
Read Online Profit Split Method Overview And Practical Issues

Right here, we have countless book **Profit Split Method Overview And Practical Issues** and collections to check out. We additionally give variant types and afterward type of the books to browse. The gratifying book, fiction, history, novel, scientific research, as with ease as various supplementary sorts of books are readily user-friendly here.

As this Profit Split Method Overview And Practical Issues, it ends in the works innate one of the favored ebook Profit Split Method Overview And Practical Issues collections that we have. This is why you remain in the best website to see the incredible books to have.

KEY=ISSUES - BRENDA KOBE

THE FUTURE OF THE PROFIT SPLIT METHOD

Kluwer Law International B.V. The Future of the Profit Split Method Edited by Robert Danon, Guglielmo Maisto, Vikram Chand & Gabriella Cappelleri Among the various transfer pricing methods, the profit split method (PSM) is under the spotlight after the OECD's Base Erosion and Profit Shifting (BEPS) project. However, both expert analysis and experience indicate that this method is not straightforward either for taxpayers to apply or for tax administrations to evaluate. In this thorough and detailed commentary - the first book to analyse this increasingly adopted transfer pricing method - notable scholars and practitioners working in the international tax community express their views on the method, answering some unresolved questions and highlighting issues that are still open and pending, especially in light of the digitalization of the economy. Crucial issues covered by the contributors include the following: choice of the appropriate splitting factors, their relative weights, and valuation of the contributions; uncertainties and outcomes potentially not aligned with the arm's-length standard; possible role of assessments made by the European Commission on State aid; nexus with the work done by the EU Joint Transfer Pricing Forum; impact of profit split on indirect taxes (VAT/customs tax/excise tax); and application to digital business models and, in general, to the digitalized economy. Moreover, relevant experience of applying this method in France, Germany, Italy, Spain, Switzerland, the United Kingdom, and the United States is provided. A concluding chapter also deals with selected industry experiences. Due to a high level of uncertainty in alignment with international guidance in the application of the PSM - and to the underdeveloped nature of current literature on the subject - there is a need for this book because both tax administrations and taxpayers, going forward, will apply the PSM extensively. The book is highly relevant for policymakers, tax administrations, practitioners and academics engaged in the areas of international taxation, transfer pricing and tax policy.

PRACTICAL APPLICATION OF THE PROFIT SPLIT METHOD

QUESTIONS: 1. Please indicate if the profit split method is provided for in your country legislation and, if so whether your country legislation provides guidance on its application. Please elaborate on the domestic guidance on this issue which goes beyond the guidance contained in Chapter II of the OECD Transfer Pricing Guidelines. In case your country legislation does not provide for the use of the profit split method, please explain whether it is actually used in practice by taxpayers and its acceptability by tax administrations. 2. Based on your practical experience, please elaborate in what scenarios/structures/circumstances is the profit split method found to be the most appropriate method. Please also provide information on which are the instances in which profit split method is most commonly used (e.g. application by taxpayer, audit, APA, dispute resolution). 3. Based on your practical experience, what information can be useful in determining the arm's length allocation among the entities of a group of the (residual) profit under the profit split method (e.g. information prepared for tax and non-tax purposes; information from third party cooperative arrangement, such as joint ventures), and what are the practical obstacles to obtain and/or use such information in the transfer pricing analysis. 4. Based on your practical experience, please indicate which are the key limitations and/or practical difficulties encountered in applying the profit split method (e.g. new business models/operating structures, access to information, computation of profits, identification of appropriate allocation keys), and how could these be overcome or minimized.

TRANSFER PRICING AND INTANGIBLES

CURRENT DEVELOPMENTS, RELEVANT ISSUES AND POSSIBLE SOLUTIONS

Linde Verlag GmbH 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.

PRACTICAL GUIDE TO U.S. TRANSFER PRICING

Aspen Publishers Practical Guide to U.S. Transfer Pricing is a total approach to U.S. transfer pricing For The complex global marketplace. No book on the market today offers you a more thorough approach to transfer pricing rules than Practical Guide to U.S. Transfer Pricing. The tremendous increase in international trade among the nations of the world has made transfer pricing the most important international tax issues for governments. Thus, it is a major problem for major multinational corporations, which are subject to detriments from transfer pricing rules and adjustments, especially double taxation, penalties, And The cost of compliance. Packed with ready-to-use guidelines, detailed examples, and useful tips, Practical Guide to U.S. Transfer Pricing has been specifically designed to help you make today's transfer pricing rules work for your corporation. The book brings together For The first time, a wealth of features that will empower you to deal quickly and efficiently with all transfer pricing issues and problems. You will find: Unsurpassed coverage of U.S. transfer pricing substantive rules Incisive comparisons of the U.S. rules To The international accepted OECD Transfer Pricing Guidelines Information on both special and traditional procedures for transfer pricing cases Comprehensive explanations of all major transfer pricing methods, such as the Comparable Uncontrolled Price Method, Cost Plus Method, Comparable Profits Methods, and Profit Split Method Criteria for choosing the best transfer pricing method Ideas on how to cope with the U.S. rules in light of foreign requirements A checklist that multinationals can use in developing an international strategy for transfer pricing compliance A full description of the proposed method of global trading of financial products.

TRANSFER PRICING AND CORPORATE TAXATION

PROBLEMS, PRACTICAL IMPLICATIONS AND PROPOSED SOLUTIONS

Springer Science & Business Media National tax authorities individually determine multinational firms' country-specific tax liabilities by applying one or more sanctioned transfer pricing methodologies. These methodologies are founded on basic assumptions about market structure and firm behavior that are rarely empirically valid. Moreover, for the most part, the transfer pricing methodologies now in vogue were developed before the Internet became a dominant factor in the world economy, and hedge and private equity funds transformed financial and commodities markets. For these reasons, multinational firms are unable to accurately anticipate their tax liabilities in individual countries, and remain at risk of double taxation. Uncertainties in corporate tax liability are extremely costly, both for individual corporations and from an economy-wide perspective. Firms pay exorbitant fees to have tax attorneys, accountants and economists prepare the documentation required by tax authorities to substantiate their intercompany pricing practices and defend their tax positions on audit. Corporate tax liabilities are also potentially much higher than they would be under a more transparent and predictable transfer pricing regime (due to the potential for double taxation and penalties), and investors' returns are reduced accordingly. The FASB's Interpretation No. 48, Accounting for Uncertainty in Income Taxes (released on July 13, 2006), has motivated multinational firms to increase their reserves substantially (in many cases at the insistence of their authors), reducing the total funds available for productive investment. 1 The current transfer pricing regimes are embodied in the OECD Guidelines, individual OECD member countries' interpretations thereof, the U. S.

COMPARABILITY ANALYSIS - A PRACTICAL APPROACH : TRANSFER PRICING : BENCHMARKING STUDIES

The application of the arm's length principle, at its core, requires that reference is made to comparable uncontrolled transactions. This is true for the application of all transfer pricing methods, including the transactional profit split method, which is of little value unless credible argument can be made that the determination of profit to be split, and the factors used for splitting it, are in line with what independent parties under comparable circumstances would do. In practice, though, where the application of the profit split method is relatively rare, the comparability analysis is the actual backbone of the application of the arm's length principle. Ultimately, comparability analysis is the tool in the hands of tax authorities and taxpayers to determine whether tax liabilities of associated enterprises may or may not be distorted because they are related. It is perhaps surprising, therefore, that the actual way of conducting comparability analyses and the identification of acceptable and reliable comparables is such a bone of contention between taxpayers, practitioners, and tax authorities. The OECD, for its part, struggled for the last 15 years to provide specific practical guidance on comparability analysis, while the UN (most recently in a joint initiative with the OECD, the IMF, and the World Bank) sought to address the difficulties in identifying comparables in developing countries and in certain industries.

Compared with the issues faced in developing regions or in pricing certain commodities due to the lack of reliable financial data or market-based comparables, among other problems, one may assume that there ought to be little problem within the EU to have a common and relatively consistent approach to identifying and assessing comparables. However, the most recent "Report on the use of comparables in the EU" (Report), by the EU Joint Transfer Pricing Forum, and the underlying "Study on comparable data used for transfer pricing in the EU" (Study), testify to the still ongoing struggle with identifying reliable best-practice approaches and pragmatic solutions. This article reviews the conclusions of the Report and the underlying Study, focusing in particular on the areas where the prevailing approach of the Austrian tax authority may benefit from alignment with the Report's recommendations.

GUIDE TO INTERNATIONAL TRANSFER PRICING

LAW, TAX PLANNING AND COMPLIANCE STRATEGIES

Kluwer Law International B.V. The pricing of goods, services, intangible property and financial instruments within a multi-divisional organization, particularly in regard to cross-border transactions, has emerged as one of the most contentious areas of international tax law. This is due in no small measure to the rise of transfer pricing regulations as governments seek to stem the flow of their tax revenue from their jurisdictions. This thoroughly practical work provides guidance on an array of critical transfer pricing issues. The guide's relevance is further enhanced by the inclusion of country chapters covering domestic transfer pricing issues in a variety of key national jurisdictions.

OECD/G20 BASE EROSION AND PROFIT SHIFTING PROJECT NEUTRALISING THE EFFECTS OF BRANCH MISMATCH ARRANGEMENTS, ACTION 2 INCLUSIVE FRAMEWORK ON BEPS

INCLUSIVE FRAMEWORK ON BEPS

OECD Publishing This 2017 report sets out recommendations for branch mismatch rules that would bring the treatment of these structures into line with the treatment of hybrid mismatch arrangements as set out in the 2015 Report on Neutralising the Effects of Hybrids Mismatch Arrangements (Action 2 Report).

A PRACTICAL SUMMARY OF THE 2017 OECD TRANSFER PRICING GUIDELINES

INCLUDING THE 2020 TP GUIDANCE ON FINANCIAL TRANSACTIONS

How many of us still have time to read 660+ page guidelines? How many of us have time to take those guidelines and combine them with chapters adopted after the guidelines were published? How does a student begin to study a work of this size, without getting hopelessly lost? This book reflects my love for systematic thinking and reducing clutter. It is aimed at giving fast, accurate, information through diagrams and summaries. I believe it may fill a need at a time where we are buried under information and do not always have time to read ten page articles, hundred-page court decisions, or six hundred page guidelines. This book does not pretend to be a replacement of the 2017 OECD Transfer Pricing Guidelines; it is an introduction, giving an overview of the wide variety of topics covered, with paragraph references to the underlying Guideline paragraphs, so that we know where to find them. In this book, the 2017 OECD Transfer Pricing Guidelines are summarized three times: first as a one-page overview, then as a longer executive summary and finally as an extended summary of most of the paragraphs of the 2017 OECD Transfer Pricing Guidelines. The extended summary references the actual paragraphs in the 2017 OECD Transfer Pricing Guidelines. As the 2017 OECD Transfer Pricing Guidelines is a live document, which is continuously updated, I will substitute existing the 2017 OECD Transfer Pricing Guidelines chapters and paragraphs with draft and final material published after 2017. These texts are clearly marked and will first concern the profit allocation to PEs, the profit split method and financial transactions, when those documents are finalised by the OECD. The book follows the order of topics as given in the actual guidelines, albeit that I have added to Annexes to the different chapters in the chapters where they belong. This book is only descriptive: I have not given my opinion about the choices made, though it is difficult to make a summary without some degree of interpretation.

TRANSFER PRICING DEVELOPMENTS AROUND THE WORLD 2017

2017 EDITION

Kluwer Law International B.V. Derived from the renowned multi-volume International Encyclopaedia of Laws, this book describes the social security regime in Slovenia. It conveys a clear working knowledge of the legal mechanics affecting health care, employment injuries and occupational diseases, incapacity to work, pensions, survivors' benefits, unemployment benefits and services, and family benefits. The analysis covers the field of application, conditions for entitlement, calculation of benefits, financing, the institutional framework, and relevant law enforcement and controls. Allowances for

retirees, employees, public sector workers, the self-employed, and the handicapped are all clearly explained, along with full details of claims, adjudication procedures, and appeals. Succinct yet eminently practical, the book will be a valuable resource for lawyers handling social security matters in Slovenia. It will be of practical utility to those both in public service and private practice called on to develop and to apply social security law and policy, and of special interest as a contribution to the comparative study of social security systems.

REVISED GUIDANCE ON THE APPLICATION OF THE TRANSACTIONAL PROFIT SPLIT METHOD : EVOLUTION OR REVOLUTION?.

The OECD, in response to the mandate under the BEPS Project of developing rules in order to ensure allocation of profits in line with the actual value creation, recently revised the guidelines provided for the application of the transactional profit split method. This article analyses the new provisions contained in the Revised Guidance 2018 and discusses practical approaches which can be taken in order to apply the method in a reliable manner, and to some extent elucidates the OECD's thoughts on some particular issues.

TRANSFER PRICING METHODS

AN APPLICATIONS GUIDE

John Wiley & Sons Advanced praise for *Transfer Pricing Methods* "Feinschreiber and a team of renowned executives have provided the definitive transfer-pricing guide to this challenging area. At a time when many companies are reviewing documents, policies, and procedures, it's wonderful to have a concise, clearly written reference focused on what may be the most critical corporate tax issue." -Charles R. Goulding, Managing Director, Tax Cooper Industries, Inc. "It is refreshing to find a treatise on transfer pricing that combines practical business considerations, economic theory, and a discussion of technical tax rules in a way that is meaningful not only for large corporate enterprises but also small and medium-sized businesses." -Vikram A. Gosain, JD, CPA, Director of Transfer Pricing General Electric Capital Corporation "This well-written book will be useful both to attorneys new to the practice area and to older hands. It includes very helpful discussions on valuation issues that will be particularly useful for in-house counsel and accountants." -Joseph C. Mandarino, Partner Troutman Sanders, LLP "Feinschreiber and his contributors have cogently explained hundreds of useful facets in the transfer pricing field that have taken others volumes to articulate. The busy professional should consider this book in his or her quest for knowledge in the scintillating tax specialty." -Charles L. Crowley, Partner ITS/Customs and International Trade Practice, Ernst & Young, LLP "Transfer Pricing Methods . . . should become a standard tool for every owner-managed and mid-cap multinational." -Enrique MacGregor, Principal-in-Charge, Transfer Pricing Services Grant Thornton LLP "Bob's vast experience in transfer pricing matters has again been captured between the covers of a book. Thank you, Bob, and your contributing colleagues, for producing another valuable helpmate." -Alan Getz, Vice President and General Manager, Tax Mitsui & Co., Inc. (U.S.A.) "Feinschreiber's current publication is a practical handbook that presents transfer pricing tools that can assist tax professionals of mid-sized companies to optimize profits, manage cash flows, and moderate taxes in a defensible manner." -Per H. Hasenwinkle, National Practice Leader, Transfer Pricing BDO Seidman, LLP

TRANSFER PRICING DEVELOPMENTS AROUND THE WORLD 2019

Kluwer Law International B.V. Intensive work on transfer pricing, one of the most relevant and challenging topics in the international tax environment, continues to increase worldwide at every level of government and international policy with far-reaching impact on countries' legislations, administrative guidelines and jurisprudence. This book presents an in-depth, issue-by-issue analysis of the current state of developments along with suggestions for future solutions to the problems raised. Emerging from the 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), this book offers eight topic-based papers prepared by international experts on transfer pricing. Greatly helping to define recent transfer pricing issues around the world, this book encompasses the following topics: Global Transfer Pricing Developments; Transfer Pricing Developments in the European Union; Transfer Pricing Developments in the United States; Transfer Pricing Developments in Developing Countries and Emerging Economies; Recent Developments on Transfer Pricing and Intra-Group Services; Recent Developments on Transfer Pricing and Intra-Group Financing; Recent Developments on the Nexus Rules to Tax Business Profits at Source; and Recent Developments on Attribution of Profits to Digital Permanent Establishments. The intense work of international organizations such as the Organisation for Economic Co-operation and Development, United Nations and other international organizations as well as the intense work of the European Union is thoroughly analyzed in this book. The detailed analysis will be of immeasurable value to the various players including international organizations, the business community and advisory firms, corporate CEOs and CFOs, and government officials as well as to tax lawyers, in-house counsel and academics in facilitating efficient dialogue and a coordinated approach to transfer pricing in the future.

E-COMMERCE LAW AND PRACTICE IN EUROPE

Elsevier With the massive explosion of e-commerce, and especially the use of the Internet as a transnational and instant medium for business transactions, has come a whole range of new laws and

regulations - and, inevitably, a minefield of accompanying uncertainties and potential pitfalls. So what exactly are the legal issues companies need to address, and what are their implications in real terms for the business world? Find the answers in this groundbreaking study undertaken for the European Commission within the framework of the ECLIP project. With a brief to provide practical help for businesses and e-commerce initiatives, this series of cutting-edge reviews examines and evaluates the special rules designed to regulate the Internet - both at a European and at national level in the Member States. It also explains the relevant technological developments and evaluates them against the legal background. This is an essential guide for legal and corporate practitioners alike, as well as software developers and the consultancy community internationally. A publication of the ECLIP network

CRITICAL CONCERNS IN TRANSFER PRICING AND PRACTICE

Greenwood Publishing Group For multinational corporations (MNCs), there is arguably no more important operational function that affects all areas of manufacturing, marketing, management, and finance as international transfer pricing--the practicing of supplying products or services across borders from one part of the organization to another. Its complexity is compounded by the impact of e-commerce, speeding the flow of goods and services; "intangible" assets, such as intellectual property, whose value is difficult to quantify; and the activities of policymakers around the world to update their laws and regulations, in efforts to close loopholes that have historically encouraged tax avoidance. Abdallah provides an in-depth overview of these recent trends and developments, and offers practical insights for creating transfer pricing systems that maximize value for the company while remaining sensitive to local policies in all of the countries in which it operates.

FUNDAMENTALS OF TRANSFER PRICING

INDUSTRIES, REGIONS, NEW TECHNOLOGIES, AND OTHER TOPICS

Kluwer Law International B.V. This is Part Two of a crucially significant two-volume set on the nature of transfer pricing that fully elucidates how the growing body of applicable rules works in practice. The preceding volume, subtitled *General Topics and Specific Transactions*, focused on basic principles and specialized topics. This volume enlarges the scope of the first volume, particularly concerning industry specifics, regional considerations, the use of new technologies, and the intersection between transfer pricing rules and other disciplines. As in the first volume, stakeholding contributors from government, multinational companies, international organizations, advisory groups, and academia offer deeply informed perspectives, both general and specific, on the practical application of transfer pricing rules. With numerous examples and relevant international judicial precedents, the authors augment the first volume in such ways as the following: extended analysis of particular business sectors, including automotive, banking, consumer goods, insurance, IT, oil and gas, and pharmaceuticals; specific jurisdictional coverage of the United States, the European Union, Brazil, China, and India; detailed presentation of the use of new technologies by both taxpayers and tax authorities; and further in-depth analysis of transfer pricing's interaction with various fields of law. With this authoritative source of practical guidance, advisors, in-house practitioners, government officials, and academics worldwide will have all the details they need to move forward in tackling the complex aspects of the current transfer pricing environment.

ADDRESSING BASE EROSION AND PROFIT SHIFTING

OECD Publishing This report presents studies and data available regarding the existence and magnitude of base erosion and profit shifting (BEPS), and contains an overview of global developments that have an impact on corporate tax matters.

TAX MANAGEMENT PORTFOLIOS

THE USE OF VALUE CHAIN ANALYSIS IN A PROFIT SPLIT

This article provides an introduction to the profit split method (PSM), giving a quick look into its evolution throughout time and explaining how it shall be identified and applied as the most appropriate transfer pricing method, while demystifying the terms "value creation" and "value chain analysis" (VCA) and explaining why they were introduced by the OECD in the Action Plan on Base Erosion and Profit Shifting (BEPS) Actions. The article elaborates on what a VCA should consider, how it should be conducted and what should be the outcome, and addresses the practical aspects of the use of the PSM in a VCA, based on a numerical example in the light of the OECD's recommendations in, inter alia, the OECD Model Tax Convention, the OECD Transfer Pricing Guidelines, the BEPS Actions, discussion drafts and public consultations on the application of the PSM.

EXPORT-IMPORT THEORY, PRACTICES, AND PROCEDURES

Routledge Export-Import Theory, Practices, and Procedures is the first book on the topic aimed squarely at the academic audience. Discussing theoretical issues in depth, this innovative textbook offers a comprehensive exploration of import procedures and export regulations, incorporating the most relevant and current research information in the area. The new edition includes: Updates on major developments in bilateral and regional trade agreements, and regulatory changes in export controls Changes to taxation laws in the US and internationally that impact import/export Changes to INCOTERMS 2000 and to letters of credit New developments in countertrade The new role of the Export-Import Bank This book combines an innovative conceptual and theoretical approach, a comprehensive analytical treatment, and an engaging and accessible presentation style to offer one of the most useful textbooks on the market for students and practitioners alike. More information can be found at: www.export-importtradecenter.com

TRANSFER PRICING AND MULTINATIONAL ENTERPRISES

OECD Publishing The OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations provide guidance on the application of the “arm’s length principle”, which is the international consensus on transfer pricing, i.e. on the valuation, for tax purposes, of cross-border transactions between associated enterprises. In a global economy where multinational enterprises (MNEs) play a prominent role, transfer pricing is high on the agenda of tax administrators and taxpayers alike. Governments need to ensure that the taxable profits of MNEs are not artificially shifted out of their jurisdictions and that the tax base reported by MNEs in their respective countries reflect the economic activity undertaken therein. For taxpayers, it is essential to limit the risks of economic double taxation that may result from a dispute between two countries on the determination of an arm’s length remuneration for their cross-border transactions with associated enterprises. Following this original 1979 publication, the OECD Transfer Pricing Guidelines were approved by the OECD Council in their original version in 1995. A limited update was made in this 2009 edition, primarily to reflect the adoption, in the 2008 update of the Model Tax Convention, of a new paragraph 5 of Article 25 dealing with arbitration, and of changes to the Commentary on Article 25 on mutual agreement procedures to resolve cross-border tax disputes. A subsequent edition was released in 2010, in which, Chapters I-III were substantially revised, with new guidance on: the selection of the most appropriate transfer pricing method to the circumstances of the case; the practical application of transactional profit methods (transactional net margin method and profit split method); and on the performance of comparability analyses. Furthermore, a new Chapter IX, on the transfer pricing aspects of business restructurings, was added. Consistency changes were made to the rest of the Guidelines. Digitised document - Electronic release on 24/11/2011.

ADVANCED ISSUES IN INTERNATIONAL AND EUROPEAN TAX LAW

Bloomsbury Publishing This book examines recent developments and high-profile debates that have arisen in the field of international tax law and European tax law. Topics such as international tax avoidance, corporate social responsibility, good governance in tax matters, harmful tax competition, state aid, tax treaty abuse and the financial transaction tax are considered. The OECD/G20 project on Base Erosion and Profit Shifting (BEPS) features prominently in the book. The interaction with the European Union's Action Plan to strengthen the fight against tax fraud and tax evasion is also considered. Particular attention is paid to specific BEPS deliverables, exploring them through the prism of European Union law. Can the two approaches be aligned or are there inherent conflicts between them? The book also explores whether, when it comes to aggressive tax planning, there are internal conflicts between the established case law of the Court of Justice and the emerging policy of the European institutions. By so doing it offers a review of issues which are of constitutional importance to the European Union. Finally, the book reflects on the future of international and European tax law in the post-BEPS world.

INTERNATIONAL TAXATION OF MANUFACTURING AND DISTRIBUTION

Kluwer Law International B.V. 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.

OECD TRANSFER PRICING GUIDELINES FOR MULTINATIONAL ENTERPRISES AND TAX ADMINISTRATION

AND, TRANSFER PRICING FEATURES OF SELECTED COUNTRIES 2010

FUNDAMENTALS OF INTERNATIONAL TRANSFER PRICING IN LAW AND ECONOMICS

Springer Science & Business Media 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.

TAX POLICY CHALLENGES IN THE 21ST CENTURY

SCHRIFTENREIHE ISTR BAND 86

Linde Verlag GmbH The Major Developments in Tax Policy Steadily increasing globalization as well as the financial and economic crisis have brought major challenges for states in ensuring budgetary consolidation while maintaining sustainable economic growth. These developments have not only influenced political and economic discussions in the 21st century, but also raise new questions on the role of taxation in the economic policy environment. National taxation systems worldwide are subject to significant changes and it is assumed that they will develop in a more co-operative way in the near future. This book aims at identifying the major developments in tax policy in the 21st century on a national as well as on an international level and gives an in-depth analysis of the challenges and risks, but also of the opportunities connected to these developments. It covers numerous and discrete issues ranging from challenges in the VAT/GST area, the taxation of the financial sector, the fight against aggressive tax planning, tax abuse and tax evasion, tax integration within the EU, the development of transfer pricing rules, the increasing role of co-operative compliance and good governance and the changing tax policies of developing and newly industrialized countries. The contributions in this book build upon a legal comparison of the national tax systems in the relevant fields, propose tax policy solutions where required and give ideas on how to go forward.

PRESENT LAW AND CERTAIN ISSUES RELATING TO TRANSFER PRICING (CODE SECTION 482)

SCHEDULED FOR HEARINGS BEFORE THE SUBCOMMITTEE ON OVERSIGHT OF THE HOUSE COMMITTEE ON WAYS AND MEANS ON JULY 10 AND 12, 1990

KLAUS VOGEL ON DOUBLE TAXATION CONVENTIONS

Kluwer Law International B.V. Klaus Vogel on Double Taxation Conventions is regarded as the international gold standard on the law of tax treaties. This article-by-article commentary has been completely revised and updated to give you a full and current account of double tax conventions (DTCs). DTCs form the backbone of international taxation, but they raise many interpretational questions. This market leading work will provide you with the answers. Based on the OECD/G20 Multilateral Instrument, the OECD MC and Commentary published in 2017 and the most recent amendments to the UN MC, the book also includes relevant case law and scholarly literature upto and including 2020. Previous editions of the Vogel have been routinely relied on by courts around the world including Australia, Canada, Germany, India, South Africa, the Netherlands and United Kingdom. What's new in this edition? There have been many important developments in this area since the last edition in 2015. The authors discuss these developments and the effect they will have upon practitioners working in this area. They also provide a wealth of new and revised case law, along with the DTCs of emerging countries. You'll find: Reports about major features in the DTC practice of many leading jurisdictions, such as: the DTC practice of Austria, Canada, France, Germany, India, the Netherlands, Switzerland, the UK and the US Sections on divergent country practice covering their national models and networks of bilateral DTCs Thorough analysis of the OECD and UN model, as well as the implementation of these models in practice Amendments of bilateral DTCs, textual or in substance, on the basis of the 2017 Anti-BEPS Multilateral Instrument Coverage of a full range of the latest tax treaties around the world, including important treaties between OECD and BRICS countries This new Fifth Edition of Klaus Vogel on Double Taxation Conventions continues to reflect the unchallenged role of the OECD. The OECD MC,

accompanied by the official Commentary, guidelines, reports and other recommendations, has sustained its position as the most important legal instrument in the area of DTCs. On occasion, the UN MC and Commentary diverge from the OECD texts. When this happens, the authors deal with the specifics of the UN MC in separate annotations and analyses, explaining and making sure you understand the differences. How this will help you: All the information you need to confidently advise on issues such as the taxation of income, taxation of capital and the elimination of double taxation. Know that your advice to clients is based on the most up-to-date and respected information available, from an outstanding team of editors and authors. The editors, Professors Ekkehart Reimer and Alexander Rust, have worked with the late Professor Vogel as well as an international team of top experts to completely update and enhance the content. The writing team comprises: Editors: Prof. Dr Ekkehart Reimer, Heidelberg University and Prof. Dr Alexander Rust, WU Vienna. Authors: Johannes Becker, Federal Ministry of Finance, Berlin; Alexander Blank, University of Erlangen-Nuremberg; Katharina Blank, Federal Ministry of Finance, Berlin; Michael Blank, University of Erlangen-Nuremberg, Prof. Dr Luc De Broe, Catholic University of Leuven; Laga; Prof. Dr Axel Cordewener, Catholic University of Leuven and Flick Gocke Schaumburg; Prof. Dr Ana Paula Dourado, University of Lisbon; Daniela Endres-Reich, University of Erlangen-Nuremberg; Prof. Dr Werner Haslehner, University of Luxembourg; Prof. Dr Roland Ismer, University of Erlangen-Nuremberg; Prof. Dr Eric C. C. M. Kemmeren, Tilburg University; Prof. Dr Georg Kofler, WU Vienna; Sophia Piotrowski, University of Erlangen-Nuremberg; Prof. Dr Ekkehart Reimer, Heidelberg University; Prof. Dr Alexander Rust, WU Vienna; Annika Streicher, WU Vienna; Prof. Dr. Matthias Valta, Duesseldorf University; Jens Wittendorff, Ernst & Young, Copenhagen and University of Aarhus; Kamilla Zembala, Heidelberg University

THE DEMPE CONCEPT AND INTANGIBLES

DEFINITION, PRACTICAL APPROACH AND ANALYSIS IN THE CONTEXT OF LICENCE MODEL

Kluwer Law International B.V. Under the widely applied rules of the OECD Transfer Pricing Guidelines, allocation of the returns from the exploitation of intellectual property should be shared among all entities that contribute towards the profit-generating value of an intangible. This important book, in its detailed treatment of compliance with this principle – known as DEMPE (development, enhancement, maintenance, protection and exploitation) – describes exactly how both taxpayers and tax authorities can achieve an accurate assessment of transactions in order to arrive at an appropriate transfer pricing outcome. Analysing the legal, economic, and business management aspects of multinational enterprises activities, the book provides a comprehensive understanding of the DEMPE concept both in theory and in practice. Fully covered are such issues and topics as the following: role of the DEMPE concept within the framework of international tax law and transfer pricing; interplay of the DEMPE concept with the arm's length principle; full description of each DEMPE function and analysis in the light of possible tax and transfer pricing consequences; modes of application of the DEMPE concept which can be directly implemented in practice; and additional tools (e.g., value chain analysis or RACI matrix) useful in applying the DEMPE concept. The book also provides the first in-depth analysis of the interplay between the DEMPE concept and the licence model in its various structural variations. Taking into account that intangibles amount to 84% of the market value of the S&P 500 companies and that over 80% of global trade transactions can be linked to value chains of multinational enterprises – and recognizing the scarcity of guidance heretofore on the application of the DEMPE concept – tax advisors, corporate counsels, tax authorities, and academics around the world are sure to appreciate and benefit greatly from this matchless and practical book.

THE TAXATION OF GLOBAL TRADING OF FINANCIAL INSTRUMENTS

OECD Publishing This publication thoroughly reviews the factual background to global trading, analyses the challenges posed to traditional taxation methods and discusses a range of policy options to tackle the problems.

INTANGIBLE PROPERTY - PART 2

*QUESTIONS: I. Issue Five: Please elaborate on which are the valuation methods are most utilized in practice by tax authorities in your country to determine the remuneration of controlled transactions involving intangible property (e.g. outright transfer of all substantial rights in the intangible property, the license of intangible property to an associated enterprise or the contribution of intangible property to a cost contribution arrangement [CCA]). In particular, please: a. Comment on how the lack of comparable uncontrolled transactions influences the selection of the most appropriate method. b. Comment on how often profit split methods are used in connection with cases involving transfers of intangible property as a practical matter. c. Indicate whether methods based on analysis of discounted cash flow projections are utilised extensively in valuing transferred intangible property; and, d. Indicate if the legislation or regulatory provisions provide for specific valuation methods for a specific type of transaction (e.g. CCA in the United States). II. Issue Six: Given the tax legislation, guidance, case law and practice in your jurisdiction: a. Having regard to the recent Canadian Federal Court of Appeal decision in *GlaxoSmithKline Inc. v. The Queen, F.C.A., No. A-345-08, 7-26-10*, is it the practice in your jurisdiction that related party charges for goods should be considered in the context of the relevant IP rights that are also made available to the purchaser? b. Please explain how the following specific situation would be treated in your country from a transfer pricing perspective. In particular, please elaborate on whether tax authorities consider (or have considered) these transactions on an aggregated basis or on a transaction-by-transaction basis. - Company A in Country A is the owner of intangible property (IP). Company A licenses the IP to Company Z, an associated enterprise in Country Z. Company Z (the licensee) utilises the licensed IP to produce products which are sold back to Company A. III.*

Issue Seven: Please indicate under which circumstances the taxpayer is required to make post-transaction periodic adjustments to the remuneration received in a controlled transaction involving intangible property and on what basis (legal or regulatory provisions, administrative practice, case law or other). IV. Issue Eight: Has your country concluded any APA(s) covering any of the relevant issues arising in controlled transactions involving IP (unilateral, bilateral or multilateral)?

INTERNATIONAL TAX PRIMER

Kluwer Law International B.V. *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.

A PRACTICAL SUMMARY OF THE JULY 2017 OECD TRANSFER PRICING GUIDELINES

How many of us still have time to read 600+ page guidelines? How many of us have time to take those guidelines and combine them with chapters adopted after the guidelines were published? How does a student begin to study a work of this size, without getting hopelessly lost? This book reflects my love for systematic thinking and reducing clutter. It is aimed at giving fast, accurate, information through diagrams and summaries. In this book, the 2017 OECD Transfer Pricing Guidelines are summarized three times: first as a one-page overview, then as a longer executive summary and finally as an extended summary of most of the paragraphs of the 2017 OECD Transfer Pricing Guidelines. The extended summary references the actual paragraphs in the 2017 OECD Transfer Pricing Guidelines. As the 2017 OECD Transfer Pricing Guidelines is a live document, which is continuously updated, I will substitute existing the 2017 OECD Transfer Pricing Guidelines chapters and paragraphs with draft and final material published after 2017. These texts are clearly marked and will first concern the profit allocation to PEs, the profit split method and financial transactions, when those documents are finalised by the OECD. All references within the book are hyperlinked for fast and easy reading between texts. This book does not pretend to be a replacement of the 2017 OECD Transfer Pricing Guidelines; it is an introduction, giving an overview of the wide variety of topics covered, with paragraph references to the underlying Guideline paragraphs, so that we know where to find them. The original work can be bought from the OECD at <http://www.oecd.org/tax/transfer-pricing/oecd-transfer-pricing-guidelines-for-multinational-enterprises-and-tax-administrations-20769717.htm>. For more information about me, please see my website (www.johannmuller.net), my YouTube channel, Taxpics (<https://www.youtube.com/user/taxpics>) and my LinkedIn profile (<https://www.linkedin.com/in/johannmuller>).

TAXING MULTATIONALS

TRANSFER PRICING AND CORPORATE INCOME TAXATION IN NORTH AMERICA

University of Toronto Press Edén examines how transfer pricing has been handled in different disciplines, including international business, economics, accounting, law and public policy.

OECD/G20 BASE EROSION AND PROFIT SHIFTING PROJECT ALIGNING TRANSFER PRICING OUTCOMES WITH VALUE CREATION, ACTIONS 8-10 - 2015 FINAL REPORTS

OECD Publishing Addressing base erosion and profit shifting (BEPS) is a key priority of governments. In 2013, OECD and G20 countries, working together on an equal footing, adopted a 15-point Action Plan to address BEPS. This publication is the final report for Actions 8-10.

FUNDAMENTALS OF TRANSFER PRICING

A PRACTICAL GUIDE

Kluwer Law International B.V. 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 consequences, 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.

TAX, INEQUALITY, AND HUMAN RIGHTS

Oxford University Press For the first time, Human Rights and Tax in an Unequal World brings together works by human rights and tax law experts, to illustrate the linkages between the two fields and to reveal their mutual relevance in tackling economic, social, and political inequalities. Against the backdrop of systemic corporate tax avoidance, the widespread use of tax havens, persistent pressures to embrace austerity policies, and growing gaps between the rich and poor, this book encourages readers to understand fiscal policy as human rights policy, with profound consequences for the wellbeing of citizens around the world. The essays collected examine where the foundational principles of tax law and human rights law intersect and diverge; discuss the cross-border nature and human rights impacts of abusive practices like tax avoidance and evasion; question the role of states in bringing transparency and accountability to tax policies and practices; highlight the responsibility of private sector actors for the consequences of tax laws; and critically evaluate certain domestic tax rules through the lens of equality and non-discrimination. The contributing scholars and practitioners explore how an international human rights framework can anchor debates around international tax reform and domestic fiscal consolidation in existing state obligations. They address what human rights law requires of state tax policies, and what a state's tax laws and loopholes mean for the enjoyment of human rights within and outside its borders. Ultimately, tax and human rights both turn on the relationship between the individual and the state, and thus both fields face crises as the social contract frays and populist, illiberal regimes are on the rise.

SPECIAL FEATURES OF THE UN MODEL CONVENTION

SCHRIFTENREIHE ISTR, BAND 117

Linde Verlag GmbH Detailed research on the UN Model Convention's unique features The UN Model Convention has a significant influence on international tax treaty practice and is especially used by emerging and developing countries as a starting point for treaty negotiations. Driven by the aim to achieve consistency in the international tax treaty practice, the structure and content is, to a large extent, similar in the UN Model and the OECD Model. However, whereas the OECD has historically focused its efforts on issues mainly relevant for developed countries, the UN Tax Committee has continuously attempted to specifically take into account tax treaty policies for developing countries when drafting and amending the UN Model Convention. Compared to the OECD Model Convention, the UN Model Convention aims at giving more weight to the source principle. Popular examples are the PE definition in the UN Model which provides for a lower threshold than Article 5 of the OECD Model or Article 12A on Fees for Technical Services which has been introduced with the latest amendment of the UN Model Convention 2017 and allows for a withholding tax to be levied on payments to non-residents when the payer of the fee is a resident of that contracting State irrespective of where the services are provided. Interestingly, in the discussions of the tax challenges arising from the digitalization of the economy, the OECD and the G20 are also exploring options to allocate more taxing rights to the jurisdiction of the customer and/or user, i.e., the 'market jurisdictions'. As this has

traditionally been the focus of the UN Model Convention, its unique features and developing countries' practices could be taken into account when exploring new nexus rules that are not constrained by the physical presence requirement. This book contains the master's theses of the full-time LL.M. program 2018-2019 for which 'Special Features of the UN Model Convention' has been chosen as the general topic. With this book, the authors and editors do not aim at discussing each article of the UN Model Convention but rather focus on the unique features of the UN Model Convention, which are explored in detail. This is supplemented with an evaluation of the function and relevance of the UN Tax Committee in the international tax policy discussion and with an analysis of the influences of the OECD's BEPS project on the UN Model. he OECD's BEPS project on the UN Model.

FUNDAMENTAL ISSUES AND PRACTICAL PROBLEMS IN TAX TREATY INTERPRETATION

This volume deals in Part I with general principles of tax treaty interpretation, including many general issues of international law and especially treaty law. Part II is dedicated to specific tax treaty provisions that trigger particularly interesting interpretation questions. Part III is concerned with situations in which states disagree on the interpretation of tax treaties.

GLOBAL PERSPECTIVES ON E-COMMERCE TAXATION LAW

Ashgate Publishing, Ltd. 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.