

# Principles of International Taxation



**Ninth Edition**

Lynne Oats

B L O O M S B U R Y

# Principles Of International Taxation Second Edition

**Marjaana Helminen**



## **Principles Of International Taxation Second Edition:**

Advanced Introduction to International Tax Law Reuven S. Avi-Yonah, 2019 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

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

**Exploring the Nexus Doctrine In International Tax Law** Ajit Kumar Singh, 2021-05-14 In an age when cross border business transactions are increasingly effected without the transference of physical products revenue concerns of states have led to a multitude of tax disputes based on the concept of nexus This important and timely book is the most authoritative to date to discuss one of the major tax topics of our time the question of how taxing rights on income generated from cross border activities in the digital age should be allocated among jurisdictions Demonstrating in prodigious depth that it is the economic nexus of the tax entity or activity with the state and not the physical nexus which meets the jurisdictional requirement the author a leading authority on this area who is a Senior Commissioner of Income Tax and a Member of the Dispute Resolution Panel of the Government of India addresses such dimensions of the subject as the following whether a strict territorial nexus as a normative principle is ingrained in source rule jurisprudence detailed scrutiny of such classical doctrines as benefit theory neutrality theory and international equity comparative critique of the Organisation for Economic Co operation and Development OECD and United Nation UN model tax treaties whether international law and customary principles mandate a strict territorial link with the source state for the assumption of tax jurisdiction whether the economic nexus based tax jurisdiction and absence of a physical presence breach the constitutional doctrine of extraterritoriality or due process and whether retrospective tax legislation breaches the principle of constitutional fairness The book offers a politically informed analysis of the nexus principle and balances the dynamics of physical presence and economic nexus standards based on an in depth survey of the historical evolution of judicial pronouncements and international practices in this regard Dr Singh s book exposes an urgently

needed missing link in the international source rule literature and takes a giant step towards solving the thorny question of appropriate tax apportionment. It sheds brilliant light on the policies states may adopt when signing new tax treaties so that unintended results may be foreseen and avoided. Tax practitioners, taxation authorities and academic researchers in the field of international tax law and policy will greatly appreciate the book's forthright enhancement of the ability to defend challenges based on the nexus doctrine.

**Limiting Base Erosion** Erik Pinetz, Erich Schaffer, 2017-08-30

Limiting base erosion from different viewpoints. Hybrid mismatch arrangements. CFC rules. Transfer pricing rules. Limiting Base Erosion: the general topic for the master theses of the part-time LL.M. program 2015-2017 has been one of the most controversial topics in international tax law ever since the initiation of the OECD BEPS Project in 2013. Even though the final reports of the 15 BEPS Actions were released by the OECD in as early as October 2015, the question how to effectively target base erosion practices still has not lost any of its topicality. Following the efforts of the OECD in developing a new international tax environment, the focus of attention has now partly shifted to the OECD Member countries that have to properly implement the OECD recommendations in their domestic laws as well as in their tax treaty practice. In this respect, a comprehensive analysis in the literature of all the issues related to base erosion proves to be of the utmost importance in order to provide practical guidance to the Member countries during that process of implementation. This book deals especially with four key areas of interest: Limiting base erosion by neutralizing the effects of hybrid mismatch arrangements; Limiting base erosion by strengthening CFC rules; Measures against base erosion via interest deductions and other financial payments; Limiting base erosion by improving transfer pricing rules. On that basis, 27 concrete topics were chosen in order to address the four key areas of interest from different viewpoints. Base erosion and the challenges they present. Read more in *Limiting Base Erosion*.

**International Tax Aspects of Sovereign Wealth Investors** Richard Snodgrass, 2018-04-18

An increasing number of States have entered the market looking to invest resources in foreign assets. This emergence of States acting as investors managing the wealth of a nation and competing in the marketplace with private investors has attracted growing and wide attention. This book is the first in-depth analysis of the international tax aspects of sovereign wealth investors and serves as a comprehensive guide to designing tax policy from a source State perspective toward inbound sovereign wealth investment. Drawing on a wide range of relevant sources including international instruments, domestic tax legislation, administrative practice, international case law, and the writings of highly qualified publicists, the author fully addresses the following aspects of the subject: the definition, functions, legal form, governance, home State tax status, etc. of sovereign wealth investors; tax policy considerations and objectives, i.e. neutrality, equity, and international attractiveness from a source State perspective vis-à-vis foreign sovereign wealth investors; and the potential impact of the sovereign immunity principle, bilateral tax treaties, and European Union law on source States' ability to achieve these tax policy objectives in relation to foreign sovereign wealth investors. The conceptual framework developed by the author will greatly assist source States in introducing new tax policy.

or in evaluating or reconsidering their existing tax policy vis vis foreign sovereign wealth investors In addition practitioners academics and home States of sovereign wealth investors will welcome this first authoritative analysis of an important but insufficiently understood subject in international tax

**International Taxation of Banking** John Abrahamson, 2020-02-20

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

*The International Tax Law Concept of Dividend* Marjaana Helminen, 2017-05-02

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

comprehensive coverage and the practical nature of The International Tax Law Concept of Dividend make it an essential acquisition for tax practitioners researchers and tax libraries worldwide

**International Taxation of Energy Production and Distribution** John Abrahamson, 2018-04-20 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

International Taxation of Income from Services under Double Taxation Conventions Marta Castelon, 2016-04-24 The provision of international services has increased enormously mainly due to the precipitous growth of the digital economy Accordingly the interpretation and application of double taxation conventions DTCs to income from services has become a dominant focus in the international taxation This multiple award winning book is an indispensable tool for practitioners and a major contribution to the debate about tax reform It responds to the need for a comprehensive overview of the tax opportunities and risks relating to the provision of international services It also offers the first in depth analysis of the taxation of income from services vis vis the multilateral instrument MLI resulting from the OECD's Base Erosion and Profit Shifting BEPS initiative With the thorough analysis of the international taxation of income from services over the last two centuries the author sheds new light on present tax policy debates and develops workable proposals for bringing brick and mortar DTCs into the digital reality With an abundance of case studies treaty interpretations appraisals of policy discussions and practical solutions the author examines every aspect of the subject including the

following the Model DTCs of the OECD the United Nations Germany and the United States their similarities and differences relationships among the MLI the Model DTCs and specific DTCs development of the provisions dealing with services in the DTCs how tax authorities and courts of different countries e.g. the United States Germany Brazil India and China apply DTC provisions on the taxation of international services opportunities and risks relating to different business practices such as the subcontracting of services provisions the hiring out of labour the secondment of employees and the engagement of contract and toll manufacturers practical questions about the taxation of different distribution models from fully edged distributors to commissionaires challenges and proposals relating to the differentiation between various types of services under DTCs the permanent establishment concept to what extent the structure purposes and scope of DTCs differ from those of the General Agreement on Trade in Services GATS how changes in the US Model DTC of 2016 affect international service provisions and proposed changes to amending the OECD and UN Model DTCs Viable proposals to simplify DTC provisions dealing with service income and align them with current challenges such as the digital economy and the increasing volume of remote services are offered particularly in light of the likely impact of the BEPS package and its subsequent MLI This book is poised to become one of the key practice resources for tax lawyers in house counsel and policymakers in the coming years Interested academics too will benefit from the author's skill in recognizing the ongoing role of taxation fundamentals in the major revolution currently underway

**Elgar Encyclopedia of Comparative Law, Second Edition J. M.**

Smits, 2012-01-01 Acclaim for the first edition This is a very important and immense book The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries It is a reference book for dipping into time and time again It is worth every penny and there is not another as comprehensive in its coverage as Elgar's I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers This is a very important book that should be sitting in every university law school library \_ Sally Ramage The Criminal Lawyer Containing newly updated versions of existing entries and adding several important new entries this second edition of the Elgar Encyclopedia of Comparative Law takes stock of present day comparative law scholarship Written by leading authorities in their respective fields the contributions in this accessible book cover and combine not only questions regarding the methodology of comparative law but also specific areas of law such as administrative law and criminal law and specific topics such as accident compensation and consideration In addition the Encyclopedia contains reports on a selected set of countries legal systems and as a whole presents an overview of the current state of affairs Providing its readers with a unique point of reference as well as stimulus for further research this volume is an indispensable tool for anyone interested in comparative law especially academics students and practitioners

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