Specific Topics VIII. Attribution of Profits to Permanent Establishments IX. Transfer Pricing and Intra-group Services X. Transfer Pricing and Intra-group Financial Transactions XI. Transfer Pricing and Intangibles XII. Transfer Pricing, Supply Chain Management and Business Restructurings XIII. Transfer Pricing and Customs Valuation XIV. Transfer Pricing and EU State Aid In analysing the above topics, the work undertaken by the OECD, UN, EU, World Customs Organization, World Bank, International Monetary Fund and other international organizations is considered. Moreover, the book contains several practical examples, judicial precedents and illustrative explanations to complement the understanding. The book will be a catalyst for immense learning of students and young professionals who are at the introductory stage of understanding the nuances of transfer pricing. Further, the book also caters to tax lawyers, in-house tax counsels and academics working in international organizations, the business community and advisory firms as well as government officials interested in understanding transfer pricing.

Fundamentals of Transfer Pricing

High profile cases before the European Commission and the EU courts have intensified scrutiny of the link between State aid law and the taxation of multinational enterprises. Certain decisions have raised questions about fiscal sovereignty and the interpretation of the rules on State aid – in particular the notion of selectivity, which have not been addressed in detail by existing research. The combination of the evolution of the notion of selectivity in State aid law, on the one hand, and the need to adapt the rules for the taxation of the profits of multinational enterprises to the modern economy, on the other hand, makes it necessary to assess whether existing as well as alternative rules for the allocation of the corporate tax base might entail a selective treatment. This book responds to the need of research in the area of State aid law applied to the taxation of the income of multinational enterprises, focusing on the crucial concept of selectivity. The analysis proceeds with a detailed investigation of the theoretical issues that arise when applying the selectivity test in State aid law to three methods for the allocation of the corporate tax base between the members of multinational enterprises: – the arm's length principle; – transfer pricing safe harbours; and – systems of formula apportionment. This research project is conducted at a theoretical level, without considering national provisions or particular tax treaties. The author suggests an analytical framework on the application of the selectivity test to the three allocation methods. It is concluded that these methods are likely to have certain selective features, with varying possibilities to be justified by the inner logic of a corporate income tax system. It is also demonstrated that selectivity occurs for different reasons, due to the different rationales of the three allocation methods. This book is intended at contributing to the academic literature on the impact of State aid law on the principles for the taxation of the income of multinational enterprises. The outcome of this research project is also relevant for lawmakers who need to reconcile the imperatives of State aid law with the design of rules that match their tax policies, as well as for judges or lawyers who apply the rules on State aid to tax provisions.

Selectivity in State Aid Law and the Methods for the Allocation of the Corporate Tax Base

This superb book will guide the reader through the key issues and practical aspects of international tax practice. It demonstrates how different global tax systems interact and how to prevent paying more tax than necessary. The basic principles of each aspect of international taxation are outlined and then examined in greater depth and detail. This updated third edition includes coverage of both UK and EU legislation and regulation, as well as the key cases and rulings. Complicated double taxation concepts are clearly illustrated with examples and diagrams to help the reader quickly understand how they'll

apply in practice. Examples of policies adopted in other countries are included, along with specialist commentary and guidance.

Principles of International Taxation

International Tax Primer provides an introduction to the policies that countries seek to advance with their international tax rules, with numerous examples drawn from the practices of both developed and developing countries. This third edition has been expanded substantially, due to the major developments that have occurred since the second edition of this indispensable resource appeared in 2004 – not least the fact that innumerable small and medium-sized firms, as well as individuals, now engage in cross-border transactions that cause them and their tax advisers to confront international tax issues on a regular basis. Moreover, as the countries of the world have become increasingly integrated economically, the importance of the major issues that a country must confront in designing its international tax rules and in coordinating those rules with the tax systems of its trading partners has mushroomed. The book strikes a balance between the specific and the general by illustrating the fundamental principles and structure of international tax with frequent reference to actual practice in a variety of countries. Coverage includes the following: • role of the tax adviser in planning international transactions; • taxation of residents on foreign income and of non-residents on domestic income; • mechanisms used to mitigate the risks to taxpayers of international double taxation; • transfer pricing rules to prevent the avoidance of tax by multinational corporations; • anti-avoidance measures dealing with tax havens, treaty shopping, and other offensive tax planning activities; • overview and analysis of the provisions of bilateral tax treaties and the OECD and UN • Model Treaties on which they are generally based; and • challenges posed by taxation of income derived from the digital economy. New material in the third edition includes analysis of the OECD's initiative against base erosion and profit shifting (BEPS), tax aspects of hybrid entities and financial instruments, and taxation of fees for technical services as proposed under the UN Model Treaty. Although of greatest value to tax practitioners and government officials confronting international tax for the first time, this book is sure to continue in use by tax professionals at every level of experience and on a worldwide basis.

International Tax Primer

With the ongoing expansion of outbound foreign direct investment (FDI) in the countries representing the BRICS economic bloc (Brazil, Russia, India, China, and South Africa) – and with all of them at the same time listed among the top seven countries plagued by tax evasion and avoidance in the guise of illicit outflows – the five governments, both individually and through cooperative initiatives, have devised new international tax strategies that are proving to be of great interest and value to other countries, both developing and developed. The core of these strategies addresses the necessity of stemming the outflow of revenue while strongly supporting FDI, both inbound and outbound while complying with international obligations including those arising from human rights laws. This book is the first in-depth commentary on this new and evolving area of international tax law. The detailed analysis covers the entire field of BRICS international tax law, considering topics such as the following: – information exchange procedures and pitfalls; – response to the OECD's Base Erosion and Profit-Sharing (BEPS) initiative; – role of bilateral and multilateral double taxation conventions including the Multilateral Instrument and the Bilateral Investment Treaties; – thin capitalization; – transfer pricing; – controlled foreign corporation rules; – shortcomings related to authorities' limited manpower; – international audit and investigation procedures; – the BRICS approach to residence and mandatory and binding arbitration; and – the BRICS approach to shaping the developing world's international tax system. Notably, the author personally conducted interviews with senior international representatives of the BRICS tax authorities, as well as with leading BRICS academics and practitioners. Tax cases, together with human rights and investment cases and administrative guidelines in all five countries are also included in the analysis. The study concludes with recommendations for improving each of the five countries' tax law and procedures, especially in the area of dispute resolution. The author's goal is to extend the existing body of knowledge of the BRICS' international tax laws in order to assist in developing an understanding of the BRICS approach to dealing with evasion and avoidance: an approach which facilitates both outbound and inbound FDI, simplifies tax authority administration and establishes a basis for resolving international disputes which is compatible with sovereignty. In achieving this objective, the author has produced a major work that is of immeasurable value to tax advisers, government and governance officials, academics and researchers both in developing international taxation strategies and in helping to resolve disputes with tax authorities.

BRICS and International Tax Law

For corporate managers, maximization of the profits and the market value of the firm is a prime objective. The logical working out of this principle in multinational enterprises has led to an intense focus on transfer pricing between related companies, principally on account of the very attractive tax advantages made possible. Inevitably, numerous countries have established transfer pricing legislation designed to combat the distortions and manipulations that are inherent in such transactions. This important book, one of the first in-depth analysis of the current worldwide working of transfer pricing in intra-group financing and its resonance in law, presents the relevant issues related to loans, financial guarantees, and cash pooling; analyses an innovative possible approach to these issues; and describes new methodologies that can be implemented in practice in order to make intra-group financing more compliant with efficient corporate financing decisions and the generally accepted OECD arm's length principle. Comparing the tax measures implemented in the corporate tax law systems of forty countries, this study investigates such aspects of intra-group financing as the following: – corporate finance theories, studies, and surveys regarding financing decisions; – application of the arm's length principle to limit the deductibility of interest expenses; – impact of the OECD's Base Erosion and Profit Shifting (BEPS) project; – transfer pricing issues related to intra-group financing; – credit risk in corporate finance; – rationales utilized by credit rating agencies; and – the assessment of arm's length nature of intra-group financing. The author describes ways in which the application of the arm's length principle can be strengthened and how the related risk of distortion and manipulation can be minimized. The solutions and methodologies proposed are applicable to any business sector. Given that determination of the arm's length nature of transactions between related companies is one of the most difficult tasks currently faced by taxpayers and tax administrations around the world, this thorough assessment and analysis will prove extraordinarily useful for in-house and advisory practitioners, corporate officers, academics, international organizations, and government officials charged with finding effective responses to the serious issues raised. In addition to its well-researched analysis, the book's comparative overview of how loans, financial guarantees, and cash pooling are currently addressed by OECD Member States and by their national courts is of great practical value in business decision making.

Transfer Pricing Aspects of Intra-Group Financing

A clear, concise explanation of United States tax law's international aspects. In tackling a sometimes thorny set of laws and treaties, international tax expert Ernest Larkins emphasizes their economic effects, showing how to avoid hazards while reaping rewards which often go ignored. Coverage includes: Special issues arising when a foreign person invests in U.S. real estate, as well as the best structures for holding such real estate. What a controlled foreign corporation is and what consequences result from this status. Acceptable transfer pricing methods and what penalties apply when taxpayers do not follow arm's-length principles. International Applications of U.S. Income Tax Law also contains many useful tools which allow readers to build understanding through practice, as well as formulate and solve the complex problems international taxes can present. Order your copy today!

International Applications of U.S. Income Tax Law

Transfer pricing is one of the most relevant and challenging topics in international taxation. Over the last century, nearly every country in the world introduced transfer pricing rules into their domestic legislation. Indeed, it was estimated that profit shifting generated by the improper application of transfer pricing rules has resulted in global tax losses worth USD 500 billion for governments – 20% of all corporate tax revenues. It is thus imperative that all tax professionals thoroughly understand the nature of transfer pricing and how the growing body of applicable rules works in practice. In this crucially significant volume, stakeholders from government, multinational companies, international organisations, advisory groups and academia offer deeply informed perspectives, both general and specific, on the practical application of transfer pricing rules, taking into consideration all the most recent developments. With approximately 160 practical examples and 90 relevant international judicial precedents, the presentation proceeds from general to more specialised topics. Such aspects of the subject as the following are thoroughly analysed: what is transfer pricing and the purpose of transfer pricing rules; the arm's length principle and its application; the consequences of a transaction not being in accordance with the arm's length principle; the transfer pricing methods; the mechanisms to avoid and resolve disputes; the transfer pricing documentation; the attribution of profits to permanent establishments; the transfer pricing aspects of specific transactions, such as services, financing, intangibles and business restructurings. The application of transfer pricing legislation is arguably the

most difficult task that taxpayers and tax authorities around the world must face. With this authoritative source of practical guidance, government officials, tax lawyers, in-house tax counsel, academics, advisory firms, the business community and other stakeholders worldwide will have all the detail they need to move forward in tackling this thorny aspect of the current tax environment.

Fundamentals of Transfer Pricing

A Global Overview of International Tax Disputes on DTC This book is a unique publication that gives a global overview of international tax disputes on double tax conventions and thereby fills a gap in the area of tax treaty case law. It covers the thirty most important tax treaty cases that were decided around the world in 2020. The systematic structure of each chapter allows for the easy and efficient study and comparison of the various methods adopted for applying and interpreting tax treaties in different cases. With the continuously increasing importance of tax treaties, "Tax Treaty Case Law around the Globe 2021" is a valuable reference tool for anyone interested in tax treaty case law. This book is of interest to tax practitioners, multinational businesses, policymakers, tax administrators, judges, and academics.

Tax Treaty Case Law around the Globe 2021

The new edition of this well-known reference work for the tax community provides an introduction to the application of the United States (US) international taxation system to taxpayers investing or transacting business in the US and other countries. In a relatively brief and manageable form, it sets forth the principles adopted by the US in taxing US or foreign individuals and corporations as they invest, work, or carry on a trade or business in the US or abroad. The presentation focuses on the following aspects of the subject matter: general aspects of the corporation income tax, the individual income tax, the tax treatment of partnerships, trusts, and accounting aspects; the basic jurisdictional principles adopted by the US with respect to application of its income tax to international investment and business transactions; the US rules for taxing foreign corporations, foreign partnerships, foreign trusts, and nonresident aliens on their business and investment income derived from US sources; the basic mechanism adopted by the US to alleviate international double taxation on foreign source income derived by US persons; the income tax treatment of foreign corporations controlled by US shareholders, including the new GILTI minimum tax and exempt dividend rules; the special treatment under FDII of a US corporation's export of goods, services and intangible rights; the general intercompany pricing rules and special transfer pricing rules applicable to particular transactions; rules for the treatment of transactions involving currencies other than the US dollar; situations in which US income tax treaty provisions modify the basic rules; and the wealth transfer tax system, including modifications made by estate and gift tax treaties. Throughout the discussion, the authors incorporate references not only to the Internal Revenue Code provisions under discussion but also to relevant Treasury Regulations and other administrative material and to important cases that have arisen. For non-US tax practitioners, tax professors and students both within and outside the US, and others seeking a structural framework within which a US tax problem can be placed, *Introduction to United States International Taxation* offers the ideal reference source.

Introduction to United States International Taxation

Comprising the proceedings and working documents of an annual seminar held in Milan in November 2007, this book analyses the tax issues for groups of companies operating in a European or worldwide dimension. The book examines the issues raised by both tax treaty and European law by focusing on selected topics. It first provides an analysis of the group concept under company and commercial law followed by an overview of taxation of groups in common and civil law countries. The tax regime of groups of companies under European law is further considered, both for income tax and VAT. The issues raised by application of tax treaties to groups of companies is then considered, with a particular emphasis on treaty recognition of groups, application of tax treaties to companies included in national group consolidation regimes, and application of the treaty articles on business income and non-discrimination. Individual country surveys provide an in-depth analysis of the above issues from a national viewpoint in selected European and North American jurisdictions.

International and EC Tax Aspects of Groups and Companies

This open access volume addresses the link between international taxation, the 2030 Sustainable Development Agenda and the medium-term revenue strategy concept. It also analyses how countries and governments can reinforce this link in current and future initiatives in international taxation,

including the base erosion profit shifting project initiated by the Organization for Economic Co-operation and Development with the political mandate of the G20. It discusses the 2030 Sustainable Development Agenda that are relevant for taxation and assesses the current work done by international organizations, regional tax organizations and countries to achieve these Sustainable Development Goals. The contributions to this volume provide an interdisciplinary mix of expertise in tax law, international political economy, global governance and international relations. Through these different perspectives, this volume provides an elaborate reference and evaluation framework for multilateral cooperation on tax and development to strengthen the revenue system of developed and developing countries. This topical volume is of interest to students and researchers of the social sciences, law and economics, as well as policy makers working on taxation.

Taxation, International Cooperation and the 2030 Sustainable Development Agenda

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 post graduate 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 implantation 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.

Principles of International Taxation

The OECD's Base Erosion and Profit Shifting (BEPS) project promises to make effective inroads into the much criticized corporate tax strategy known as aggressive transfer pricing, whereby the profitability of subsidiaries in different jurisdictions is "managed" via mispricing with the intent of minimizing the corporation's overall tax burden. Although the OECD BEPS project is an ongoing endeavor, its accomplishments to date and developing trends are discernible. This book, including contributions by outstanding and renowned transfer pricing experts both from practice and academia, analyses these trends, and proposes reforms which would ensure that transfer pricing outcomes are better aligned with economic activities and value creation, which achieves a more equitable distribution of profits among different countries. Each chapter is dedicated to specific sections of the OECD's BEPS Action Plan. Among the topics and issues covered are the following: – arm's length principle and its ongoing development; – allocation of risk and recharacterization; – intangibles (both license model and cost contribution arrangements); – interest deductions and intra-group financing; – low value-adding services; – commissionaire arrangements and low-risk distributors; – attribution of profits to permanent establishments; – documentation requirements (including Country-by-Country Reporting). Within these topics, measures to identify the commercial and financial relationships inside multinational enterprises, to accurately delineate actual transactions, as well as guidance on defining risk and its allocation among entities of a multinational enterprise are discussed. The book is based on papers presented and discussed at the first Global Transfer Pricing Conference hosted in February 2016 by the WU Transfer Pricing Center at the Institute for Austrian and International Tax Law at WU (Vienna University of Economics and Business). The most up-to-date and thorough consideration of transfer pricing yet published, this book will prove invaluable for all parties currently facing questions related to transfer pricing in a post-BEPS world, especially those in charge of finding an ideal answer to them: academics, practitioners (including in-house and advisory counsel), international organizations, CEOs and CFOs of multinational enterprises, and government officials who are tax and transfer pricing experts.

Transfer Pricing in a Post-BEPS World

Transfer pricing treatment of intangibles: Issues und developments In recent decades, intangibles have become one of the most relevant success factors for Multinational Enterprises (MNEs). Along with the increasing importance of intangibles for economies, their tax treatment has also been under scrutiny which includes inter alia respective transfer pricing issues. MNEs are seeking for the best ways to optimize their business arrangements with the related intangibles while, at the same time, getting the most tax-efficient treatment. On the other hand, tax authorities have become increasingly concerned with the ease that intangibles can be used in aggressive planning. These concerns have been noticed and addressed by the Organization for Economic Cooperation and Development which presented its main findings with respect to transfer pricing aspects of intangibles in Action 8 of the BEPS Project in 2015 and in the 2017 OECD Transfer Pricing Guidelines. This book is based on the outcomes of the presentations and discussions held during the WU Transfer Pricing Symposium, 'Transfer Pricing and Intangibles: Current Developments, Relevant Issues and Possible Solutions', that took place in October 2018 at the WU Vienna University of Economics and Business. The publication discusses the most important issues and recent developments related to transfer pricing treatment of intangibles. Starting with the definition of intangibles, it further deals with topics such as appropriate attribution of intangible-related profits, structuring of intangibles in MNEs, and proper valuation of intangibles. The authors, apart from providing a theoretical background to the discussed issues, also present case studies that show how certain issues can be approached in practice. Every chapter ends with a summary of the discussions held during the panels of the Transfer Pricing Symposium in which representatives of tax administrations, multinationals, and tax advisories presented their opinions on the issues at stake.

Transfer Pricing and Intangibles

Attribution of Profits to Permanent Establishments: Issues and Developments The profit attribution to permanent establishments is one of the most controversial topics in international tax law. In recent years it was subject to various changes based on the introduction of the "Authorized OECD Approach" in 2008 and 2010, the outcomes of Final Report on OECD BEPS Action 7 and the Final Report on "Additional Guidance on the Attribution of Profits to a Permanent Establishment under BEPS Action 7" from 2018 (with the previous Discussion-Drafts). This publication discusses the most important issues and recent developments related to the attribution of profits to permanent establishments. Starting with

an in-depth analysis on the commonalities and differences between the profit attribution provisions in modern double tax treaties (ie Art 7 AOA vs Art 9 OECD/UN Models), it further deals with topics such as profit attribution to PEs and PE exemptions (Art 5 para 4), profit attribution to agency PEs (Art 5 para 5 and 6), and profit attribution to a "significant economic presence" and to market states. This book is based on the outcomes of the presentations and discussions held during the WU Transfer Pricing Symposium that took place in October 2019 at the WU Vienna University of Economics and Business. The authors, apart from providing a theoretical background to the discussed issues, also present case studies that show how certain issues can be approached in practice. Every chapter ends with a summary of the opinions on the issues at stake of representatives of tax administrations, multinationals and tax advisories, which completes this essential practical guideline.

Attribution of Profits to Permanent Establishments

This book explores the ill-defined and oft-underestimated relationship between the World Trade Organization (WTO) and taxation. By adopting a two-pronged approach, the relationship is examined in terms of the extent to which the WTO legal framework exerts influence upon domestic tax law and international tax policy, and whether it is appropriate for the WTO to play a regulatory role in the field of taxation. The book begins with an examination of the historical development of international trade law and international tax law, and demonstrates that these two separate areas of law are closely linked in terms of their underlying principles and historical evolution. The work then goes on to offer a doctrinal analysis of the tax content found in the WTO legal texts and highlights ambiguities therein.

The Interface of International Trade Law and Taxation

Jurisdiction to Tax Corporate Income Pursuant to the Presumptive Benefit Principle intends to demonstrate that the profit shifting phenomenon (i.e., the ability of companies to book their profits in jurisdictions other than those that host their economic activities) is real, severe, undesirable, and above all, the natural consequence of both the preservation of three fundamental paradigms that have historically underlain corporate income taxes and their precise legal configuration. In view of this, the book submits a number of proposals in relation to the aforementioned paradigms and in the light of the suggested "presumptive benefit principle" so as to counteract profit shifting risks and thus attain a more equitable allocation of taxing rights among States. This PhD thesis obtained the prestigious European Academic Tax Thesis Award 2018 granted by the European Commission and the European Association of Tax Law Professors. What's in this book: This book provides a disruptive discourse on tax sovereignty in the field of corporate income taxation that endeavors to escape from long-standing tax policy tendencies and prejudices while considering the challenges posed by a globalized (and increasingly digitalized) economy. In particular, the book offers an innovative perspective on certain deep-rooted paradigms historically underlying corporate income taxation: tax treatment of related parties within a corporate group along with the arm's-length standard; corporate tax residence standards; and definition of source for corporate income tax purposes, with a particular emphasis on the permanent establishment concept. The book explores their respective origins, supposed tax policy rationales, structural problems and interactions; ultimately showing how the way tax jurisdiction is currently defined through them inherently tends to trigger profit shifting outcomes. In view of the conclusions of the study, the author suggests the use of a new version of the traditional benefit principle (the "presumptive benefit principle") that would contribute to address the profit shifting phenomenon while serving as a practical guideline to achieve a more equitable allocation of taxing rights among jurisdictions. Finally, the book submits a number of proposals inspired by the aforementioned guideline that aspire to strike a balance between equity, effectiveness and technical feasibility. They include a new corporate tax residence test and, most notably, a proposal on a new remote-sales permanent establishment. How this will help you: With its case study (based on the Apple group) empirically demonstrating the existence of the profit shifting phenomenon, its clearly documented exposure of the reasons why traditional corporate income tax regimes systematically give rise to these outcomes, its new tax policy guideline and its proposals for reform, this book makes a significant contribution to current tax policy discussions concerning corporate income taxation in cross-border scenarios. It will be warmly welcomed by all concerned—policymakers, scholars, practitioners—with the greatest tax policy challenges that corporate income taxation is facing in the contemporary world.

Jurisdiction to Tax Corporate Income Pursuant to the Presumptive Benefit Principle

Report of the Ad Hoc Group of Experts on International Cooperation in Tax Matters on the work of its eighth meeting which was held from 15 to 19 December 1997 in Geneva, including selected papers presented at the meeting.

International Cooperation in Tax Matters

Compilation of the 16 English language contributions of "Staaten und Steuern (States and Taxes)"

International and Comparative Taxation: Essays in Honour of Klaus Vogel

The tax issues around international group financing have continuously been a hot topic in the academia as well as in tax practice over the last years. The decision between debt and equity financing may significantly affect both a taxpayer's tax burden and the revenues of the countries in which the taxpayer is doing business. Traditionally, debt financing shifts the tax base from the source country to the residence country, while equity financing has the opposite effect. Multinational enterprises use intra-group debt and equity financing to realize tax arbitrage in order to reduce their overall tax burden. Naturally, many countries and tax authorities are focusing on measures that shield their tax revenues from international tax planning. The master theses contained in this volume examine these issues from a tax treaty law, Community law as well as domestic tax law perspective.

International Group Financing and Taxes

The IBFD International Tax Glossary is currently in its third, revised edition. Since the first edition was published on the occasion of the IBFD's 50th anniversary in 1988, this definitive & authoritative desk reference has been continuously expanded & updated to reflect the changes taking place in international tax & investment. The International Tax Glossary provides the broadest possible coverage of the language of taxation. The first part of this book gives clear, concise definitions in English of more than 2,000 tax terms. The second part gives an alphabetical listing of 400 English terms from the first part of the book with their French, German & Spanish equivalents. Naturally, the International Tax Glossary provides accurate descriptions of all those traditional terms that confuse those new to or unfamiliar with tax. However, it also looks at the more exotic terms that leave even those with many years of experience in the profession guessing about their exact meaning, such as: * Bed & Breakfasting, the practice of selling shares late in the day & repurchasing them the next day in order to establish a loss or to offset a capital gain * Wash Sale, a tax avoidance device whereby a person claims a loss on the sale of securities but has in fact acquired (or contracted to do so) substantially similar or identical securities * Olim, an Israeli term for new immigrants who are given various tax benefits * Rort, an Australian term denoting the deliberate & blatant exploitation of an opportunity in an improper, if not technically illegal, manner * Alcabala, an old Spanish turnover tax levied on the sales price or exchange value of tangible property The listing of terms with their subscriptions is extensively cross-referenced indicating similar or related terms as well as contrasting terms.

International Tax Glossary

Information Law Series #48 About this book: Imposing Data Sharing among Private Actors is a vital book shedding light on the nature of certain economic and societal balancing exercises required for any compulsory business-to-business (B2B) data-sharing initiatives because data sharing involves both benefits and potential costs. While the economic value originating from data sharing seems evident, identifying the legal framework to be applied to it is a challenge. This is due to the multiple claims and rights aimed at controlling, accessing or benefiting from data processing. What's in this book: Whether these initiatives pursue economic, societal or empowerment objectives, their potential benefits must be balanced with the following three considerations that are extensively investigated in the book: the economic interests of the data holder; personal data protection considerations; and long-term and collective costs in terms of individual autonomy. The analysis elucidates how these aspects have been factored into existing compulsory B2B data-sharing initiatives so far (particularly in Europe), and on how they may be used as a source of inspiration in future initiatives. Insightful suggestions on the implementation of these balancing exercises conclude the volume. How this will help you: Based on law and literature in competition, personal data protection and intellectual property, the book greatly highlights the necessary balances underlying compulsory B2B data sharing and raises awareness about the crucial need to take the risks involved into consideration. It will be highly appreciated by policymakers, academics and private actors interested in issues linked to competition law in the digital

environment, regulation of platforms, data governance or the interaction between competition law and personal data protection law.

Transfer Pricing Developments around the world 2023