The following new titles, that answer to your interest profile(s), were added to the catalogue. If you would like to order a copy of an article or alter your profile(s), please contact the library.

Note: external loan of publications is not possible.

All New Material added after 2011/08/01

Searches Satisfying Your Interest: INTERNATIONAL

1 Corporate loss utilisation through aggressive tax planning
This report deals with corporate tax losses. The term “losses” has to be understood broadly for purposes of this report: although the report deals primarily with the tax treatment of taxpayers which have suffered overall losses, it also examines issues relevant to deductions which may reduce a taxpayer’s profits without necessarily resulting in an overall loss. The report deals with both real and artificial losses, the latter constituting an even greater source of concern for revenue bodies. For the purposes of this report, schemes on real losses are those where the taxpayer seeks to use losses which have been economically incurred somewhere, by the same taxpayer or by a different one, in ways not intended or contrary to the principles underlying the relevant rules. On the other hand, artificial losses are those arising from schemes that seek to generate losses for tax purposes with no economic loss arising anywhere, whether at the level of the taxpayer claiming loss relief or somewhere else. The report also addresses the issue of multiple deductions of the same (real or artificial) loss, typically through hybrid mismatch arrangements.

2 Critical issues in environmental taxation: international and comparative perspectives: volume VIII
Dias Soares, C. [et al.]
The volume contains articles written by authors representing disciplines such as law, economics, accounting, taxation, environmental policy and political sciences. The articles were selected from papers presented at the Tenth Global Environmental Tax Conference, held in Lisboa (Portugal) in September 2009. Subjects include: environmental tax reforms; market-based instruments for climate protection and for the sustainable management of energy and water; market-based instruments for the sustainable management of urban areas; and evaluation of market-based environmental policies.

3 Critical issues in environmental taxation: international and comparative perspectives: volume VII
Lye, L-H. [et al.]
The volume contains articles written by authors representing disciplines such as law, economics, accounting, taxation, environmental policy and political sciences. The articles were selected from papers presented at the 9th Global Conference on Environmental Taxation, held in Singapore in November 2008. Some of the issues discussed are: the role of environmental taxation and the urban environment; the use of taxation in the management of transportation and congestion; environmental taxation and the construction industry; fuels, biofuels, carbon pricing and emissions trading; water, land and pollution management and taxes; new markets; and case studies from developed and developing countries. The book ends with a paper on the global economic meltdown, and the challenges that lie ahead of governments, with particular focus on climate change and what is needed for an effective global system for emissions trading.

4 Materials on international and EU tax law
Raad, C. van
This publication contains the most important basic texts on international and EU tax law. Volume 1 focuses on international tax law materials, in particular the OECD Model. On the basis of the 2010 version of the OECD Model Convention comparisons are included with the 1963 OECD Draft Convention, the 1980 and the 2001 UN Models and the 2006 US Model. Successive changes, additions and deletions that were made in the previous versions of the OECD Model can be readily identified. Moreover, it contains the ASEAN and the Dutch Model income tax treaties, as well as the various OECD reports and discussion drafts, a.o. the Discussion Draft on Beneficial Ownership (April 2011). Brief surveys of the tax systems of 20 countries are also included. Volume 2 contains EU texts: the EU Treaty itself, various (draft) directives, and over 170 decisions of the EU Court of
Justice dealing with income tax issues, along with the Opinions of the Advocate General.

5 **International tax coordination : an interdisciplinary perspective on virtues and pitfalls**
   Zagler, M.
   This book researches the issue of international tax coordination from a business, economics, information science, law and political science point of view. All the chapters are written in collaboration between at least two authors from two different disciplines. The book collects seven papers, beginning with current problems of international taxation and finishing with potential solutions. The essays explore current EU legislation, tax avoidance and tax fraud, as well as double tax agreement, dividend repatriation and hybrid finance and tax planning.

6 **The "most appropriate method" as the new OECD transfer pricing standard : has the hierarchy of methods been completely eliminated?**
   Ahmadov, J.
   In: International transfer pricing journal. - Amsterdam. - Vol. 18 (2011), no. 3 ; p. 184-202
   Ever since the OECD Discussion Draft with proposed amendments to Chaps. I-III of the OECD Guidelines came out, it has stirred opinions on the application of the new proposed standard for the hierarchy of transfer pricing methods. This article seeks to provide some answers to questions related to this topic by analysing the history of the hierarchy of transfer pricing methods and its further development, and considers some of the public comments issued in response to the Discussion Draft. A general snapshot of the history of the US transfer pricing rules and a comparative analysis with the US best-method rule is also included.

7 **Transfer pricing and business restructurings - intangibles, synergies, and shelters**
   Ainsworth, R.T. Shact, A.B.
   In: Tax notes international. - Falls Church. - Vol. 63 (2011), no. 5 ; p. 341-361
   This article argues that there are critical aspects to multinational enterprise restructuring that the OECD misses because its focus is too narrow, and that the Joint Committee on Taxation provides an important balance but misses some of the same points.

8 **Art. 24(5) of the OECD Model in relation to intra-group transfers of assets and profits and losses**
   Avery Jones, J.F. [et al.]
   In: World tax journal. - Amsterdam. - Vol. 3 (2011), no. 2 ; p. 179-225
   This article examines Art. 24(5) of the OECD Model (discrimination on the ground of foreign ownership) in so far as it affects domestic law provisions dealing with grouping of profits and losses and transfers of assets within a group. The OECD Commentary argues that it can never apply to such grouping provisions where there is non-resident ownership. The authors argue that this is too widely stated and there are good arguments why in particular it does not require the transfer of profits or assets outside the taxing jurisdiction because the ground for denying the relief is not ownership. However, there are also good arguments why it does apply to some grouping provisions, depending on their details and structure, of which there is a wide variety in the countries represented by the authors. The article concludes that the OECD Commentary needs a more sophisticated analysis of this topic.

9 **Foreign exchange risk - the transfer pricing aspect**
   Ben-Dov, Y. Zaidman, D.
   In: Transfer pricing international journal. - London. - Vol. 12 (2011), no. 3 (March) ; p. 9-13
   This article analyses the relationship between foreign exchange risk and transfer pricing, finding that a watertight foreign exchange policy combined with a sound transfer pricing policy may not only minimise exposure to audit, but also maximise profits.

10 **Thoughts on the OECD discussion paper on beneficial ownership**
    Bernstein, J.
    In: Tax notes international. - Falls Church. - Vol. 63 (2011), no. 1 ; p. 49-54
    The author comments on the OECD's discussion paper clarifying the meaning of beneficial ownership in articles 10, 11, and 12 of the OECD Model.

11 **Tax indemnities in mergers and acquisitions and other commercial transactions**
    Blessing, P.H.
In: Bulletin for international taxation. - Amsterdam. - Vol. 65 (2011), no. 8 ; p. 469-479
This article summarises the discussion at the International Fiscal Association's 2010 Congress in Seminar G, held on 1 September 2010, regarding tax indemnities in respect of mergers and acquisitions and other commercial transactions.

12 The complexities of a value added tax: the impact of changing VAT rates
Boniface, T. [et al.]
In: Tax notes international. - Falls Church. - Vol. 63 (2011), no. 3 ; p. 187-191
This article considers the complexity associated with analyzing and responding to the impact of VAT rate changes, including application of the (new) VAT rate, continuous supplies of goods and services, prepayments, United Kingdom, Poland, changes to accounting system, and challenges and potential opportunities.

13 2010 OECD Transfer Pricing Guidelines: comments on the impact in Andean countries
Castro Jurado, S. Del Rio, M.
In: International transfer pricing journal. - Amsterdam. - Vol. 18 (2011), no. 3 ; p. 171-175
In July 2010, an updated version of the OECD Transfer Pricing Guidelines was released. This article considers the impact of the changes in the Andean countries, including impact on Peruvian, Ecuadorian and Colombian transfer pricing regimes, methodological hierarchy, profit-based methods and comparability analysis, and business restructuring and other selected issues.

14 Clarification of the meaning of "beneficial owner" in the OECD Model Tax Convention: comment on the April 2011 discussion draft
Danon, R.
In: Bulletin for international taxation. - Amsterdam. - Vol. 65 (2011), no. 8 ; p. 437-442
In April 2011, the OECD released an important discussion draft that is intended to clarify the meaning of the term 'beneficial ownership' under articles 10, 11 and 12 of the OECD Model (2010). This article discusses these proposals and demonstrates that some refinement is necessary.

15 Tax treaties and tax avoidance: application of anti-avoidance provisions
De Broe, L. [et al.]
This article summarizes the contents of Subject 1 of the 64th Congress of the International Fiscal Association Congress held in Rome on 30 August 2010, which considered issues relating to tax treaties and the application of anti-avoidance measures.

16 Common consolidated corporate tax base: a "fair share" of the tax base?
Erasmus-Koen, M.
Even though the OECD is making a Herculean effort to address the question of how international tax bases should be allocated given the lack of a higher, international authority, this question remains one of the biggest obstacles to global streamlining of taxation of businesses. How should a company with cross-border activities determine a "fair share" of profit for each state? This question has also haunted the European Union. This article discusses the European Commission's proposal for a common consolidated corporate tax base (CCCTB), focusing on the impact of the sharing mechanism on the allocation of international tax bases within a multinational group of companies compared to the current arm's length approach.

17 Merger policy and tax competition: the role of foreign firm ownership
Haufler, A. Schulte, C.
In many situations, governments have sector-specific tax and regulation policies at their disposal to influence the market outcome after a national or an international merger has taken place. In this paper the authors study the implications for merger policy when countries non-cooperatively deploy production-based taxes and firms may be partly owned by foreigners. They find that when foreign firm ownership is low in the pre-merger situation, non-cooperative tax policies are more efficient after a national merger, and smaller synergy effects are needed for this type of merger to be proposed and cleared. In contrast, cross-border mergers dominate when the degree of foreign firm ownership is high initially. These results suggest a link between increasing international portfolio diversification and the rising share of cross-border mergers.
18 **Transfer pricing in the European chemical industry**
Hickman, A. Sporken, E. Midzio, M.
In: International transfer pricing journal. - Amsterdam. - Vol. 18 (2011), no. 3 ; p. 176-183
This article considers the transfer pricing implications of a changing European chemical industry in relation to the ever-increasing competition from outside Europe. The authors discuss the latest trends and developments within the industry and describe what the impact on the processes and supply chain of the chemical companies and their transfer pricing policies is. Finally, the article provides practical guidance how the transfer pricing risks can be reduced.

19 **Valuing intangible property: discount rate for routine returns**
Kapoor, V.
This article challenges the notion that the discount rate applied to routine returns should be the corporate bond interest rate, asserting that the variability or risk inherent in routine returns is greater than that of interest payments on a corporate bond. In fact, the routine return discount rate should be determined using the discount rate of the selected routine comparables themselves.

20 **Valuing cross-border intercompany performance guarantees**
Koch, B. Lalapet, S.
In: Transfer pricing international journal. - London. - Vol. 12 (2011), no. 3 (March) ; p. 4-8
This article examines the valuation of cross-border intercompany performance guarantees. It also explains that these complex valuations need consideration of both the specifics of the guarantee and the industry to which it relates. Two case studies provide examples of guarantees in traditional and non-traditional industry, and demonstrate how carefully performance guarantee agreements must be structured.

21 **Tax amnesties**
Malherbe, J. [et al.]
Malherbe, J.
The controversial assumption that underlies tax amnesties is that, at least in some situations, it is preferable to sacrifice the penalties for past non-compliance (and perhaps even the tax owing itself) in exchange for improved compliance in the future. Some commentators argue that tax amnesties actually undermine future compliance, because some taxpayers may be encouraged to engage in non-compliance in anticipation of future tax amnesty. Consequently, tax amnesties must be designed and implemented cautiously from a public policy perspective. This book covers the experience with tax amnesties of a variety of countries, deals with the constitutionality, morality, and economic effects of tax amnesties, and discusses the compatibility of tax amnesties with international agreements, in particular, the Treaty of the European Community.

22 **Global transfer pricing trends**
Oosterhoff, D.
In: International transfer pricing journal. - Amsterdam. - Vol. 18 (2011), no. 3 ; p. 159-164
Transfer pricing continues to be one of the most important tax challenges that multinational enterprises (MNEs) face, according to the 2010 Global Transfer Pricing Survey by Ernst & Young. This article provides insights regarding what has changed since the International Transfer Pricing Journal began featuring coverage of the Survey in 2000, the importance of controversy management, trends in transfer pricing issues and approaches, audit experiences and taxpayer approaches to compliance. It provides important insights into best practices that have been developed by MNEs in their efforts to comply with the arm’s length principle.

23 **Tax havens: how globalization really works**
Palan, R. Murphy, R. Chavagneux, C.
The authors provide an up-to-date evaluation of the role and function of tax havens in the global financial system - their history, inner workings, impact, extent, and enforcement. They make clear that while, individually, tax havens may appear insignificant, together they have a major impact on the global economy. Holding up to $13 trillion of personal wealth - the equivalent of the annual U.S. Gross National Product - and serving as the legal home of two million corporate entities and half of all international lending banks, tax havens also skew the distribution of globalization's costs and benefits to the detriment of developing economies. The first comprehensive account of these entities,
this book challenges much of the conventional wisdom about tax havens. Rather than operating at the margins of the world economy, tax havens are integral to it, according to the authors. More than simple conduits for tax avoidance and evasion, tax havens actually belong to the broad world of finance, to the business of managing the monetary resources of individuals, organizations, and countries. They have become among the most powerful instruments of globalization, one of the principal causes of global financial instability, and one of the large political issues of our times.

24 VAT and group companies
Parolini, A. [et al.]
This article summarizes the contents of Seminar D of the 64th Congress of the International Fiscal Association Congress held in Rome on 31 August 2010, which considered issues relating to VAT and GST with regard to group companies.

25 Interpretation of Article 7 of the OECD Model, permanent establishment financing and other dealings
Pijl, H.
This article considers the principles and issues involved in the interpretation of article 7 of the OECD Income and Capital Model (2008), particularly regarding capital and interest attribution, other dealings, the influence of the non-discrimination article on capital attribution, and the practical question of from when the new OECD rules have effect.

26 The meaning of "enterprise", "business" and "business profits" under tax treaties and EU tax law
Pistone, P. [et al.]
Maisto, G.
This book, comprising the proceedings and working documents of an annual seminar held in Milan in November 2010, provides an analysis of the meaning of the three essential concepts of "enterprise", "business" and "business profits" in relevant tax treaties and law. The analysis starts from an EU tax law perspective, with a particular emphasis on the European Directives. The above concepts are then considered from domestic tax law viewpoints. The book then moves to tax treaty law. Most notably, an examination of the history and interpretation of the concepts of "enterprise", "business" and "business profits" is presented, starting from the works of the League of Nations to the current OECD Model Tax Convention. Next, specific tax treaty issues are considered. In particular, the controversial issues concerning the interpretation of the notions of "enterprise" and "enterprise of a Contracting State" are discussed. Also, the concepts of "profits" and "business profits" are reviewed. The concept of "enterprise" in the context of the non-discrimination clause laid down by art. 24 of the OECD Model Tax Convention is then examined. Individual country surveys provide an analysis of the aforementioned concepts and issues from a national viewpoint in selected European and North American jurisdictions, as well as in Australia and Japan. The book concludes with a round-table discussion among some of the most renowned international tax scholars on the desirability to change the OECD Model Tax Convention and its Commentaries.

27 The economic unit of effective tax rates
Ruf, M.
In: World tax journal. - Amsterdam. - Vol. 3 (2011), no. 2 ; p. 226-246
This paper clarifies the appropriate economic unit of effective tax rates. Effective tax rates should give the percentage of the economic profit to be paid to the state as taxes. Only effective tax rates defined in this economic unit allow for an economically meaningful comparison with the statutory tax rate in order to reveal inter-industry distortions and inter-asset distortions caused by taxation. The widely used effective tax rates of King and Fullerton (1984) and Devereux and Griffith (2003) both follow this concept. This clarification of the appropriate economic unit of effective tax rates allows for a general definition of effective tax rates. Based on indifference considerations, effective tax rates giving the percentage of the economic profit to be paid to the state as taxes can be calculated for arbitrary investments, including complex simulation models (such as the European Tax Analyzer). Such effective tax rates can also be compared directly to statutory tax rates or to the effective tax rates of King and Fullerton (1984) and Devereux and Griffith (2003).

28 An analysis of the case law on article 3(2) of the OECD Model (2010)
Sada Garibay, M.
This article analyses the meaning that the courts in different countries have given to the expression "unless the context otherwise requires" in article 3(2) of the OECD Model (2010), which has been included in many tax treaties.

29 Managing transfer pricing documentation: an updated approach
Scholz, C. (Christian) Kohl, E.
This article illustrates how companies resolve the inherent tradeoffs in preparing transfer pricing documentation (such as high quality versus cost efficiency) as well as how to maintain and update documentation, saying proper management in this area can lead to potential cost savings.

30 International tax neutrality: revisited
Shaheen, F.
After a brief discussion of the basic definitions and efficiency objectives of classic capital export neutrality (CEN), capital import neutrality (CIN) and capital ownership neutrality (CON), the author discusses Michael S. Knoll’s views on CIN and CON in an article in the same issue of this journal.

31 The shifting paradigm in international transfer pricing enforcement: key IRS implementation challenges
Sharon, C.A.
This commentary examines the emerging new paradigm in IRS transfer pricing enforcement. The paradigm is based primarily on principles underlying the advance pricing agreement (APA) program. Conceptually, the new paradigm offers potential benefits to both taxpayers and tax authorities, but its ultimate success will depend on its effective implementation by the IRS and its broad acceptance by taxpayers. For that to happen, the IRS will need to overcome a number of key implementation challenges.

32 Applying (and misapplying) the OECD Commentary in commissionaire PE cases
Sprague, G.D.
This commentary discusses two cases addressed by the courts in France (the Zimmer case, 31 March 2010) and Norway (the Dell case, 2 March 2011) regarding whether the normal operation of a civil law commissioner constitutes a deemed permanent establishment (PE) of its principal under tax treaty provisions similar to art. 5(5) of the OECD Model. The two courts reached opposite conclusions on the same legal issue.

33 Mastering the intellectual property life cycle: a global perspective on the tax-efficient management of IP rights
Verlinden, I. Smits, A.
Extensive handbook on managing intellectual property (IP) rights, from legal, accounting and tax points of view. After some introductory chapters the book presents a large number of country chapters, which give an overview of legal and tax definitions, expenditure for the development or acquisition of IP rights, income characterisation, outbound royalty payments, tax treatment of the disposal of IP, specific cross-border transfer provisions, CFC rules, grants/incentives to stimulate inward IP investment, and registration or stamp duties on transfer or licence.

34 The role of tax havens in the global financial crisis: a critique of international initiatives and measures to curb the resultant fiscal challenges and the example of South Africa
Wanyana Oguttu, A. Schulze, C.
The authors, in this article, consider the problem of tax havens and their historical development, as well as the role that tax havens played as catalysts in the global financial crisis, taking South Africa as an example in this context.

35 Tax Management International Forum discusses the current taxation of income under controlled foreign corporation regimes
Webb, N.C.
This article summarises and discusses papers from the Tax Management International Forum meeting held in Paris on 29 April 2011 on the current taxation of income under controlled foreign corporation (CFC) regimes, including fact pattern and question to be considered, history and objectives, countries with no CFC rules, definition of a CFC - level of taxation, definition of a CFC - control, types of income currently taxed, method of taxation of CFC income in hands of host country shareholder and availability of foreign tax credit, and impact of the Cadbury Schweppes decision.

**36 Escaping the U.S. tax system: from corporate inversions to re-domiciling**
Webber, S.
In: Tax notes international. - Falls Church. - Vol. 63 (2011), no. 4 ; p. 273-295
This special report analyses the most recent developments in corporate inversions, shows why and how U.S. multinational enterprises may re-domicile their headquarters abroad, and explains the distinction between corporate inversions and corporate re-domiciling.

**37 The missing keystone of income tax treaties**
Wheeler, J.C.
In: World tax journal. - Amsterdam. - Vol. 3 (2011), no. 2 ; p. 247-367
This article follows a contribution by the same author, published in the previous edition of the World Tax Journal. The conclusion of that article was that seeking to define an attribution rule of sufficient generality for use in treaties is not a fruitful path to take. This article picks up the challenge of ascertaining how this aspect of the route to treaty entitlement should be defined. It identifies a structural flaw in the present OECD Model, which lies at the root of many current problems with the interpretation of treaties and which has sometimes led courts to take a very liberal view of treaty interpretation in order to reach the correct policy result. A new approach to treaty entitlement is proposed, starting from a conceptually sound base and setting out a logical route for establishing whether or not treaty benefits are available. The author tests the new approach by applying it to the fact patterns of various decided cases and to trusts, and demonstrates that the new approach produces appropriate policy results in the situations analysed. A rigorous application of the new approach leads to a radical restructuring of the OECD Model. The article pursues this restructuring exercise and, at the end, includes a draft text of a new model treaty incorporating the basic features of the new approach.