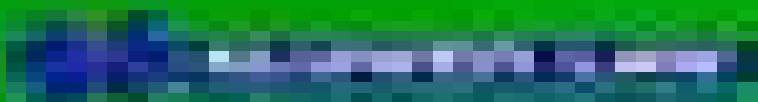


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# International Tax Primer Brian

**Ariel Andrés Sánchez Rojas**



## **International Tax Primer Brian:**

*International Tax Primer* Brian J. Arnold, 2023-03-09 Tax practitioners multinational companies and national tax authorities have relied on this indispensable resource since its first edition over two decades ago The Primer provides the reader with an introductory analysis of the major issues that a country must confront in designing its international tax rules and coordinating those rules with the tax systems of its trading partners with numerous examples drawn from the practices of both developed and developing countries This fifth edition follows the format and sequence of earlier editions with updates on ongoing developments with respect to the Organisation for Economic Co operation and Development s OECD base erosion and profit shifting project the revisions to the OECD Guidelines on Transfer Pricing and updates to the OECD and UN Model Conventions Several new sections have been added to the fifth edition Unquestionably the most important development in international tax since the publication of the fourth edition in 2018 has been the OECD Inclusive Framework s Pillar One and Pillar Two proposals for dealing with the tax challenges posed by the digital economy This edition explores in detail both Pillar One which proposes new nexus and profit allocation rules for the residual profits of the largest and most profitable digital multinationals and Pillar Two which proposes a global minimum tax on large multinationals Also new to the fifth edition are sections dealing with digital services taxes hybrid arrangements and new Article 12B of the UN Model Convention dealing with automated digital services as well as a brief history of international tax 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 taxation of residents on foreign income and nonresidents 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 An extensive glossary of international tax terms is included With examples of typical international tax planning techniques and descriptions of the work of the major international organizations that play an important role with respect to international tax the Primer remains the preeminent first recourse for professionals in the field Although of greatest value to students 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* Brian Arnold, 1995-10-30 As countries worldwide have become more economically integrated The importance of international taxes has grown significantly especially in countries formerly part of the Soviet Union or the Soviet bloc The authors of this book worked with the OECD in conducting seminars on international tax for tax officials in these countries In *International Tax Primer* they address international aspects of income taxation in particular countries

emphasising tax treaties and other cooperative arrangements which help coordinate countries income tax systems with the tax systems of their trading partners International Tax Primer 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 role of the tax adviser tax planning techniques international double taxation anti avoidance rules and an overview and analysis of tax treaties The work also offers such practical features as An extensive glossary of international tax terms and a selected bibliography of international tax reference materials including a list of periodicals devoted to international tax Students government officials and tax practitioners who may be confronting international tax issues For The first time As well as experienced international tax practitioners will find International Tax Primer a helpful articulation of the fundamental principles that arise again and again in this field it works as both an introduction and a refresher in an area where issues often prove more complex than they seem and where a return To The basics is often the most helpful means of untangling a multi layered problem

Customary International Law and Tax Jurisdiction Céline Braumann, 2025-02-14 Customary International Law and Tax Jurisdiction C line Braumann Little attention has been paid to the pervasive effects of customary international law in contemporary issues of international taxation Customary international law influences states bargaining power in treaty negotiations serves as a gap filler for issues not regulated by treaties and informs the interpretation of tax treaties by judges and administrative agencies This study represents the most comprehensive and robust empirical analysis of customary international tax law to date It adds the formerly absent voice of a public international lawyer to the conversation Using a novel and carefully theorized methodology for the identification of customary international law concerning international tax law the author approaches the subject through an assessment of three crucial jurisdictional issues the nexus principle which specifies how a state must be connected to a subject or object to exercise tax jurisdiction the norms that govern the cross border taxation of corporate business profits and the nexus of ownership and control and by extension the role of the corporate veil in contemporary international tax law A central contribution of this book is its new data set that compares the relevant practice of 80 states providing a much larger and more geographically representative sample than any previous study The book also includes an in depth discussion on how customary limits to tax jurisdiction relate to current reform proposals spearheaded by the OECD G20 Inclusive Framework and by the UN General Assembly as well as unilateral measures such as digital services taxes It thereby furnishes new insights to the debate on their conformity with or divergence from the normative status quo of international tax law At its core this book seeks to foster intra disciplinary dialogue between international tax lawyers and public international lawyers by offering an accessible analysis of a complex interaction a feature that will benefit academics practitioners and policymakers in both fields

*Catching Capital* Peter Dietsch, 2015-07-01 Rich people stash away trillions of dollars in tax havens like Switzerland the Cayman Islands or Singapore Multinational corporations shift their profits to low

tax jurisdictions like Ireland or Panama to avoid paying tax Recent stories in the media about Apple Google Starbucks and Fiat are just the tip of the iceberg There is hardly any multinational today that respects not just the letter but also the spirit of tax laws All this becomes possible due to tax competition with countries strategically designing fiscal policy to attract capital from abroad The loopholes in national tax regimes that tax competition generates and exploits draw into question political economic life as we presently know it They undermine the fiscal autonomy of political communities and contribute to rising inequalities in income and wealth Building on a careful analysis of the ethical challenges raised by a world of tax competition this book puts forward a normative and institutional framework to regulate the practice In short individuals and corporations should pay tax in the jurisdictions of which they are members where this membership can come in degrees Moreover the strategic tax setting of states should be limited in important ways An International Tax Organisation ITO should be created to enforce the principles of tax justice The author defends this call for reform against two important objections First Dietsch refutes the suggestion that regulating tax competition is inefficient Second he argues that regulation of this sort rather than representing a constraint on national sovereignty in fact turns out to be a requirement of sovereignty in a global economy The book closes with a series of reflections on the obligations that the beneficiaries of tax competition have towards the losers both prior to any institutional reform as well as in its aftermath

Tax and Government in the 21st Century Miranda Stewart, 2022-09-08 With an accessible style and clear structure Miranda Stewart explains how taxation finances government in the twenty first century exploring tax law in its historical economic and social context Today democratic tax states face an array of challenges including the changing nature of work the digitalisation and globalisation of the economy and rebuilding after the fiscal crisis of the COVID 19 pandemic Stewart demonstrates the centrality of taxation for government budgets and explains key tax principles of equity efficiency and administration Presenting examples from a wide range of jurisdictions and international developments Stewart shows how tax policy and law operate in our everyday lives ranging from family and working life to taxing multinational enterprises in the global digital economy Employing an interdisciplinary approach to the history and future of taxation law and policy this is a valuable resource for legal scholars practitioners and policy makers

**Tax Justice and Global Inequality** Krishen Mehta, Esther Shubert, Erika Dayle Siu, 2020-10-29 In the wake of the Panama Papers scandal and similar leaks tax havens are now firmly in the spotlight Today roughly half of all global trade still passes through tax haven jurisdictions costing millions in lost revenue to countries around the world Such practices affect all of us but are most keenly felt by poorer people in developing countries where unfair tax practices have become a major obstacle to development and which have allowed multinational corporations to continue to exploit developing economies This collection argues that for developing countries to achieve social justice and lasting prosperity they must take control of their own tax destinies and that this will also be crucial to achieving the Sustainable Development Goals Covering such topics as natural resource management representation in global tax institutions and

effective strategies for building and protecting tax bases the collection brings together expertise from a variety of countries and disciplines It explores the options available to developing countries and provides a basis for concerted action by tax authorities policy makers academics and civil society experts to design tax systems that can sustain a just society

*Deconstruct to reconstruct* Ariel Andrés Sánchez Rojas,2020-01-01 Deconstruct to reconstruct seeks to use a modern benefit principle theory that will allow tax authorities to tax companies in the digital economy assuring they pay taxes in the countries in which they operate The emergence of a new business models such as app stores online advertising cloud computing participative network platforms high speed trading and online payment services has reshaped the global economy and made it difficult for tax authorities to determine what and where to tax Technologies in the new digital economy make it possible for companies to operate in countries without being physically present While companies such as Netflix Google and AirBnB provide services and earn profits in different countries tax loopholes and intricate tax planning enable them to pay little to no taxes in many of these countries For example Netflix earned more than US 100 billion in Colombia in 2016 but it did not pay any direct or indirect taxes in the country The absence of a specific tax or legal rule that targets digital companies has prevented Colombian tax authorities from taxing Netflix or any other company of the sort Many tax authorities around the world have similar experiences

**Searching the Law, 3d Edition** Frank Bae,Edward Bander,Francis Doyle,Joel Fishman,Paul Richert,2021-12-13 Transnational Legal Orders Terence C. Halliday,Gregory C. Shaffer,2015-01-19 Transnational Legal Orders offers an empirically grounded approach to the emergence of legal orders beyond nation states that reframes the study of law and society

**Global Perspectives on E-Commerce Taxation Law** Dr Subhajt Basu,2013-01-28 In its most advanced form e commerce allows unidentified purchasers to pay obscure vendors in electronic cash for products that are often goods services and licenses all rolled into one This book considers the implications for the domestic and international tax systems of the growth of e commerce It covers a wide variety of activities from discussion of the principles governing direct and indirect taxation to explanation of the implementation and use of e commerce on the part of businesses as well as the application of existing tax principles in this field With its focus on the broader issues surrounding the expansion of e commerce and its attention to the problems arising internationally in this field Global Perspectives in E Commerce Taxation Law will appeal to scholars worldwide

*Treaty Shopping in International Investment Law* Jorun Baumgartner,2016 Analysing how arbitral tribunals have dealt with the value judgment at the core of the distinction between objectionable and unobjectionable treaty shopping this book suggests how States could reform their international investment agreements in order to make them less susceptible to the practice of treaty shopping Credit Method Compatibility and Constraints under EU Law Rita Julien,2022-01-13 As European Union EU Member States seek to counteract base erosion and profit shifting BEPS practices while avoiding new obstacles to the EU s internal market such as double taxation the credit method also known as the foreign tax credit is one of the essential tools in this balancing act yet it

is one that has given rise to various EU law challenges and questions This invaluable book the first in depth study of the EU law constraints on designing the credit method delineates the EU law boundaries within which the Member States must operate when they implement this method of tax relief For the first time the Court of Justice of the European Union CJEU cases that may affect directly or indirectly the credit method and its main components are systematically identified and analysed in order to extract the legal findings and principles that define the contours within which the Member States can manoeuvre when considering EU compatible approaches to the credit method To this end among others this book offers an extensive study of the historical legal developments of the credit method an overview of the key design features of the credit method considering the optional variable components such as the credit limitation maximum creditable amount that tailor it to different legal and policy considerations an analysis of the legal constraints on the key features of the credit method flowing from CJEU case law on the fundamental freedoms considering the impact of landmark cases and concepts e g Schumacker neutralization the EU law implications based on the type of credit method direct indirect imputation and the feature of the credit method e g credit limitation credit carryforward and examples to clearly and concisely illustrate the basic operation of the credit method and some of the main calculation and EU law issues The author s doctoral dissertation on which the book is based was awarded the Wolfgang Gassner Science Prize 2020 and the European Doctoral Tax Thesis Award 2020 As a timely comprehensive and practical study of the relationship between the credit method and EU law this book will be welcomed by lawyers and other professionals working with taxation matters as well as by tax policymakers and academics in the fields of international and European tax law

**Tax Planning with Holding Companies - Repatriation of US Profits from Europe** Rolf Eicke, 2009-01-01 The book deals with tax planning with holding companies located in Europe Asia of the Caribbean It analyses the problem of repatriating U S profits from Europe going far beyond the routing of income via different companies Instead the approach includes an analysis of the interdependencies between international tax competition holding company regimes and tax planning concepts in order to establish a basis for tax planning measures regardless of the fast changing legal environment for holding companies in the different countries

**Tax Sovereignty in the BEPS Era** Sergio André Rocha, Allison Christians, 2016-04-24 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 by 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

International Trade Subsidy Rules and Tax and Financial Export Incentives Paulo Penteado Neto, 2012-01-25 International Trade Subsidy Rules and Tax and Financial Export Incentives is an inquiry into the interrelations between international trade subsidy rules and the use of tax and financial export incentives by developing countries Its central claim is that developing countries should be allowed to adopt based on their right to development certain such incentives without violating the World Trade Organization WTO rules concerning subsidies It advances the idea that the right to development of developing and least developed countries LDCs entitles them to use tax and financial export incentives vis vis comparatively more developed nations However in order to actualize this right the existing WTO regulations must go through a process of revision This process should craft an exception available exclusively to developing countries and LDCs allowing them to apply fiscal and financial export incentives against countries with a higher level of development without being accused of granting prohibited subsidies As a result of this policy reform the WTO itself would incorporate development and fair just trade concerns into its regulatory framework providing an exceptional treatment for a patently exceptional situation In doing so the WTO would be contributing to a more equal international trade scene and a more developed and freer world

*The Allocation of Multinational Business Income: Reassessing the Formulary Apportionment Option* Richard Krever, 2020-02-20 The Allocation of Multinational Business Income Reassessing the Formulary Apportionment Option Edited by Richard Krever application of formulary apportionment in specific sectors such as digital enterprises and the banking industry the political economy of establishing and maintaining a successful formulary apportionment regime formulary apportionment proposals for Europe the role of traditional tax criteria such as economic efficiency fairness ease of administration and robustness to avoidance and incentive compatibility determining which parts of a multinational group are included in a formulary apportionment unit and whether innovative profit split methodologies such as those developed by China are shifting traditional arm's length methods to a quasi formulary apportionment system Providing a comprehensive understanding of all aspects of the formulary apportionment option this state of the art summary of history current practice proposals and prospects in the ongoing debate over arm's length versus formulary apportionment methodologies will be welcomed by practitioners policy makers and academics concerned with international taxation all of whom will gain an understanding of the case put forward by proponents for adoption of formulary apportionment in Europe and globally and the counter arguments they face Readers will acquire a better understanding of the implications of

formulary apportionment and its central role in the current debate about the future of international taxation rules providing all the intellectual ammunition needed to carefully re-examine one of the ideas traditionally considered as apocryphal by the OECD and to a significant portion of the tax professional community readers of this book will come away not only with a renewed understanding of the multiple facets of formulary apportionment but also of some of the fundamental pressure points in the international tax system Accordingly it is a welcome and timely addition to the literature Dr Stjepan Gad o Assistant Professor at University of Rijeka Faculty of Law British Tax Review 2021 Issue 2 p243 246

**Concept and Implementation of CFC Legislation** Nathalie Bravo,Alexandra Miladinovic,2021-09-21 An in depth analysis of various aspects of CFC legislation This volume provides an in depth analysis of various aspects of the topic Concept and Implementation of CFC legislation The volume is divided into four parts The first part comprises chapters discussing the historical background policy considerations and different CFC approaches that have been implemented in domestic legislation While the chapters included in the second part focus on the recommendation for the effective design of CFC rules found in BEPS Action 3 the chapters encompassed in the third part analyse the implementation of these criteria in Articles 7 and 8 of the ATAD and the compatibility of these provisions with EU primary law Finally the chapters encompassed in part four deal with selected issues related to CFC rules including the compatibility of CFC legislation and tax treaties the relationship between these rules and general anti abuse rules the implications of the proposed CCCTB Directive on CFC rules alternative approaches to CFC legislation such as the Global Anti Base Erosion proposal of the OECD G20 the interrelationship between CFC rules and transfer pricing legislation and the balance between effective CFC rules and compliance burdens

**Environmental Taxation Law** John Snape,Jeremy de Souza,2016-05-06 The theoretical arguments for environmental taxes and other types of economic instruments for environmental protection have been discussed extensively in the literature Rather less well discussed has been the extremely complex form that such instruments have in fact taken in practice Environmental Taxation Law Policy Contexts and Practice examines the legal implications of introducing environmental taxes and other economic instruments into the regulatory framework of UK law In doing so it analyzes and explains the difficulties of grafting environmental taxes onto the complexities of existing regulatory structures not all of which of course were originally devised with environmental considerations in mind Although the focus of the book is the UK s pioneering implementation of a web of distinct yet interrelated policy measures it locates the UK s taxes and instruments not simply in their broader context of market and environmental regulation but also in the contexts of European and international law

*Handbook of Business and Public Policy* Kellow, Aynsley,Porter, Tony,Ronit, Karsten,2021-08-27 This comprehensive Handbook provides an analysis of the key issues accomplishments and challenges of research and practices related to the interactions between business and public policy

Tax Notes International ,2005

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