

TAX523 Cross-Border Tax Planning

Level: 5

Credit Units: 5 Credit Units

Language: ENGLISH

Presentation Pattern: EVERY JULY

Synopsis:

TAX523 Cross-border Tax Planning introduces the student to various planning principles, ideas and opportunities that exist for the cross-border business, drawing upon International Taxation matters covered primarily in TAX509, TAX521 and TAX525. Globalisation means that more and more businesses are being conducted across borders. These new business ventures provide opportunities for large and small enterprises to look for new markets. However, venturing to do business across a border could result in unexpected tax bills, and could render what would have been a good venture into an unmitigated disaster.

Differentiation from International Taxation and Tax Planning

International Taxation and Tax Planning is a module currently replaced by International Tax Planning (ATP108) of the Advanced Tax Programme of the Tax Academy. ATP108 is an introductory programme of 9 hours, introducing students to the framework surrounding the basics of international tax planning. TAX523 is a 32-hour module that will take students beyond the framework, and actually explore and understand the legal bases behind the various principles that govern international tax planning. This will equip students with the knowledge upon which they can provide sound advice in novel situations that might confront them in their working life.

Topics:

- Fundamental Concepts
- Identifying Themes
- Major Themes
- Holding Company Regimes
- Financing Activities
- Tax Efficient Supply Chain Management
- Anti-avoidance Rules
- Tax Research
- Nexus
- Permanent Establishments
- Direct Taxes
- Indirect Taxes
- International Tax Structuring
- Base Erosion and Profit Shifting
- Anti-avoidance Measures
- Transfer Pricing
- Controlled Foreign Companies
- Advisory Skills
- End-of-course Observation

Textbooks:

: Finerty, C & Merks, P & Petriccione M & Russo R (2007), Fundamentals of International Tax Planning. Amsterdam: IBFD.

ISBN-13: 9789087220167

Learning Outcome:

- Demonstrate in discussion and through written opinions based on factual situations, knowledge and understanding of the aims of international tax planning for a multinational
- Critique in discussion and in written responses the raison d'être behind the various holding structures, and investment strategies
- Discuss technical weaknesses in commonly used tax planning structures and transactions
- Formulate defence positions or strategies for commonly used tax planning structures and transactions
- Evaluate case questions, and identify relevant principles, and apply the relevant articles of the Convention to resolve the challenges raised by the particular factual patterns
- Assemble paper or web resources to conduct research
- Examine and analyse legal materials which are written in technical or complex language
- Compose and present data provided in numerical or statistical form
- Discuss through different forms of communication, such as verbal, written and formal presentations, presenting knowledge or an argument in a way which is comprehensible to others
- Defend positions taken effectively in a group setting and in a team environment

Assessment Strategies (Evening Class):

Components	Description	Weightage Allocation (%)
Overall Continuous Assessment	TUTOR-MARKED ASSIGNMENT 1	20
Overall Examinable Components	ECA	80
Total		100