Oskar Henkow

The VAT/GST Treatment of Public Bodies

Series on International Taxation

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Wolters Kluwer
Law & Business

The Vatgst Treatment Of Public Bodies International Taxation

John Abrahamson

The Vatgst Treatment Of Public Bodies International Taxation:

The VAT/GST Treatment of Public Bodies Oskar Henkow,2013-01-01 Most VAT systems exclude public bodies from the scope of value added tax VAT systems However a movement to include public sector bodies within the GST system to some extent or even fully as in New Zealand is gaining momentum and underlies the European Commission s 2011 study on the treatment and economic impact of exemptions in the public interest Whether the present EU treatment really is as bad as some of its critics suggest and whether the New Zealand model really is so perfect that jurisdictions with exclusion models ought simply to replace these existing systems with a New Zealand style system these are the questions which triggered this research and which form the basis for the critical analysis contained in this book Using a system design point of view the author focuses on VAT systems where exclusion or inclusion of public bodies are currently being applied and on how these models function He presents an in depth analysis of the major issues in this context such as the treatment of public bodies as taxable persons their right to deduct input VAT on acquisitions and the treatment of the income of public bodies Specific aspects examined nclude the following reallocation of funds and income vs the production distribution consumption cycle the concept of merit goods bias to self supply instead of contracting out preference to integrate vertically in the supply chain applicability of VAT to government regulatory services tax cascading in the public goods and services context administration and compliance burden in government agencies interpretational and implementation difficulties in EU Member States and VAT compensation schemes in the public sector context and whether these constitute illegal State aid The book concludes with an insightful discussion of what might be considered as best practice in relation to both the exclusion and full tax models Beyond its thorough discussion of the treatment of public bodies in various VAT systems and in the EU VAT system in particular this is the first book on how a GST VAT system may be designed to best accommodate public bodies and as such it is sure to be warmly welcomed by practitioners academics and policymakers as a valuable contribution to the debate on the relation between VAT and public sector activities *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 *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 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 rst in depth analysis of the taxation of income from services vis vis the multilateral instrument MLI resulting from the OECD s Base Erosion and Pro t 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 speci c 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 bene t from the author s skill in recognizing the ongoing role of taxation fundamentals in the major revolution currently underway **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 internation 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 *International Tax Aspects of Sovereign Wealth Investors* Richard Snoeij,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 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 *International Taxation of Manufacturing and Distribution* John Abrahamson,2016-02-18 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 *Hybrid Financial Instruments, Double Non-Taxation and Linking Rules* Félix Daniel Martínez Laguna,2019-06-12 Hybrid Financial Instruments Double Non taxation and Linking Rules F lix Daniel Mart nez Laguna Hybrid financial instruments HFIs are widespread ordinary financial instruments that combine debt and equity features in their terms and design and may lead to double non taxation across borders This important book provides a deeply informed and critical analysis and guide to the linking rules developed to combat double non taxation stemming from HFIs within the framework of the Base Erosion and Profit Shifting project of the Organisation for Economic Co operation and Development OECD and the anti avoidance initiatives of the European Union EU

These complex rules have now become essential in international taxation The book deals incisively with crucial theoretical and practical issues as the following Economic and legal reasons for financing business activity through debt instruments equity instruments and or HFIs Qualification of financial instruments from different perspectives such as economics corporate finance corporate law financial accounting law regulatory law and tax law and their interrelation The concept of double non taxation as a mere outcome of parallel exercises of sovereignty by different states and the role it plays within the international debate The concepts of tax planning tax avoidance and the misleading concept of aggressive tax planning within a tax competition international scenario and their relation with HFIs Comprehensive policy legal and technical detail and explanation of the linking rules proposed by the OECD i e BEPS Project Action 2 and the EU e g Anti Tax Avoidance Directive The in compatibility of linking rules with existing tax treaty rules and EU primary law The author refers throughout to relevant model convention provisions EU case law and a vast number of references of official documentation and literature With its detailed attention to the concept and legal nature of HFIs and double non taxation the critical and comprehensive analysis of the linking rules developed by the OECD and the EU this provocative book allows to reconsider the legality of these linking rules and will quickly become a much used problem solving resource for policymakers tax practitioners tax authorities and tax academics This book allows to rethink whether linking rules relate to a solution or create actual legal issues **Winning the Tax Wars** Brigitte Alepin,Blanca Moreno-Dodson,Louise Otis,2016-04-24 Over the past few decades the concentration of wealth and property in the hands of a few has been facilitated by tax evasion tax avoidance and above all by tax competition Fortunately a determined move toward international cooperation among tax authorities is gathering its forces to do battle This invaluable book shows how the globalization of trade the digitization of the economy tax competition between sovereign states the erosion of the tax base and the transfer of pro ts have all revealed the weaknesses of a traditional tax system that has reached its limits and how numerous states and groups of states have joined efforts in creating a new international tax system designed to restore fairness and stability in the levying of taxes worldwide Stemming from a 2016 conference initiated by the Canadian non pro t organization TaxCOOP convened by the World Bank and bringing together well known taxation experts from prominent international organizations the book presents outstanding contributions highlighting the impacts of tax competition and viable solutions Among the issues and topics covered are the following electronic commerce and electronic money transfer pricing derivatives and hedge funds protecting tax whistle blowers offshore tax investigations possibility of an international tax court impact of tax competition on developing countries carbon pricing tobacco taxation and effective taxation of the ultra wealthy and their nancial capital The chapters include details of country experiences and results in some cases analyzed by key protagonists themselves Collectively the contributions take a giant step toward reinforcing the power of sovereign states in sectors such as the environment education and health As an authoritative guide to increasing the level of transparency and accountability of private and public economic actors and restoring citizens trust in the fairness of our global governance systems this peerless volume will be warmly welcomed by tax lawyers taxation authorities and interested academics worldwide

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The Vatgst Treatment Of Public Bodies International Taxation Introduction

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