

DIE PRAXIS DER BUNDESSTEUERN

III. Teil

Interkantonale Doppelbesteuerung

Helbing Lichtenhahn Verlag

Die Praxis Bundessteuern Teil Iii

Florian Regli

A red circular graphic element, resembling a stylized arrow or a partial circle, is positioned to the right of the author's name.

Die Praxis Bundessteuern Teil Iii:

Das neue Aktienrecht - insbesondere Aspekte aus der notariellen Praxis Stephan Wolf, 2023-05-04 Am 1. Januar 2023 tritt das neue Aktienrecht in Kraft. Leitlinien der Revision bilden namentlich eine moderne Corporate Governance, die Herstellung erhöhter Flexibilität und die Schaffung von Rechtssicherheit sowie die Erfüllung von Verfassungsaufträgen. Flexibilisiert werden besonders die Gründungs- und Kapitalvorschriften, wofür das Kapitalband als neues Rechtsinstitut eingeführt wird. Weitere Stichworte des neuen Rechts sind etwa das Aktienkapital in Fremdwährung, die Beschränkung des zwingend vorgeschriebenen Statuteninhalts oder das Formerfordernis der öffentlichen Beurkundung für die Gründung einer Genossenschaft. Prof. Dr. Thomas Jutzi und M. Law Quirin Meier stellen die mit der Revision einhergehenden Neuerungen im Aktienrecht in einer Übersicht vor. M. Law Karin Poggio Widmer geht auf notariatsrelevante Aspekte der Aktienrechtsrevision ein. Von Dr. iur. Christine Glättli und Peter Muntwyler wird die von der Musterurkundensammlungskommission des Verbandes bernischer Notare erstellte neue Musterurkunde Statuten einer Aktiengesellschaft präsentiert. Prof. Dr. Adriano Marantelli widmet sich den steuerrechtlichen Aspekten der Aktienrechtsrevision.

Grundlagen für die Konzernbesteuerung im schweizerischen Steuerrecht Florian Regli, 2013 Die vorliegende Arbeit befasst sich gegliedert in vier Kapitel mit den Grundlagen der Konzernbesteuerung im schweizerischen Steuerrecht. Ausgangspunkt der Untersuchung bildet die Analyse der Mängel bei der Besteuerung der Konzerne in der geltenden Ordnung sowie verfassungsrechtliche Überlegungen für eine gleichheitsrechtlich differenzierte Besteuerung der konzernierten Unternehmung im schweizerischen Recht. Was unter einer erheblichen Konzernierung zu verstehen ist, bildet mit dem zweiten Kapitel den ersten Schwerpunkt der Arbeit. Es wird ausgehend von erkenntnistheoretischen Überlegungen in zwei Schritten die schweizerische Konzernrechtswirklichkeit untersucht. Zuerst erfolgt eine Verortung des Konzerns in der Steuerrechtsordnung, bevor die in der Aktienrechtsordnung diskutierten Konzernwirklichkeitsbilder untersucht werden. Auf dieser Grundlage wird sodann ein steuerliches Konzernwirklichkeitsbild konstruiert, welches den Bezugspunkt für den weiteren Gang der Untersuchung bildet. Aufbauend auf die Feststellung, dass der steuerliche Konzern aus einer Mehrzahl verbundener Unternehmensträger besteht, sind die Merkmale qualifizierter Konzernverbundenheit zu untersuchen, und es ist zu erörtern, in welchem Ausmass der Konzern nach verschiedenen Perspektiven zu begrenzen ist. Den zweiten Schwerpunkt der Arbeit bildet die Untersuchung verschiedener Gestaltungsalternativen für die Konzernbesteuerung in der Schweiz. Im dritten Kapitel wird unter dem Aspekt der Steuererhebung als erste Alternative die Aufteilung der Besteuerungskompetenzen zwischen Bund und Kantonen untersucht, bevor auf die zweite Alternative, die Konzentration der Kompetenzen beim Bund, eingegangen wird. In Bezug auf die Steuerentrichtung wird danach unterschieden, ob die einzelnen Konzernunternehmensträger oder der Konzern selbst als Steuersubjekt dem Hoheitssträger gegenüber stehen. In Bezug auf die objektive Seite des Steuerrechtsverhältnisses ist

Internationales Steuerrecht der Schweiz Raoul Stocker, Stefan Oesterheld, 2023-05-24 Das internationale Steuerrecht der

Schweiz unterlag in jüngster Vergangenheit massgeblichen Änderungen vor allem aufgrund von internationalen Entwicklungen auf Ebene der OECD. Dies wird auch in Zukunft so bleiben. Das dynamische internationale Wirtschafts- und Rechtsumfeld der wachsende zwischenstaatliche Informationsaustausch sowie Besteuerung der digitalen Wirtschaft und Mindestbesteuerung werfen zahlreiche anspruchsvolle Fragen auf. Dieses Handbuch verfasst von einem kleinen Team ausgewiesener Experten erläutert die Grundlagen des internationalen Steuerrechts der Schweiz und dessen Anwendung auf natürliche Personen und Unternehmen. Von Einkommens- und Vermögenssteuern über Stiftungen und Personengesellschaften bis hin zu Transfer Pricing und Kapitalerträgen werden die relevanten Themen konzipiert und praxisbezogen beleuchtet. Das Buch eignet sich als Einführung und Lehrmittel für Studierende und angehende Steuerexperten wie auch als Nachschlagewerk für alle die beruflich mit internationalem Steuerrecht beschäftigt sind.

Formulary Apportionment for the Internal Market Stefan Mayer, 2009. Since its Company Tax Communication of 2001 the European Commission has been promoting a comprehensive harmonization of corporation taxes within the Internal Market on the basis of consolidation and formulary apportionment of the profits of cross border enterprises both in the form of a Home State Taxation (HST) and of the Common Consolidated Corporate Tax Base. This study assesses whether this approach represents a viable alternative to the arm's length standard currently applied in international tax law. The study comprises four parts. First a theoretical concept of formulary apportionment is presented followed by an evaluation of the practical experiences of four jurisdictions: United States, Canada, Switzerland and Germany with formulary apportionment at the subnational level. Next a proposal for harmonization on the basis of consolidation and apportionment is developed and the book concludes with an overall analysis of the merits and drawbacks of the proposed model for harmonization.

Interkantonale Steuerauscheidung von Universalbanken Anke Stumm, 2021-08-26. Die Allokation des Steuersubstrats einer in mehreren Kantonen steuerbaren Bank ist von hoher finanzpolitischer Bedeutung. Aus den Charakteristika des Bankgeschäfts ergeben sich spezifische Anforderungen für die Kapital- und Gewinnabgrenzung. Dabei ist zwischen dem Zinsdifferenzgeschäft als klassischem Bankgeschäft und der Vermögensverwaltung und Anlageberatung zu unterscheiden. Der Treasury Einheit wird aufgrund ihrer wesentlichen Rolle beim Zinsdifferenzgeschäft ein bedeutender Anteil am steuerbaren Gewinn und Kapital der Universalbank zugewiesen. Das vorliegende Buch entwickelt eine interkantonale Allokationsmethode für Universalbanken, welche die verfassungsmässigen Prinzipien des Steuerrechts respektiert und sowohl für die kantonalen Steuerhoheiten als auch für die Steuerpflichtigen zu einem angemessenen Allokationsergebnis führt. Die Autorin beleuchtet dabei die Möglichkeiten und Grenzen der Gleichbehandlung von Betriebsstätten und verbundenen Unternehmen und zeigt, dass eine ganzheitliche Angleichung aufgrund des steuerrechtlichen Trennungsprinzips nicht möglich ist. Das Buch richtet sich an Steuerbehörden, Banken und mit Steuerfragen beschäftigte Anwältinnen.

Die Praxis der Bundessteuern, begründet von J.u.E. Henggeler... Josef Henggeler, 1943. **Die Verjährung im Recht der direkten Bundessteuer und der harmonisierten kantonalen Steuern** Marco Rostetter, 2019-03-01. Diese St

Galler Dissertation beabsichtigt eine systematische Darstellung und möglichst umfassende Aufarbeitung des Rechtsinstituts der Verj hrung im Recht der direkten Bundessteuer DBG und der harmonisierten kantonalen Steuern StHG Behandelt werden namentlich Grundlagen der Verj hrung Veranlagungsverj hrung Verj hrung von Nachsteuer Revisions Berichtigungs und R ckerstattungsverfahren Bezugsverj hrung Verj hrung von R ckerstattungsanspr chen Fristen der Quellenbesteuerung Mithaftung Strafverfolgungs und Strafvollstreckungsverj hrung Intertemporales Recht *Übertragung einer Kapitalgesellschaft auf die nächste Generation* Marten Ortlinghaus, 2018-12-04 Marten Ortlinghaus analysiert die Steuerbelastungen bei grenz überschreitenden unentgeltlichen Übertragungen von Anteilen an einer Kapitalgesellschaft sowie einer Forderung gegen diese in ausgewählten Staaten BRD GB A CH Damit einhergehende Doppel und Mehrfachbesteuerungen bzw. Belastungen sowie Diskriminierungen werden qualitativ und quantifiziert Die steuerliche Mehrbelastung durch Grenzübertritt wird aus der Perspektive des Übertragers und des Begünstigten betrachtet Im Rahmen des Steuerbelastungsvergleichs wird ein konstitutiver Übertragungsfall gestaltet ein Elternteil überträgt Anteile an einer Kapitalgesellschaft sowie eine Forderung gegen diese auf ein Kind der zunächst isoliert auf die Rechtssysteme der verschiedenen Staaten Anwendung findet Anschließend werden Anknüpfungsmerkmale zu den jeweils anderen Staaten hergestellt und damit der Grenzübertritt simuliert

Grundlagen der Konzernbesteuerung im schweizerischen Steuerrecht Florian Regli, 2021-03-18 Die Besteuerung der Konzerne nach der geltenden Ordnung ist zunächst Thema dieses Buches bevor die Grundlagen der Konzernbesteuerung im schweizerischen Steuerrecht untersucht werden Eine fundierte Analyse der Mängel bei der Besteuerung der Konzerne bildet den Ausgangspunkt für die Betrachtung der geltenden Ordnung sowie verfassungsrechtliche Überlegungen Der Autor hat dabei eine gleichheitsrechtlich differenzierte Besteuerung der konzernierten Unternehmung im schweizerischen Recht vor Augen In der Folge wird der Begriff der erheblichen Konzernierung umrissen und verschiedene Gestaltungsalternativen für die Konzernbesteuerung in der Schweiz untersucht Die Thesen die daraus entwickelt werden und die das Buch beschliessen gehen erstens auf das Verhältnis zwischen Steuerrecht und Konzernen ein nehmen zweitens die steuerliche Erfassung des Konzerns als Netzwerk auf und behandeln drittens die Konzernbesteuerung nach zukünftigem Recht

Konzerninterne Vermögensübertragung – quo vadis? Hannes Teuscher, 2021-09-16 Das seit 2004 im Steuerrecht vorhandene Instrument der konzerninternen Vermögensübertragung soll es Unternehmen nach dem Willen des Gesetzgebers wirtschaftlich ein ähnliches Resultat zu erreichen wie mit einer Fusion Spaltung oder Umwandlung ohne die mitgliedschaftsrechtliche Seite zu tangieren In der Praxis zeigt sich jedoch dass dieses Instrument bei Umstrukturierungen aufgrund diverser Einschränkungen eine relativ geringe Rolle spielt und nicht den Stellenwert erhalten hat welcher ihm ursprünglich zugeordnet war Das vorliegende Buch wertet die bisherige steuerrechtliche Rechtsprechung aus und analysiert die verschiedenen Einschränkungen in der praktischen Umsetzung dieses Instruments die namentlich aus dem Umgang der Steuerverwaltungen mit konzerninternen Vermögensübertragungen erwachsen Der Autor pr

sentierte Lösungensatz für die Umsetzung dieses Instruments mit denen die gesetzgeberisch angestrebten Ziele erreicht werden können. Das Buch richtet sich an alle Steuerberater, Steueranwälte und andere Akteure die sich mit unternehmenssteuerrechtlichen Fragen beschäftigen und an diesen interessiert sind.

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Table of Contents Die Praxis Bundessteuern Teil Iii

1. Understanding the eBook Die Praxis Bundessteuern Teil Iii
 - The Rise of Digital Reading Die Praxis Bundessteuern Teil Iii
 - Advantages of eBooks Over Traditional Books
2. Identifying Die Praxis Bundessteuern Teil Iii
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Die Praxis Bundessteuern Teil Iii
 - User-Friendly Interface
4. Exploring eBook Recommendations from Die Praxis Bundessteuern Teil Iii

- Personalized Recommendations
- Die Praxis Bundessteuern Teil Iii User Reviews and Ratings
- Die Praxis Bundessteuern Teil Iii and Bestseller Lists
- 5. Accessing Die Praxis Bundessteuern Teil Iii Free and Paid eBooks
 - Die Praxis Bundessteuern Teil Iii Public Domain eBooks
 - Die Praxis Bundessteuern Teil Iii eBook Subscription Services
 - Die Praxis Bundessteuern Teil Iii Budget-Friendly Options
- 6. Navigating Die Praxis Bundessteuern Teil Iii eBook Formats
 - ePub, PDF, MOBI, and More
 - Die Praxis Bundessteuern Teil Iii Compatibility with Devices
 - Die Praxis Bundessteuern Teil Iii Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Die Praxis Bundessteuern Teil Iii
 - Highlighting and Note-Taking Die Praxis Bundessteuern Teil Iii
 - Interactive Elements Die Praxis Bundessteuern Teil Iii
- 8. Staying Engaged with Die Praxis Bundessteuern Teil Iii
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Die Praxis Bundessteuern Teil Iii
- 9. Balancing eBooks and Physical Books Die Praxis Bundessteuern Teil Iii
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Die Praxis Bundessteuern Teil Iii
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Die Praxis Bundessteuern Teil Iii
 - Setting Reading Goals Die Praxis Bundessteuern Teil Iii
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Die Praxis Bundessteuern Teil Iii

- Fact-Checking eBook Content of Die Praxis Bundessteuern Teil Iii
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
- Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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