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Philip Spencer



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Redesigning Petroleum Taxation Emre Üşenmez,2018-10-15 Since its inception some 40 years ago petroleum specific taxation in the UK has been subject to numerous modifications Often these modifications were brought into place not only to sufficiently incentivise the investors but also to capture a fair share for the government However it is evident from the frequency of changes that finding the right balance between these two aims is no easy matter Such a balance and the consequent fiscal stability is necessary for the long term relationship between the parties to endure to their mutual benefit Still it does not take much for one or other party to feel that they are out of balance As a consequence one party feels that the other party is taking an undue proportion of the value generated and that they are losing out Yet achieving that balance and fiscal stability is possible To understand this possibility this book first clarifies what is meant by sufficient incentivisation and fair share before developing a new fiscal system that manages this balance and stability Such clarification yields objective criteria against which to assess not only the existing regime but also the newly proposed regime This approach is further complemented by the critical analysis of the fiscal legislative framework and the evaluation of the legal positions of specific contractual elements and mechanisms found within that framework This latter analysis is important in order to reduce the legal uncertainty such elements may create which can otherwise lead to further reactive amendments and revisions to the fiscal regime in the future

A Practitioner's Guide To International Tax Information Exchange Regimes Harriet Brown,Grahame Jackson,2021-09-01 The recent introduction of the Directive on Administrative Cooperation in the field of taxation 6 DAC6 and mandatory disclosure regimes by many jurisdictions have led to a large number of professionals potentially being required to disclose information in relation to their clients arrangements The authors analyse the operation of the various automatic exchange of information regimes which have been introduced in the last five years including the OECD common reporting standards DAC6 and MDR They set them in their historical context as well as giving a technical analysis of the regimes They focus on the guidance offered by the Irish and UK tax authorities with reference to other guidance in Europe and beyond where appropriate

Property Tax Planning Philip Spencer,2013-11-29 Property Tax Planning is an indispensable property guide for tax practitioners property lawyers surveyors and property owners With worked examples throughout it clearly highlights the tax planning opportunities and potential pitfalls that may arise during property transactions in the UK This logical and user friendly book is divided into four sections reflecting the four categories of property ownership property investors property dealers and developers trading premises and private residences Within each category all relevant tax planning areas are outlined chapter by chapter with reference to UK legislation and case law The highly practical layout of this thirteenth edition will help to quickly establish problem areas and potential tax breaks It has been fully revised and updated to the UK s latest Finance Act

Taxation of Derivatives and Cryptoassets Oktavia Weidmann,2024-06-10 Derivatives stand at the forefront of financial innovation continually evolving to accommodate new

asset classes and risk categories In the past decade the growing popularity of cryptoassets and ESG investments has sparked the development of a variety of innovative investment strategies and risk management tools including crypto and ESG derivatives and related structured products This new edition has similarly evolved Using illustrative examples it provides a comprehensive analysis of the key tax issues associated with derivatives and cryptoassets in domestic and cross border transactions and presents approaches that tax legislators could adopt to solve them The new edition also comments on recent trends in global tax policy such as the OECD Base Erosion and Profit Shifting BEPS 1.0 and 2.0 projects Throughout the book specific references are made to UK German and Swiss tax law The updated edition addresses the following topics economic and financial properties of derivatives and cryptoassets definition of derivatives for tax purposes and its application to crypto derivatives and ESG derivatives among others accounting treatment of derivatives and cryptoassets under IFRS UK German and US GAAP current tax legislation and policy alternatives to the taxation of derivatives and cryptoassets characterisation of derivatives gains and losses as income or capital and equity or debt accounting and taxation treatment of hedging transactions involving derivatives or cryptoassets accounting and taxation rules applying to structured products and hybrid instruments including crypto and ESG linked structured products withholding taxes on derivatives and the concept of beneficial ownership in domestic and cross border transactions and anti avoidance legislation applying to derivatives and cryptoassets including the domestic law implementation of BEPS Action 2 the EU Anti Tax Avoidance Directives ATAD I and II the tax transparency rules for cryptoassets DAC8 and Pillar Two This comprehensive book analyses recent developments in three intertwined areas of expertise financial products accounting and tax law It will be a valuable resource to tax professionals in their daily practice of advising companies banks and investment funds It will also be of interest to government officials and researchers engaged in the taxation of derivatives cryptoassets and ESG investment products

Transfer Pricing and Financial Transactions Michael Lang, Raffaella Petruzzi, 2022-03-16 Transfer pricing and financial transactions Issues and developments Since years issues related to transfer pricing and intra group financing are prominent in the agendas of both taxpayers and governments The extreme relevance of these topics and the need to address them has attracted the interest of various international organizations for a long time Already in 1972 the OECD emphasized that these topics required further attention and the 1979 OECD Transfer Pricing Report dedicated an entire chapter to issues concerning loans However the first OECD Transfer Pricing Guidelines issued in 1995 did not include a chapter on these issues Twenty five years later in February 2020 the OECD finally released its 2022 Transfer Pricing Guidelines on Financial Transactions that became Chapter X of the OECD Transfer Pricing Guidelines Meanwhile in 2021 the United Nations included these topics in Chapter 9 of its Practical Manual for Developing Countries With those welcomed recent developments from the OECD and the UN the topic is now being extensively discussed especially considering the necessary implementation of the guidance at the national level and the future answers from the tax courts at national and European

levels when dealing with this matter This publication discusses the most important issues and recent developments related to this topic Beginning with an in depth analysis on the accurate delineation of financial transactions it further deals with the specific transactions concerning loans financial guarantees and cash pooling This book is based on the outcomes of the presentations and discussions held during the WU Transfer Pricing Symposium held in October 2021 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 those issues can be approached in practice

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 the 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

Resolving Transfer Pricing Disputes Eduardo Baistrocchi, Ian Roxan, 2012-12-06 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

Multinational Enterprises and the Law Peter Muchlinski, 2021-02-18 Multinational Enterprises and the Law is the only comprehensive contemporary and interdisciplinary account of the techniques used to regulate multinational enterprises MNEs at the national regional and multilateral levels In

addition it considers the effects of corporate self regulation and the impact of civil society and community groups upon the development of the legal order in this area The book has been thoroughly revised and updated for this third edition making it a definitive reference work for students researchers and practitioners of international economic law business corporate and commercial law development studies and international politics Split into four parts the book first deals with the conceptual basis for MNE regulation It explains the growth of MNEs their business and legal forms and the relationship between them and the effects of a globalized economy and society now increasingly challenged by recently revived nationalist economic policies upon the evolution of regulatory agendas in the field In addition the limits of national and regional jurisdiction over MNE activities are considered a question that arises throughout the specialized areas of regulation covered in the remainder of the book Part II covers the main areas of economic regulation including controls over and the liberalization of entry and establishment tax company and competition law and the impact of intellectual property rights on technology diffusion and transfer A specialized chapter on the regulation of multinational banks in the wake of the global financial crisis is new to this edition Part III introduces the social dimension of MNE regulation covering labour rights human rights and environmental issues Finally Part IV deals with the contribution of international investment law to MNE regulation and to the control of investment risks covering the main provisions found in international investment agreements their interpretation by international tribunals the process of investor state arbitration and how concerns over these developments are leading to reform proposals

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

Transfer Pricing and Business

Restructurings Anuschka Bakker, 2009 This book highlights the main tax issues that arise when business restructurings take place It provides fundamental information about the drivers of business restructurings and business models examines the application of Art 9 of the OECD Model Convention and considers not only the direct tax issues in business restructuring but also VAT and customs duties It gives practical insights into the tax accounting treatment of business restructurings OECD work in progress and the effect of the EU tax system and includes a case study concerning the restructuring of a manufacturing operation which is analysed from the perspective of key industrial jurisdictions along with an examination of current practice

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