

By PwC Deutschland | 16. Januar 2014

Tax & Legal News – Issue 1, January 2014

In this issue: PwC Reports, Official Pronouncements, Supreme Tax Court Cases, From Europe and From PwC.

PwC Reports

- Discussion draft on partnerships

Official Pronouncements

- Provisions for profit-based pensions
- Transactions in own shares
- Tax consequences of dissolution of German resident British company
- Salary fraud free of payroll withholding tax
- Discounting of insurers' claim provisions
- Finance ministry circular on redundancy payments
- Spouse living in Switzerland can rank as liable to German tax
- Finance ministry rejects bond stripping scheme
- Option for VAT on sale of real estate
- VAT on waste disposal
- VAT on returnable containers
- VAT exemption for investment consultancy to investment trust funds
- Permanently moored houseboat to be let as property
- VAT on catering sales – transition
- Changeover rules for margin taxation

Supreme Tax Court Cases

- Costs associated with mutual agreement proceeding are not costs of earning income
- Dividends to US "S corporation" rank for full treaty relief
- Foreign partner receives business income from the interest on a share-holder loan to associated company
- Global estimate of taxable income from foreign fund inhibits free move-ment of capital?
- Exclusion of deduction for private pension paid by non-resident in breach of community law?
- No provision for the costs of following an official injunction until the deadline has passed
- Payment recipient must be clearly identified
- No tonnage tax for short-term operations
- Tonnage tax hidden reserve taxable in Germany on retirement of Belgian partner
- Trade tax deduction for shipping in international waters independent of term of operation

- Tax on gifts only if gift taxable income of recipient
- Employee events: fewer costs to be taken into account
- Compulsory employer contributions to Swiss pension fund tax-free in Germany
- Regular place of work not affected by renewed secondment
- Foreign business to recover input tax with VAT return if any output tax owed
- VAT refund claim from third country must be signed by authorised signatory
- Community law precedence for VAT input tax deduction
- Payment to agent for free-of-charge mobile phone is third-party payment
- No input tax deduction on intra-community sale of VAT-free goods
- Input tax on transfer agents' fees not automatically deductible by club
- VAT input tax apportionment by value for gaming hall
- Missing VAT payments as obvious error in a receipts and payments account

From Europe

- Anti-avoidance amendment to Parent/Subsidiary Directive
- No right of taxpayer to be involved in mutual assistance requests
- Failure to relieve loss on sale of property abroad does not inhibit free movement of capital
- Inheritance tax personal allowances inhibit freedom of capital movement
- Gaming taxes do not conflict with VAT Directive
- Penalty tax on "intransparent" investment fund hinders free movement of capital?
- Denial of corporation tax credit for foreign dividend justified by systematic differences?

From PwC

- Breaking news

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Schlagwörter

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