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By PwC Deutschland | 13. August 2015

# Tax & Legal News – Issue 4, August 2015

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

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## PwC Reports

- Real estate transfer tax on share transfers unconstitutional
- Automatic exchange of bank account information

## Official Pronouncements

- Progress payments lead to profit realisation
- Draft FATCA regulations
- Income documentation exemption for non-transparent investment funds only applies to EEA funds
- Building installation continues to be VAT-able as building
- Builders to treat customer retentions as bad debts

## Supreme Tax Court Cases

- Imputation credit for foreign corporation tax refused
- Film pre-release marketing subsidy as profit-sharing loan
- Subordinated debt not a liability whilst debtor's liabilities exceed assets
- Embezzled funds not taxable income
- Pre-2008 disallowance of related-party loan interest
- Regular remuneration can qualify for multi-year preference

## From Europe

- Non-residents need not be granted resident's privileges in the year they take up employment elsewhere
- Non-deductible loss on investment can include exchange loss
- VAT group exclusion by legal entity only to prevent abuse
- Nuclear fuel duty upheld
- 5% non-deductible deemed expense for foreign dividends can infringe freedom of establishment?

## From PwC

- Breaking news

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