

INTERNATIONAL TAX AGREEMENT AND TRANSFER PRICING

TAXATION OF CROSS BORDER ACTIVITIES

These are the various transactions or activities that are exercised by a Kenyan resident in another country and vice versa. The issue here is: How is the income earned or derived from such transactions brought to charge?

The taxation of income of a person is based on the concept of residence.

Resident and non-resident persons

There are conditions for being a resident in case of an individual and also in case of a body of persons.

- a) Resident in relation to an individual means that the individual:
 - i) Has a permanent home in Kenya and was present in Kenya for **any** period during the year of income under consideration; or
 - ii) Has no permanent home in Kenya but was present in Kenya for a period or periods amounting in total to 183 days or more during the year of income under consideration; or
 - iii) Has no permanent home in Kenya but was present in Kenya for any period during the year of income under consideration and in the two preceding years of income for periods averaging **more than** 122 days for the three years.
- b) Resident in relation to a body of persons means that:
 - i) The body is a company incorporated under the laws of Kenya; or
 - ii) The management and control of the affairs of the body was exercised in Kenya in the year of income under consideration; or
 - iii) The body has been declared, by the Minister for Finance by a notice in the Kenya Gazette, to be resident in Kenya for any year of income.
- c) Non-Resident:
Means any person (individual or body of persons) not covered by the above conditions for resident.

Note

Residents have some tax advantages over non-residents which relate to tax reliefs, rates of tax, and expenses allowable against some income.

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**Great Britain. Her Majesty's Stationery
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Hybrid Entities in Tax Treaty Law Sriram Govind, Jean-Philippe Van West, 2020-09-03 Tax treaty law and EU tax law in connection with hybrid entities Hybrid entities have traditionally been used as an avenue for international tax planning and extending benefits under tax treaties to such entities has been a source of controversy for many years now Although the OECD Partnership Report provided solid policy footing on this issue there was still no common legal basis that countries could rely on for such positions The increasing focus of countries towards the curbing of tax avoidance and abuse involving hybrid mismatch arrangements culminated in a specific action plan in the BEPS Project being dedicated to the design of domestic rules and the development of treaty provisions that would neutralize the tax effects of such arrangements This volume provides an in depth analysis of various aspects of this topic It is divided into two parts the first dealing exclusively with tax treaty issues arising in connection with hybrid entities and the second dealing with EU tax law issues surrounding hybrid entities The former part comprises chapters analysing how tax treaties have historically dealt with this issue with a focus on domestic court jurisprudence the positions in the OECD and the UN Model Conventions the developments that have come about owing to the BEPS Project and the impact of several existing measures regimes and vehicles on these tax treaty provisions The latter part comprises chapters on how hybrid entities are dealt with under primary EU law under various secondary law directives including the newly enacted Anti Tax Avoidance Directives and an analysis of policy solutions offered in this direction

Government Publications Issued During ... Great Britain. Her Majesty's Stationery Office, 1981-07 **Government Publications of ...** Great Britain. Her Majesty's Stationery Office, 1981 [Publications on Public Administration and Finance, 1977-1997](#), 1998 *International Organisations and Overseas Agencies Publications* Great Britain. Her Majesty's Stationery Office, 1972 **The Oxford Handbook of International Tax Law** Florian Haase, Georg Kofler, 2023-10-13 International Tax Law is at a turning point Increased tax transparency the tackling of Base Erosion and Profit Shifting BEPS the reconstruction of the network of bilateral tax treaties the renewed discussion about a fair and efficient allocation of taxing rights between States in a global digitalized economy and the bold push for minimum corporate taxation are some expressions of this shift This new era also demonstrates the increased influence of international standard setters such as the OECD the UN and the EU Each of these developments alone has the potential of being disruptive to the traditional world of international tax law but together they have the potential to reshape the international tax system The Oxford Handbook of International Tax Law provides a comprehensive exploration of these key issues which will shape the future of tax law Divided into eight parts this handbook traces the history of international tax law from its earliest days until the present including reflections on the developments that have characterized the last one hundred years The second section places tax law within the broader international context considering how it relates to public and private international law as well as corporate trade and criminal law Sections three and four consider key legal principles and issues

such as regional tax treaty models OECD dispute resolution and transfer pricing versus formulary apportionment Subsequent analysis places these issues within their European and cross border contexts providing an assessment of the role of the ECJ state aid and cross border VAT Section seven broadens the scope of this analysis asking how trends in recent major economies and regions have helped shape the current outlook The final section considers emerging issues and the future of international tax law With over sixty authors from 28 different countries the Oxford Handbook of International Tax Law is an invaluable resource for scholars academics and practitioners alike

UNDEX United Nations,1976 **United Nations Publications Catalogue** ,1990 UNDOC, Current Index ,1993 **CCCTB** Dennis Weber,2012-05-10 The European Commission s proposed Common Consolidated Corporate Tax Base CCCTB is the most ambitious project in the history of direct taxation within the EU While retaining the right of Member States to set their own corporate tax rate the proposed system allows for a one stop shop for filing tax returns and consolidating profits and losses across the EU In this book the first to offer guidance to practitioners whose work will be affected by these new developments 19 prominent representatives of the business community tax consultancy academic taxation scholarship and tax administration discuss the proposed system s rationale structure and uncertainties ranging from very technical aspects to the wording of the proposal to political considerations These topics include the following eligibility formation of a group the concept of permanent establishment foreign tax credits dual resident companies consequences of entering and leaving depreciation of fixed assets repackaged asset transfers appeals procedure disagreements among Member States subsidiarity and the yellow card procedure international aspects and tax treaties sharing mechanism and transfer pricing and anti abuse rules The discussion raises numerous issues likely to lead to future amendments and for this reason along with its practical value in developing an understanding of the proposed system s specific effects the book will be welcomed by tax consultants and lawyers worldwide corporate tax advisers European tax authorities and tax researchers and academics *Official Records of the ... Session of the General Assembly* ,1965 **United Nations Sales Publications, 1972-1977** Dag Hammarskjöld Library,1978

International Organisations Publications ,1988 **Competitive Governments** Albert Breton,1998-09-28 **COMPETITIVE GOVERNMENTS** systematically explores the hypothesis that similar to merchandisers governments are internally competitive and also in their relations with each other as well as in their relations with other institutions in society

International Commerce ,1968-10 **Yearbook of the United Nations, Volume 40 (1986)** United Nations,2023-08-28 Issued annually since 1946 47 the Yearbook is the principal reference work of the United Nations providing a comprehensive one volume account of the Organization s work It includes details of United Nations activities concerning trade industrial development natural resources food science and technology social development population environment human settlements children and legal questions along with information on the work of each specialized agency in the United Nations family The Yearbook is an indispensable guide to the UN **Transfer Pricing and the Arm's**

Length Principle in International Tax Law Jens Wittendorff, 2010-01-01 The arm's length principle serves as the domestic and international standard to evaluate transfer prices between members of multinational enterprises for tax purposes. The OECD has adopted the arm's length principle in Article 9 of its Model Income Tax Convention in order to ensure that transfer prices between members of multinational enterprises correspond to those that would have been agreed between independent enterprises under comparable circumstances. The arm's length principle provides the legal framework for governments to have their fair share of taxes and for enterprises to avoid double taxation on their profits. This timely book contains a comparative analysis of the legal basis for the arm's length principle and the contents of the arm's length rules in US tax law as well as in the OECD Model Tax Convention and Transfer Pricing Guidelines. It includes a thorough review of international case law on transfer pricing from the United States, Canada, Australia, United Kingdom, Germany, France, the Netherlands, Denmark, Sweden, and Norway. The book ends with an analysis of the issues associated with the application of the arm's length principle for multinational enterprises in a global economy. **Catalogue of United Nations Publications**, 1965

United States Code, 2006, Supplement 3, Volume 3, Title 22, Foreign Relations and Intercourse to Title 42, the Public Health and Welfare, Sections 1-5792a, 2010-12-08 The United States Code 2006 Edition contains the General and Permanent Laws of the United States Enacted Through the 109th Congress Ending January 3 2007 the Last Law of Which was Signed on January 15 2007 **United Nations Publications** United Nations. Dept. of Public Information, 1967

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