

ARTHUR J. COCKFIELD

NAFTA Tax Law and Policy

Resolving the Clash
between Economic and
Sovereignty Interests

Nafta Tax Law And Policy Resolving The Clash Between Economic And Sovereignty Interests

Xiaolong Qi



Nafta Tax Law And Policy Resolving The Clash Between Economic And Sovereignty Interests:

Taxation of Hybrid Financial Instruments and the Remuneration Derived Therefrom in an International and Cross-border Context Sven-Eric Bärsch, 2012-12-13 Despite the enormous diversity and complexity of financial instruments the current taxation of hybrid financial instruments and the remuneration derived therefrom are characterized by a neat division into dividend generating equity and interest generating debt as well as by a coexistence of source and residence based taxation This book provides a comparative analysis of the classification of hybrid financial instruments in the national tax rules currently applied by Australia Germany Italy and the Netherlands as well as in the relevant tax treaties and EU Directives Moreover based on selected hybrid financial instruments mismatches in these tax classifications which lead to tax planning opportunities and risks and thus are in conflict with the single tax principle are identified To address these issues the author provides reform options that are in line with the dichotomous debt equity framework as he she suggests the coordination of either tax classifications or tax treatments NAFTA Tax Law and Policy Arthur J. Cockfield, 2005 *Green Taxation in East Asia* Richard Cullen, Jefferson Vanderwolk, Yan Xu, 2011 The broad sweep of green taxation pollution carbon resource and land taxes and tax incentives for environmental goals makes it complex to analyse Green Taxation in East Asia is a timely and valuable comparative contribution to an expanding literature Its scholarly country studies show how green taxes aim to modify behaviour correct externalities regulate or raise revenue As environmental policy and tax policy move closer together green taxes become feasible but are always as the editors say shaped by local political economic and social circumstances Miranda Stewart University of Melbourne Australia In today s world environmental challenges grow apace and the impact of taxation measures on these will prove critical Green Taxation in East Asia addresses those challenges It draws on world wide experiences including those from North America and the EU by analysing and critiquing how green taxation can inform develop and implement environmental policies in East Asia and beyond This is not a sterile tax debate The authors of this work all leading scholars in their respective jurisdictions combine economic social and local political perspectives on what should work and what should not The debate is too important to ignore in a world where Kyoto seems a long way from Washington the fragrant harbour is no longer and even in the lands down under long white clouds and pristine beaches are no longer taken for granted Taxation is not a panacea for curing environmental ills but it is as this book admirably shows part of the answer Andrew Halkyard University of Hong Kong The right of East Asia to grow its economy and provide its citizens with living standards enjoyed elsewhere is as undeniable as the risk to the global environment from this growth A volume that contrasts current initiatives in China and Hong Kong to reduce that risk with lessons from international experience presented by leading international experts from four continents is more than just timely it can make a key contribution to the development of contemporary thinking on taxation and the environment This work fits the bill perfectly Rick Krever Monash University Australia The authors of the jurisdictional chapters in this book are of necessity

more focussed on analyzing the interaction today between taxation and related fiscal measures and the environment From these studies it is clear that a great deal is amiss in the way this interface works at present across all the jurisdictions under review But this research also shows positive steps being taken and great scope for further positive tax policy development We can see from this research how smart policy innovation can start right now and also how it can build better foundations for the introduction of more comprehensive globally effective policy frameworks such as those advanced by Hansen and Sandor Time is of the essence The scholarship in this volume shows that lawyers and tax experts are engaged in finding solutions Can green taxation make a difference The answer is a resounding yes From the foreword by Christine Loh The core concern of this book is the potential use of taxation and related measures to foster climate helpful large scale change within East Asia The contributing authors examine key issues such as how Greater China for instance confronts severe environmental problems which are a direct product of several decades of remarkable economic growth The detailed analysis in this book identifies a range of green taxation guidelines for East Asia as it seeks to drive down striking levels of environmental degradation and tackle the climate change challenge Addressing an important need in the public policy debate this book will appeal to academics students government policymakers regulators and practitioners in environmental law taxation law and policy as well as comparative environmental law and comparative taxation law and policy Public policy commentators and journalists with an interest in the above areas will also find this book worthwhile and informative

Challenging Gender Inequality in Tax Policy Making Kim Brooks, Åsa Gunnarson, Lisa Philipps, Maria Wersig, 2011-05-16 This volume takes a critical look at the gender of tax policy around the world Contributors based in eight different countries examine the profound effects that gender norms and practices have had in shaping tax law and policy and how taxation in turn impacts upon the possibilities for equality along gender race class sexuality and other lines Chapters explore how the gendered fiscal state might be theorised how structural choices about rates and bases in tax policy design contribute to gender inequality how tax policy affects family configurations and perceptions of what constitutes family how fiscal systems impact on savings and wealth accumulation by women and men and the role of different policy making processes and institutions in occluding and sometimes challenging these patterns Most significantly perhaps the book explores these questions in an international frame traversing countries and continents The conclusion fiscal policy has deep rooted long standing gender implications that affect virtually every aspect of our social political and economic lives whether we live in Canada Australia or Kenya

The Interface of International Trade Law and Taxation Jennifer E. Farrell, 2013 This book explores the ill defined and oft underestimated relationship between the World Trade Organization WTO and taxation By adopting a two pronged approach the relationship is examined in terms of the extent to which the WTO legal framework exerts influence upon domestic tax law and international tax policy and whether it is appropriate for the WTO to play a regulatory role in the field of taxation The book begins with an examination of the historical development of

international trade law and international tax law and demonstrates that these two separate areas of law are closely linked in terms of their underlying principles and historical evolution The work then goes on to offer a doctrinal analysis of the tax content found in the WTO legal texts and highlights ambiguities therein International Tax Evasion in the Global Information Age David S. Kerzner, David W. Chodikoff, 2016-11-21 This book provides a comprehensive analysis of the Organisation for Economic Cooperation and Development's OECD war on offshore tax evasion The authors explain the new emerging regulatory regimes on the global exchange of information to combat offshore tax evasion and analyse why Automatic Exchange of Information AEOI is not a magic bullet solution Chapters include coverage of the Foreign Account Tax Compliance Act FATCA AEOI and the Common Reporting Standards CRS and the unprecedented extra territorial enforcement by the United States of its tax and reporting laws including the FBAR provisions of the Bank Secrecy Act These new legal regimes directly impact nearly all financial institutions and financial service providers in the U S U K EU Canada and each of the 132 member jurisdictions of the OECD's Global Forum as well as 8 million U S expats In light of The Panama Papers this book offers a timely and valuable contribution on the prevalence and costs of international tax evasion for the global financial community policy makers and practitioners alike *Improving International Investment Agreements* Armand De Mestral, Armand L. C. De Mestral, Céline Lévesque, 2013 This book presents the reflections of a group of researchers interested in assessing whether the law governing the promotion and protection of foreign investment reflects sound public policy Whether it is the lack of checks and balances on investor rights or more broadly the lack of balance between public rights and private interests the time is ripe for an in depth discussions of current challenges facing the international investment law regime Through a survey of the evolution in IIA treaty making and an evaluation from different perspectives the authors take stock of developments in international investment law and analyze potential solutions to some of the criticisms that plague IIAs The book takes a multidisciplinary approach to the subject with expert analysis from legal political and economic scholars The first part of the book traces the evolution of IIA treaty making whilst the other three parts are organised around the concepts of efficiency legitimacy and sustainability Each contributor analyzes one or more issues related to substance treaty negotiation or dispute resolution with the ultimate aim of improving IIA treaty making in these respects *Improving International Investment Agreements* will be of particular interest to students and academics in the fields of International Investment Law International Trade Law Business and Economics **Toward a North American Legal System** J. McHugh, 2012-10-31 *Toward a North American Legal System* is a collection of scholarship that looks at a timely issue in public policy Two decades after NAFTA the team assembled by James T McHugh works through both philosophical and practical questions related to a possibly more integrated legal system on the North American continent Comparative Fiscal Federalism Reuven S. Avi-Yonah, Michael Lang, 2016-06-20 Judicial review of taxation in the world's two most economically significant multistate systems the European Union and the United States has exposed a remarkable

divergence Although there are important differences between the competences of the two tribunals the fact remains that the European Court of Justice has been much more aggressive in striking down Member State income tax rules than has the United States Supreme Court in comparable cases This book the only full scale comparative analysis of the tax jurisprudence of the two judicial systems now in an updated second edition asks Why this divergence And what can the two tribunals learn from each other about adjudicating issues that arise from the interaction of tax regimes in the context of a single market Among the contributory issues and topics covered are the following conceptions of sovereignty and federalism discrimination in direct tax matters as an obstacle to a meaningful single market allocation of taxation competences nonresident versus resident taxation double burdens on cross border economic activity retroactive recovery of unlawful state aid in the European Union role of competition law the revenue interests of states levels of corporate taxation the OECD Model s nondiscrimination rules and the preliminary interpretation mechanism of the Court of Justice An insightful and penetrating analysis of a topic of material importance to governments tax policy makers and tax lawyers on both sides of the Atlantic this book clearly explains how the Supreme Court and the Court of Justice continue to struggle with the conflict between generally accepted tax principles and the effective prevention of discriminatory treatment of taxpayers All tax professionals concerned with the interaction of sovereignty tax assignment legislation and judicial decisions in tax law will benefit greatly from its clear sighted and comprehensive treatment as well as from its perspectives on the practical implications of each tribunal s decision making

Tax Evasion and the Law Sam Bourton, 2024-06-18 This book provides a critical and contemporary evaluation of the laws and enforcement policies pertaining to tax evasion in the United Kingdom UK and United States US Since the inception of taxes revenue collection authorities around the world have attempted to address the seemingly perennial problem of individuals evading their tax liabilities The financial crisis has shone a new light on the issue with an increased interest in using the criminal justice system as a means of addressing it in the UK In sharp contrast to the UK the US has a strong record of prosecuting crimes of tax evasion whether committed by individuals or professional corporate facilitators Providing an evaluation of the UK s tax evasion laws and enforcement policy through a comparative approach this work highlights insights provided by the US experience In so doing the book explores the interconnections between tax evasion and money laundering identifying best practices omissions and areas for reform The work will be a valuable resource for researchers academics and policy makers working in the areas of financial crime financial law accountancy and criminal justice

The Oxford Handbook of Law, Regulation and Technology Roger Brownsword, Eloise Scotford, Karen Yeung, 2017-07-25 The variety pace and power of technological innovations that have emerged in the 21st Century have been breathtaking These technological developments which include advances in networked information and communications biotechnology neurotechnology nanotechnology robotics and environmental engineering technology have raised a number of vital and complex questions Although these technologies have the potential

to generate positive transformation and help address grand societal challenges the novelty associated with technological innovation has also been accompanied by anxieties about their risks and destabilizing effects Is there a potential harm to human health or the environment What are the ethical implications Do this innovations erode of antagonize values such as human dignity privacy democracy or other norms underpinning existing bodies of law and regulation These technological developments have therefore spawned a nascent but growing body of law and technology scholarship broadly concerned with exploring the legal social and ethical dimensions of technological innovation This handbook collates the many and varied strands of this scholarship focusing broadly across a range of new and emerging technology and a vast array of social and policy sectors through which leading scholars in the field interrogate the interfaces between law emerging technology and regulation Structured in five parts the handbook I establishes the collection of essays within existing scholarship concerned with law and technology as well as regulatory governance II explores the relationship between technology development by focusing on core concepts and values which technological developments implicate III studies the challenges for law in responding to the emergence of new technologies examining how legal norms doctrine and institutions have been shaped challenged and destabilized by technology and even how technologies have been shaped by legal regimes IV provides a critical exploration of the implications of technological innovation examining the ways in which technological innovation has generated challenges for regulators in the governance of technological development and the implications of employing new technologies as an instrument of regulatory governance V explores various interfaces between law regulatory governance and new technologies across a range of key social domains

Global Perspectives on E-Commerce Taxation Law

Dr Subhajit Basu,2013-01-28 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 *Международные налоговые правила в систематическом изложении. Учебное пособие* Шепенко Р.А.,2021-03-26 1 2020

LAW - Volume I

Aaron Schwabach,Arthur Cockfield,2009-10-18 Law is a component of Encyclopedia of Social Sciences and Humanities in the global Encyclopedia of Life Support Systems EOLSS which is an integrated compendium of twenty one Encyclopedias The Theme on Law provides certain general perspectives and discusses such aspects as Philosophies and Systems of Law Fields of Law Specialization Law Ethics and Justice This volume is aimed at the following five major target audiences University and College Students Educators Professional Practitioners Research Personnel and Policy Analysts Managers and Decision

Makers and NGOs **Current Publications in Legal and Related Fields** ,2007 *Law and policy in international business* ,2000 **Norteamérica** ,2007 **Digital Economy Innovations and Impacts on Society** Druică, Elena,2012-05-31 Right now is the time for new opinions and new ideas to be generated and be presented as a solution With the ever changing economic status of society prosperity depends on the ability to run and maintain an active equilibrium between society and individuals Therefore it is essential for both parties to promote innovation and creativity in order to enable a proper and valuable lifestyle Digital Economy Innovations and Impacts on Society provides theoretical and practical approaches about digital economy increasing people s awareness on what the digital economy is and exactly what competitive advantages exist to provide information technology and innovation as its main resources This publication focuses on rethinking the classical economic theory in the context of new technology information and innovation making it a publication that brings the best research to the forefront for economics and social researchers academicians professionals and practitioners Stanford Journal of International Law ,1998 *Canadian Tax Journal* ,2004

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