

BIBLIOGRAPHY

BOOKS

- Arnold BJ & McIntyre MJ (2002) *International Tax Primer* The Hague: Kluwer Law International
- Arnold BJ & Van Weeghel S (2006) "The Relationship between Tax Treaties and Domestic Anti-abuse Measures" in Maisto G (ed) *Tax Treaties and Domestic Law* 81-120
- Ault HJ (1997) *Comparative Income Taxation: A Structural Analysis* The Hague: Kluwer Law International
- Ault HJ (2002) "Tax Competition: What (If Anything) To Do About It?" in Raad K (ed)

 International and Comparative Taxation, Essays in Honour of Klaus Vogel The

 Hague: Kluwer Law International 1-8
- Bennet T (2001) International Initiatives Affecting Financial Havens London: LexisNexis
- Bently L & Sherman B (2009) *Intellectual Property Law* (3rd ed) New York: Oxford University Press
- Biswas R (2002) "Introduction: Globalisation, Tax Competition and Economic Development" in Biswas R (ed) *International Tax Competition, Globalisation and Fiscal Sovereignty*, Commonwealth Secretariat 1-14
- Boidman N & Ducharme B (1985) *Taxation in Canada, Implications for Foreign Investment* Deventer: Kluwer Law and Taxation Publishers



- Burns L & Krever R (1998) "Taxation of Income from Business and Investment" in Thuronyi V (ed) *Tax Law Design and Drafting* Washington DC: International Monetary Fund 597-681
- CCH Editorial Staff Publication (2006) *Top Federal Tax Issues for CPE Course* Chicago: Wolters Kluwer Business.
- CCH Editorial Staff (2008) US Master Tax Guide Chicago: CCH Wolters Kluwer Business
- CCH New Zealand Limited (2007) New Zealand Master Tax Guide New Zealand: CCH New Zealand Limited
- CCH Wolters Kluwer Business (2008) *Canadian Master Tax Guide* (63rd ed) Canada: CCH Canadian Limited
- Christie CH (2006) The Law of Contract (5th ed) Durban: LexisNexis
- Collins Concise Dictionary (1995) (3rd ed) Harper Collins Publishers
- Collinson D & Tiley J (2006) *Tiley and Collinson UK Tax Guide* 2006 2007 Edinburgh: LexisNexis
- Dahlberg M (2003) Transfer Pricing: Using the Comparable Uncontrolled Price Method (LLM Dissertation, University of Lund)
- Davis D (2001) What You Must Know About Capital Gains Tax Cape Town: Siberink
- Davis RD (1985) Principles of International Double Taxation Relief London: Sweet & Maxwell



- De Broe L (2008) International Tax Planning and Prevention of Abuse Amsterdam: IBFD Publications BV
- Diamond WH & Diamond WB (2002) *Tax Havens of the World* (Release No 108 Jan 2002) New York: Matthew Bender & Co New York
- Divaris C & Stein M (2007) South African Income Tax Guide Durban: Lexisnexis
- Doerenberg RL, Hellerstein W, Jinyan L & Hinnekens L (2001) *Electronic Commerce* and *Multi-jurisdictional Taxation* Dordrecht: Kluwer Law International
- Easson A (2004) *Tax Incentives for Foreign Direct Investment* The Hague: Kluwer Law International
- Emslie TS, Davis DM, Hutton SJ & Olivier L (2001) *Income Tax Cases and Materials*Cape Town: The Taxpayer
- Erasmus DN & Boonzaier WA (2002) *Capital Gains Tax A Guideline* Sunnyside: Law Society of South Africa Continuing Legal Education
- Ernst & Young (2006) Worldwide Corporate Tax Guide [S.1]: EYGM
- Feinschreiber R (2002) Transfer Pricing International A Country-by-Country Guide New York: John Wiley & Sons
- Geach WD (2001) Capital Gains Tax in South Africa The Essential Guide Cape Town:

 Juta Law
- Ginsberg SA (1997) *International Tax Havens* (2nd ed) London and Edinburgh: Butterworths & Co Ltd



- Glautier MWE & Bassinger FW (1987) A Reference Guide to International Taxation:

 Profiting from Your International Operations London: Simon & Schuster
- Haccius C (2004) *Ireland in International Tax Planning* Amsterdam: IBFD Publications BV
- Hadnum L (2006) The World's Best Tax Havens United Kingdom: Taxcafe UK Limited
- Hamaekers H "Arm's Length How Long?" (2002) in Raad K (ed) *International and Comparative Taxation, Essays in Honour of Klaus Vogel, Series on International Taxation* The Hague: Kluwer Law International 29-52
- Hampton M (1996) *The Offshore Interface: Tax Havens in the Global Economy* Hants United Kingdom: Palgrave MacMillan
- Harris DF (2005) "Reduction and Elimination of Economic Double Taxation by Tax Treaties" in Stefaner M & Züger M (eds) *Tax Treaty Policy and Development* Wien: Linde Verlang 41-61
- Holland D & Vann R (1998) "Income Tax Incentives for Investment" in Thuronyi V (ed)

 Tax Law Design and Drafting Washington DC: International Monetary Fund 9861020
- Holmes K (2007) International Tax Policy and Double Tax Treaties An Introduction to Principles and Application Amsterdam: IBFD Publications BV
- Hornby AS (2006) Oxford Advanced Learner's Dictionary of Current English (7th ed)
 Oxford: Oxford University Press
- Huxham K & Haupt P (2008) *Notes on South African Income Tax* Roggebaai: Hedron Tax Consulting and Publishing cc



- International Monetary Fund (2005) Annual Report on Exchange Arrangements and Exchange Restrictions Washington DC: International Monetary Fund
- Jonker F & Loos MJI (1995) "Tax Rulings in The Netherlands and The Netherlands Antilles" in Campbell D (ed) *International Tax Planning* 151 Dordrecht: Kluwer Law International 161-170
- Jones JFA (2006) "The Interaction between Tax Treaty Provisions and Domestic Law" in Maisto G (ed) *Tax Treaties and Domestic Law* Amsterdam: IBFD Publications BV 123-158
- Joubert WA & Faris JA (2000) *The Law of South Africa* (Vol 22 Reissue 1) Durban: Butterworths
- Kamphius E, Gillis J & Diakonova I (2002) "Group Financial Services Companies: Tax and Transfer Pricing Policy" in Betten R (ed) *The New Netherlands Transfer Pricing Regime* Amsterdam: IBFD Publications BV 29-57
- Kerr AJ (2006) The Principles of the Law of Contract (6th ed) Durban: LexisNexis
- Kröner RP & Van Doorne T (1995) "Legal Aspects of Tax Rulings in the Netherlands" in Campbell D (ed) *International Tax Planning* 149 Kluwer Law International Dordrecht 149-160
- Kunst JA, Delport P & Vorster Q (2008) *Henochsberg on the Companies Act* (5th ed) Durban: LexisNexis
- Laing S British Master Tax Guide 2006/2007 (2006) Surrey: Wolters Kluwer (UK) Limited



- Lindsay N (2008) New Zealand Master Tax Guide New Zealand: CCH New Zealand Limited
- Loncarevic I (2005) "Economic Relevance of Double taxation Conventions" in Stefaner M & Züger M (eds) *Tax Treaty Policy and Development* Wien: Linde Verlang 17-38
- Lyon A (1995) "Taxation, Information Asymentries, and the Financing Choice of the Firm" in Shah A (ed) *Fiscal Incentives for Investment and Innovation* Oxford: Oxford University Press
- Malherbe J (2002) "Harmful Tax Competition and the Future of Financial Centres in the European Union in International and Comparative Taxation" in Raak K (ed)

 Essays in Honour of Klaus Vogel The Hague: Kluwer Law International 111-122
- McLure CE (1979) Must Corporate Income be Taxed Twice?: A Report of a Conference Sponsored by the Fund for Public Policy Research and the Brookings Institution Fund for Public Policy Research, Brookings Institution
- Meyerowitz D (2008) Meyerowitz on Income Tax (2007 2008) Cape Town: The Taxpayer
- Miller A & Oats L (2006) *Principles of International Taxation* West Sussex: Tottel Publishing Ltd
- Miller P & Hardy G (2007) *Taxation of Company Reorganisations* West Sussex: Tottel Publishing Ltd
- Müller J (2005) *The Netherlands in International Tax Planning* 10 Amsterdam: IBFD Publications BV



- Musgrave PB (2002) "Fiscal Coordination and Competition in an International Setting" in Musgrave PB (ed) *Tax Policy in the Global Economy* Massachusetts: Edward Edgar Publishing Inc 276–305
- Nagel CJ et al (2000) Business Law (2nd ed) Durban: LexisNexis Butterworths
- Ogley A (1993) Principles of International Tax: A Multinational Perspective London: Chown & Company Limited
- Oguttu AW (2007) Curbing Offshore Tax Avoidance: The Case of South African Companies and Trusts (LLD dissertation University of South Africa)
- Oleynic I (ed) (2006) *Mauritius Tax Guide* Washington DC: International Business Publications
- Olivier L & Honiball M (2008) *International Tax A South African Perspective* Cape Town: Siber Ink
- Oosterhoff D (2002) "Transfer Pricing Landscape: Legislation and Guidance" in Betten R (ed) *The New Netherlands Transfer Pricing Regime* Amsterdam: IBFD Publications BV 3-28
- Peters C (2005) "National Report Netherlands" in Lang M, Herdin J & Hofbaner I (eds) WTO and Direct Taxation (Vol 10) The Hague: Kluwer Law International 495–524
- PricewaterhouseCoopers (2006) Income Tax Guide [S.1]: PWC
- PricewaterhouseCoopers UK Accounting Consulting Services Group (2008) IFRS

 Manual of Accounting: 2008 Global Guide to International Financial Reporting

 Standards New York: Kluwer Law & Business



- Rawal R (2006) The Taxation of Permanent Establishments: An International Perspective London: Spiramus Press Ltd
- Rohatgi R (2005) Principles of International Taxation London: BNA International Inc
- Rolfe C (1998) International Transfer Pricing London: Coopers & Lybrand
- Russo R (2007) Fundamentals of International Tax Planning Amsterdam: IBFD Publications BV
- Sandler D (1998) Tax Treaties and Controlled Foreign Company Legislation: Pushing the Boundaries (2nd ed) New York: Kluwer Law International
- Scholtz W (2005) CGT, Companies and Their Shareholders Durban: Lexisnexis
- Spenke G & Lier PA (1992) Taxation in the Netherlands Deventer: Kluwer Law International
- Spitz B & Clarke G (2002) Offshore Service London: Butterworths
- United Nations Conference on Trade and Development (2000) Tax Incentives and Foreign Direct Investment: A Global Survey New York and Geneva: United Nations
- Van Dam H & Jacobs L (2002) "Advance Tax Rulings" in Betten R (ed) (2002) *The New Netherlands Transfer Pricing Regime* Amsterdam: IBFD Publications BV 119–130
- Van der Merwe S, Van Huysteen LF, Reinecke MFB & Lubbe GF (2007) Contract General Principles (3rd ed) Cape Town: Juta Law



- Van Herksen M (2002) "New and Improved: Advance Pricing Agreements" in Betten R (ed) *The New Netherlands Transfer Pricing Regime* Amsterdam: IBFD Publications BV 91–118
- Van Weeghel S (1998) *The Improper Use of Tax Treaties* Deventer: Kluwer Law International
- Vanhaute PA (2008) *Belgium in International Tax Planning* (2nd ed) Amsterdam: IBFD Publishers BV
- Vanistendael F (1998) "Taxation of Corporate Reorganizations" in Thuronyi V (ed) *Tax Law Design and Drafting* Washington DC: International Monetary Fund 895–924
- Vann RJ (1998) "International Aspects of Income Tax" in Thuronyi (ed) *Tax Law Design* and *Drafting* Washington DC: International Monetary Fund 718–810
- Vogel K (1997) *Vogel on Double Taxation Conventions* (3rd ed) Dordrecht: Kluwer Law International
- Warner PJ (2004) *Luxembourg in International Tax Planning* Amsterdam" IBFD Publications BV
- Wattel PJ (2003) "Pending Cases Filed by Dutch Courts in Direct Taxation" in Lang M (ed) *Recent ECJ Developments* London: Kluwer Law International 153–170
- Weigel DR et al (1997) Foreign Direct Investment World Bank Publication: New York
- Westin RA (2000) *International Taxation of Electronic Commerce* (2nd ed) London: Kluwer Law International



Whiteman PG, Gammie M & Herbert M (1988) Whiteman on Capital Gains Tax (4th ed) London: Sweet & Maxwell

Williams RC (2005) *Capital Gains Tax – A Practitioner's Manual* (2nd ed) Cape Town: Juta & Co

Williams RC (2006) *Income Tax in South Africa – Law and Practice* (4th ed) Durban: LexisNexis



JOURNAL ARTICLES

- Avi-Yonah RS "Tax Competition, Tax Arbitrage and the International Tax Regime" (2007) *Bulletin for International Taxation* 138
- Bayliff P and Teves A "Using the Netherlands as an Operational Base" (1985)

 International Financial Law Review (Vol. 4) 31
- Bergmann H, Hirschler K, Rödler and Kornberger M "Tax Treatment of Holding Companies in Austria" (2004) *Bulletin for International Fiscal Documentation* 418
- Berner R "Where the UK Falls Short" (1993) International Tax Review 24-26.
- Boltar J & Monteiro C "Law of Taxation" (2001) Annual Survey of South African Law 815
- Boltar J "Law of Taxation" (2000) Annual Survey of South African Law 815
- Boon R "The Holding Regime in the Netherlands" (1992) *The International Tax Journal* (Vol. 18 Issue 4) 48
- Bratton WW & McCahery JA "Tax Coordination and Tax Competition in the European Union: Evaluating the Code of Conduct on Business Taxation" (2001) 28

 Common Market Law Review 677
- Brenfield J "Sweden's New CFC Regime after Cadbury Schweppes Comments and Analysis" (2008) *Bulletin for International Taxation* 295
- Brood E "Dutch Credit for Foreign Withholding (1995) *International Tax Review* (Vol. 6) 20-22;



Burt K "Apportionment Under s 9D" (2004) Tax Planning 110

Burt K "The Justification for s 79(1) of the Income Tax Act and the Hypothetical Application of the Doctrine of Substantive Legitimate Expectations in the Tax Context" (2004) South African Law Journal 544

Cassidy J "Capital gains Tax in South Africa – Lessons from Australia" (2004) South

African Mercantile Law Journal 165

Cinnamon A "Tasty Regimes Tempt Holding Companies" (1999) *International Tax Review* (Vol. 10) 9-11.

Clegg D "Aye, There's the Rub" (2007) Tax Planning 63

Clegg D "Business Establishments" (2004) Tax Planning 60

Connell L 'Holding Companies to Account: The Expense Apportionment Conundrum' (2004) South African Law Journal 117

Cronje WB "Changes to Income Tax and Exchange Control in South Africa" (1997)

International Tax Review 319

Cunningham W "Ireland's New Holding Company Regime" (2004) *Bulletin for International Taxation* 544

Cussons P and Bojkovic M "Where do I hold my company?" (1998) *Accountancy* (Vol. 122, Issue 1262) 124

Dachs P "Foreign Taxes Levied" (2006) Tax Planning 138

De Jong E "The Netherlands" (1995) International Tax Review 30



- De Neef G and Malvaux B "New Belgian Rules on Dividend Income Taxation and Capital Gains Exemption" (1997) *International Tax Review* 290
- Decleir HVA "Belgian Budgetary Income Tax Measures of 1997: Major Changes for the Participation Exemption and Introduction of Thin Capitalization Rules" (1998)

 The International Tax Journal (Vol. 24 Issue 1) 60
- Deuchar G and Van Hulsen F "What next for UK mixers?" (2001) *International Tax*Review (Vol. 12) 48
- Diamond L "Maintaining Ireland's Advantages as a Location for FDI" (2008)

 **Accountancy Ireland* (Vol. 40 Issue 5) 80
- Dierckx F "Belgium's Holding Company Regime Past, Present and Future" (2008)

 *Bulletin for International Taxation 404
- Dodwell B and Sarrau C "Cadbury Schweppes: the ECJ Decides" (2006 November) Tax Adviser 26
- Doets M and Van Dam H "Transfer Pricing in the Netherlands The 'Rules of the Road'" (2006) *Bulletin for International Taxation* 344
- Eskinazi R "Attracting Foreign Investment The Role of Tax" (1991) *Juta's Foreign*Tax Review 2
- Eynatten W "European Holding Company Tax Regimes: A Comparative Study" (2007) European Taxation (Vol. 47 Issue 12) 562
- Forst DL "The Continuing Vitality of Source-Based Taxation in the Electronic Age" (1997) 15 Tax Notes International 1455



- Gibbons WJ "Tax Effects of Basing International Business Abroad" (1956) *Harvard Law*Review 1207
- Gumbel P "The Storm over Tax Havens: Corporate Scandals have Boosted the Pressure on Offshore Havens to Open their Books: Some have done so But Global Crackdown has a Long Way to Go" (2004) 16 Time Magazine 23
- Haelterman A and Verstraete H "The 'Notional Interest Deduction' in Belgium" (2008)

 *Bulletin for International Taxation 362
- Hammer V "How Should a Corporation Strategically Review its Capital Markets and Financial Activities in the United States" (2008) *Derivatives & Financial Instruments* (Volume 10 No 1) 10
- Hansen AO "Practical Aspects of Setting up Holding Companies" (2000) European Taxation (Vol. 40 Issue 4) 130
- Haydock JD "The Effect of the Amendments to the Definition of a Subsidiary in the Companies Amendment Act 82 of 1992" (1993) South African Mercantile Law Journal 166
- Hickson J "Ireland" (2009) International Tax Journal (Vol. 35 Issue 2) 33
- Hinnekens P and Drijkoningen P "Belgium's Holding Company Regime The Dividends-Received Deduction and Capital Gains Exemption for Shares" (2001)

 Bulletin for International Taxation 358
- Jenner G and De Koning J "Dutch Law Offers Mixed Blessings(1996) *International Tax*Review (Vol. 7) 21



Jooste R "The Imputation of Income of Controlled Foreign Entities" (2001) South

African Law Journal 474

Joubert D "Participation Exemption" (2002) Tax Planning 98

Kavanagh J "New U.K. Participation Exemption for Capital Gains on Substantial Shareholdings" (2002) *Journal of International Taxation* (Vol. 13 Issue 8) 24

Kolitz "Designated Countries and Foreign Dividends" (2005) Tax Planning 19

Kolitz "Listed Share Valuations - A Closer Examination of the Three Options for the Base Cost of an Asset Available to Taxpayers" (2002) *Tax Planning* 2

Kolitz M "Capitalised Profits" (2007) Tax Planning 56

Kolitz M "Part Disposals" (2002) Tax Planning 42

Lambooij M & Peelen S (2006) "The Netherlands Holding Company – Past and Present" Bulletin for International Taxation 335

Leegaard T "CFC legislation - Recent Changes to the Acceptable Distribution Policy Exemption" (2001) *European Taxation* (Vol. 41 Issue 7) 293

Legwaila T "The Business Establishment Exemption" (2004 - December) De Rebus 42

Legwaila T "The New Treatment of Foreign Dividends" (2004 - October) De Rebus 47

Loughlin A "Ireland Offers Limited Opportunities" (1993) International Tax Review 37

Malherbe J et al "Controlled Foreign Corporations in the EU after Cadbury Schweppes" (2007) Tax Management International Journal 607



Mazansky E "From STC to a Dividend Tax" (2007) Tax Planning 78

Mazansky E "South Africa and its Worldwide Tax Regime: Have we (Almost) Come Full Circle?" (2004) Bulletin for International Fiscal Documentation 151

Meyerowitz D, Emslie T & Davis D "Advance Tax Rulings System" (2006) *The Taxpayer* 192

Meyerowitz D, Emslie T & Davis D "Controlled Foreign Entity" (2000) *The Taxpayer* 186

Meyerowitz D, Emslie T & Davis D "Why Capital Gains Tax" (2001) The Taxpayer 228

Mitchell "Capital Distributions" (2007) Tax Planning 143

Mitchell L "Aligned Grievances" (2002) Tax Planning 21

Mitchell L "Capital Distributions" (2007) Tax Planning 143

Mitchell L "Foreign Dividends" (2007) Tax Planning 70

Mitchell L, Stein M & Silke J "Controlled Foreign Entities" (2001) *Income Tax Reporter* (Vol 40 part 1) 30

Mitchell L, Stein M, Silke J & Jooste R "Interest Incurred on Earning Foreign Dividends" (2001) *Income Tax Reporter* 71

Mitchell L, Stein M, Silke J & Jooste R "Rebate or Deduction of Foreign Taxes" (2008)

Income Tax Reporter 137



Mitchell L, Stein M, Silke J & Jooste R "Secondary Tax on Companies" (2008) *Income*Tax Reporter 48

Monteiro C "Law of Taxation" (2002) Annual Survey of South African Law 936

Oguttu AW "Transfer Pricing and Tax Avoidance: Is the Arm's – Length Principle Still Relevant in the e-Commerce Era?" (2006) *South African Law Journal* 138

Olivier L "Determining a Taxable Capital Gain or an Assessed Capital Loss: Some Problems (2007) *Meditari Accountancy Research* Vol 15 No 1 35

Olivier L "Law of Taxation" (2003) Annual Survey of South African Law 913

Olivier L "Law of Taxation" (2004) Annual Survey of South African Law 764

Olivier L "Law of Taxation" (2005) Annual Survey of South African Law 770

Olivier L "The 'Permanent Establishment Requirement in an International and Domestic Taxation Context: An Overview" (2002) *South African Law Journal* 866

Osterweil and Quaghebeur "Taxation of Companies under Belgian Income Tax Law" (2008) *Bulletin for International Taxation* 346

Phelan M "Holding Companies: the New Regime" (2005) *Accountancy Ireland* (Vol. 37 Issue 3) 44

Salinas JG "The OECD Tax Competition Initiative: A Critique of its Merits on the Global Market Place" (2003) 25 *Houston Journal of International Law* 538



- Sawyer AJ "Advance Pricing Agreements: A Primer and Summary of Developments in Australia and New Zealand" (2004) *Bulletin for International Fiscal Documentation* 556
- Schonewille PH "Some Questions on the Parent-Subsidiary Directive and the Merger Directive" (1992) *International Tax Review* 13
- Schoonvliet E "Unilateral and Treaty Measures in Belgium for the Avoidance of Double Taxation" (2008) *Bulletin for International Taxation* 430
- Shannon HA "Tax Incentives and Tax Sparing" (1992) International Tax Review 84
- Silke & Stretch "Removing Tax on Certain Foreign Dividend Repatriations" 2003

 Taxgram (Issue No 3) 8
- Silke & Stretch "STC Nature of Liquidation Dividend" 2005 Taxgram (Issue No 10) 9
- Silke J & Stretch R "Advance Tax Ruling System Implemented" (2006) *Taxgram* (Issue No 4) 6
- Silke J & Stretch R "Capital Gains Tax Primary Residence Exemption" (2001)

 Taxgram (Issue No 4) 4
- Silke J & Stretch R "CGT: Disposal of Small Business Assets" (2001) *Taxgram* (Issue No 8) 2
- Silke J & Stretch R "CGT: Limitation of Capital Losses" (2001) Taxgram (Issue No 7) 5
- Silke J & Stretch R "Discussion Paper on Advance Tax Rulings" (2004) *Taxgram* (Issue No 3) 1



- Silke J & Stretch R "From STC to a Shareholder Dividends Tax" (2008) *Taxgram* (Issue No 4) 3
- Silke J & Stretch R "High Court: STC not a Tax on Dividends" (2008) *Taxgram* (Issue No 9) 9
- Silke J & Stretch R "Interpretation Note No 18: Rebate for Foreign Taxes and Natural Persons" (2003) *Taxgram* (Issue No 6) 5
- Silke J & Stretch R "Liquidation, Winding-up and Deregistration" (2002) *Taxgram* (Issue No 10) 5
- Silke J "Settling Disputes" (2002) Tax Planning 9
- Spoelder E and Bosch M "Transfer Pricing Developments in the Netherlands" (2004)

 Bulletin for International Fiscal Documentation 158
- Stanley & Potgieter "Transfer Pricing: Comment on Revenue's New Practice Note" October/November (1999) *Executive Business Brief* 21
- Stein "Part Disposals and CGT" (2004) Tax Planning 36
- Stein M "Liquidation distributions and STC" (2005) Tax Planning 19
- Sunderman M "Netherlands, Thin Capitalization Rules Introduced" (2004) *Bulletin for International Taxation* (Vol 58, January/February 2004) 40
- Swart G "Interpreting Some Core Concepts Governing the Taxation of Capital Gains" (2005) South African Law Journal 1



- Tahon M and Bogaerts R "Belgium: Amendments to the Participation Exemption Regime" (2002) *European Taxation* (Vol. 42 Issue 12) 513
- Tickle D "Group Rationalisation" (2007) Tax Planning 82
- Tivnan P and Lewis F "Foreign Dividends: Irish HoldCo Gains Momentum" (2008)

 Accountancy Ireland (Vol. 40 Issue 3) 61-63
- Tsatsawane K "Interest Income from a Source Within, or Deemed to be Within, South Africa" (2000) *Juta's Business Law* (Vol 8 Part 4) 178
- Van Dam H "Transfer Pricing Rules and Practice in the Netherlands An Overview" (2006) *Tax Management International Journal* 443
- Van der Donk O "Dutch Boost for Multinationals" (1996) *International Tax Review* (Vol. 7) 31
- Van der Laan RA and Papen JC "About Netherlands Finance Centres and More" (1996) *International Tax Review* 208-213.
- Van der Merwe "Residence of a Company the Meaning of Effective Management" (2002) South African Mercantile Law Journal 79
- Vogel K "Worldwide vs Source Taxation of Income A Review and Re-evaluation of Arguments (Part I)" (1998) *Intertax* 219
- Ware J "Advance Tax Rulings" (2005) Tax Planning 29
- Watterson J Corporation Tax 2008/2009 (2008) West Sussex: Tottel Publishing



Wilcocks JS & Strydom JJ "The Concept of 'Disposal' for the Purposes of Capital Gains Tax in South Africa" (2000) *Meditari Accountancy Research* 312

Wilson I "International Tax – XII" (2005) Tax Planning 8

Wilson I "International Tax – XIII" (2005) Tax Planning 44

Wilson I "International Tax – XIV" (2005) Tax Planning 63

Wilson I "International Tax – XV" (2005) Tax Planning 88

Wilson I "International Tax II" (2003) Tax Planning 42

Wilson I "International Tax III" (2003) Tax Planning 65

Wilson I "International Tax IV" (2003) Tax Planning 78

Wilson I "International Tax IX" (2004) Tax Planning 90

Wilson I "International Tax V" (2003) Tax Planning 113

Wilson I "International Tax VI" (2003) Tax Planning 131

Wilson I "International Tax VII" (2004) Tax Planning 4

Wilson I "International Tax VIII" (2004) Tax Planning 53

Wilson I "International Tax X" (2004) Tax Planning 115

Wilson I "International Tax XI" (2004) Tax Planning 124



Wilson I "International Tax" (2003) Tax Planning 20

Workman DJ "The Use of Offshore Tax Havens for the Purpose of Criminally Evading Income Taxes" 1982 *The Journal of Criminal Law and Criminology* 679



ELECTRONIC SOURCES

- Adukia RS International Financial Service Centre/Offshore Financial Centre

 http://www.caclubindia.net/books/manual_sez_ftwz_ifsc/Ch%2022.asp accessed

 on 11 June 2009
- Äimä K & Kiikeri M Direct Tax Rules and the EU Fundamental Freedoms: Origin and Scope of the Problem; National and Community Responses and Solutions, Finland, (2006) 22nd FIDE Congress http://www.fide2006.org/TOPC1/Tax%20Kiikeri%20Finland.pdf accessed on 15 January 2009
- Bakker A "Netherlands: Changes to Dutch Participation Exemption are Postponed" (January 2001) *International Tax Review*http://www.internationaltaxreview.com/?Page=10&PUBID=35&ISS=12634&SID=468288&TYPE=20 accessed on 05 February 2009
- Bakker A "Netherlands: Changes to Dutch Participation Exemption are postponed" (December 2000/January 2001) *International Tax Review* http://www.internationaltaxreview.com/?Page=10&PUBID=35&ISS=12634&SID=468288&SM=&SearchStr=%22intermediary%20holding%20company%22 accessed on 12 November 2009
- Bhagwati J Anatomy of Exchange Control Regimes

 http://www.nber.org/chapters/c1019.pdf accessed on 13 February 2009
- Boudewijn B "Using a Dutch Intermediary Company to Help Manage and Control an Organization's Worldwide Tax Liabilities" (1994) *The International Tax Journal* http://proquest.umi.com/pqdweb?did=7645136&Fmt=2&clientId=27625&RQT=309&VName=PQD accessed on 17 November 2009



- Campbell D International Taxation of Low-Tax Transactions (2007) II/61 http://books.google.co.za/books?id=prLYMAwtTcC&pg=PT3&source=gbs_selected_pages&cad=0_1 accessed on 12 November 2008
- "Capital Gains Tax Guide" http://www.bizland.co.za/cgt.htm#triggers accessed on 15

 October 2008
- Connell A and O'Meara C "Ireland: Ireland's New Rules on the Taxation of Dividend Income Some Practical Considerations" (2008) *International Tax Review*http://www.internationaltaxreview.com/?Page=10&PUBID=35&ISS=24924&SID=710730&TYPE=20 accessed on 14 October 2009
- Cullen P and Forde E "Ireland Moves Ahead as a Holding Company Location" (2004)

 International Tax Review

 http://proquest.umi.com/pqdweb?did=609359621&Fmt=3&clientId=27625&RQT

 =309&VName=PQD accessed on 16 November 2009
- Dahlberg M Transfer Pricing: Using the Comparable Uncontrolled Price Method (LLM Dissertation 2003 University of Lund)

 http://www.jur.lu.se/Internet/Biblioteket/Examensarbeten.nsf/0/E93C82442F50C

 8A9C1256DB30035FC73/\$File/xsmall.pdf?OpenElement accessed on 1 March 2008
- "Deductibility of Losses" (Supplement Energy 2002) International Tax Review http://www.internationaltaxreview.com/?Page=17&PUBID=211&ISS=13174&SI
 http://www.internationaltaxreview.com/?Page=17&PUBID=211&ISS=13174&SI
 http://www.internationaltaxreview.com/?Page=17&PUBID=211&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=13174&ISS=131
- "Doing Business in the Netherlands Dutch Corporate Tax Regime" http://www.tax-consultants-international.com/read/Dutch_corporate_tax_regime accessed on 25

 June 2008



- Ernst & Young *Dutch Government Issues Consultation Document on Tax Reform*http://www.ey.com/Publication/vwLUAssets/N_Dutch_International_Tax_Alert,
 June_12_2009/\$FILE/N_Dutch%20International accessed on 11 January 2010
- Exchange Control Circular 13 of 2009 accessible on http://www.reservebank.co.za/internet/Publication.nsf/LADV/C5C3ADD965CE1
 79F4225765C004F8AF4/\$File/Circ+No+13+2009.pdf accessed on 11 January 2009
- FBC "Foreign Exchange Losses are Deductible"

 http://www.fbc.ca/Keep_Current/Articles/articles02160502.asp accessed on 13

 June 2009
- Fernández JMB and Van Olffen M on behalf of the Ministry of Justice, the Netherlands Regulation and application of LLP and LLC (2007) 1-3 available on http://www.wodc.nl/images/1423_summary_tcm44-81289.pdf. accessed on 8 June 2009
- "Financing Basics: Debt vs. Equity"

 http://www.toolkit.com/small_business_guide/sbg.aspx?nid=P10_2000 accessed on 10 June 2009
- Finnerty CJ Introduction Holding Companies

 http://online2.ibfd.org/collections/hold/html/hold_introduction.html accessed on 18 August 2008
- Foreign and Commonwealth Office Partnership for Progress and Prosperity British and Overseas Territories (17 March 1999) available on http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPagewc=Page&cid=1018028164839 accessed on 30 May 2009



- "Foreign Tax Credit" http://www.taxalmanac.org/index.php/Foreign_Tax_Credit accessed on 14 October 2008
- Foster H Losses for Companies Mean Losses for Governments http://www.dlapiper.com/hu/global/publications/detail.aspx?pub=1412 accessed on 22 March 2008
- Garven B *Budget Prediction* http://www.bowman.co.za/LawArticles/Law-Article.asp?id=2132417248 accessed on 14 January 2008
- Girish KR Offshore Financial Centres and Routing of Investments

 http://www.businessgyan.com/content/view/199/430/ accessed on 21 September 2008
- "Global Strategies" (Supplement Energy 2002) International Tax Review http://www.internationaltaxreview.com/?Page=17&PUBID=211&ISS=13174&SID=487921&SM=&SearchStr=%22intermediary%20holding%20company%22 accessed on 09 November 2009
- Gordon-Brown M Controlled Foreign Companies

 http://www.tax.org.uk/showarticle.pl?id=93&n=379 accessed on 05 November 2009
- Gruner P EFTA Court Rules on Norwegian Tax Credit, Norway Tax Alert (25 May 2008) http://www.deloitte.com/dtt/alert.html accessed on 12 June 2008
- HM Revenue & Customs Capital Gains Tax http://www.hmrc.gov.uk/cgt/index.htm accessed on 15 October 2008
- http://www.allenovery.com/AOWEB/AreasOfExpertise/Editorial.aspx?contentTypeID=1
 &contentSubTypeID=7944&itemID=50601&prefLangID=410 accessed on 13
 June 2009



http://www.finconsgroup.com/Offers/Proprietary_Solutions/Fiscal_Accounting.kl accessed on 02 July 2008

http://www.investors.oriflame.com/files/Oriflame_dividend_withholding_tax.pdf accessed on 10 November 2008

http://www.oecd.org/dataoecd/4/18/40569082.pdf accessed on 05 November 2008

http://www.oecd.org/dataoecd/4/18/40569082.pdf accessed on 05 November 2008

http://www.sars.gov.za/home.asp?pid=3906 accessed on 08 June 2009

http://www.tax-consultantsinternational.com/read/Dutch_corporate_tax_regime#18 accessed on 10 June 2008

Internal Revenue Service *S Corporations* available at www.irs.gov/businesses/small/article/0,,id=98263,00.html accessed on 11 June 2009

International Bureau for Fiscal Documentation *Taxation of Holding Companies - Transfers within a Fiscal Unity* http://online2.ibfd.org/hold/ accessed on 08 July 2008.

"Ireland's Holding Company Regime is Legal" (2004) *International Tax Review*http://proquest.umi.com/pqdweb?did=783743651&Fmt=3&clientId=27625&RQT=309&VName=PQD accessed on 16 November 2009

"Irish Holding Companies"

http://www.byrnemccall.ie/byrnemccall/Main/HoldingCompanies2006-5.htm
http://www.byrnemccall.ie/byrnemccall/Main/HoldingCompanies2006-5.htm
http://www.byrnemccall.ie/byrnemccall/Main/HoldingCompanies2006-5.htm
https://www.byrnemccall.ie/byrnemccall/Main/HoldingCompanies2006-5.htm
https://www.byrnemccall.ie/byrnemccall/Main/HoldingCompanies2006-5.htm



- Isenbaert M "Belgium Dividend Received Deduction Regime Found Contrary to the Parent-Subsidiary Directive by the ECJ in the Cobelfret Case" (2009) *Client Alert* http://www.bakernet.com/NR/rdonlyres/8332E9A5-EF15-4EFB-BC77-5DB3F7FAA2F8/0/belgium_colfretcase_ca_feb09.pdf accessed on 18 November 2009
- ISLA Tax Information Exchange Agreements are not always working http://www.isla-offshore.com/going-offshore/tieas-dont-always-work/ accessed on 09 November 2009
- Jakoben M and de Haan P "European Union: Why Withholding Taxes are under Threat" (2005) International Tax Review http://www.internationaltaxreview.com/Default.asp?Page=10&PUBID=35&ISS=20909&SID=596447&TYPE=20 accessed on 06 November 2009
- Jansen B "Netherlands: New APA and ATR Policy, and Transfer Pricing Guidelines" (2001) International Tax Review http://www.internationaltaxreview.com/?Page=10&PUBID=35&ISS=12630&SID=468493&SM=&SearchStr=%22intermediary%20holding%20company%22 accessed on 12 November 2009
- Janssen J "Repurchase transactions in the Netherlands" (2008) *International Financial Law Review*http://www.iflr.com/includes/supplements/PRINT.asp?SID=515115&ISS=16382
 http://www.iflr.com/includes/supplements/PRINT.asp?SID=515115&ISS=16382
 http://www.iflr.com/includes/supplements/PRINT.asp?SID=515115&ISS=16382
 http://www.iflr.com/includes/supplements/PRINT.asp?SID=515115&ISS=16382
 http://www.iflr.com/includes/supplements/PRINT.asp?SID=515115&ISS=16382
 http://www.iflr.com/includes/supplements/PRINT.asp?SID=515115&ISS=16382
 <a href="http://www.iflr.com/includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/print-includes/supplements/pri
- Juusela J "Finland: Court Decision on Liquidation Loss" (2009) *International Tax Review*http://www.internationaltaxreview.com/?Page=10&PUBID=35&ISS=25471&SI



<u>D=722231&SM=&SearchStr=%22holding%20company%22</u> accessed on 16 November 2009

- Juusela J "Finnish Investment now less Taxing" (2007) *International Financial Law Review* http://www.iflr.com/includes/supplements accessed on 10 July 2008
- Katz Commission (1995) Third Interim Report of the Commission of Inquiry into Certain

 Aspects of the Tax Structure of South Africa

 http://www.treasury.gov.za/publications/other/katz/4.pdf accessed on 25 February 2009
- Koninkrijk der Nederlanden *Doing Business in the Netherlands* available at http://www.netherlands-embassy.org/printerfriendly.asp?articleref=AR00002251EN accessed on 25 May 2009
- Kriek R and Drijer H "Cypriot Companies go Dutch for Tax Planning" (2007)

 International Tax Review

 http://proquest.umi.com/pqdweb?did=1379442051&Fmt=3&clientId=27625&RQ

 T=309&VName=PQD accessed on 17 October 2009
- Lambooij and Portengen *Netherlands Holding Companies*http://online2.ibfd.org/collections/hold/html/hold_nl.html accessed on 19 August 2008
- Lee R UK Finance Bill Introduces New CFC Rules http://www.tax-news.com/archive/story/UK_Finance_Bill_Includes_New_CFC_Rules_xxxx2690
 9.html# accessed on 05 November 2009



Makola M The Attraction of the Foreign Direct Investment (FDI) by the African Countries

http://www.essa.org.za/download/2003Conference/MakolaM_%20The%20Attrac tion%20Of%20The%20Foreign%20Direct%20Investment%20%20By%20The%2 0African%20Countries.pdf accessed on 11 November 2008

- Mazansky E *South Africa: Participation Exemption Rules Eased* (2 November 2005) http://www.mondaq.com/article.asp?articleid=35862 accessed on 12 January 2009
- McGonagle C "Ireland Aims to Attract Holding Companies" (2004) *International Financial Law Review*http://proquest.umi.com/pqdweb?did=783749051&Fmt=3&clientId=2762
 5&RQT=309&VName=PQD accessed on 22 October 2009
- McGonagle C "Ireland Attracts HQs and Holding Companie" (2004) *International Tax Review*

http://www.internationaltaxreview.com/includes/magazine/PRINT.asp?SID=4704 85&ISS=12595&PUBID=35 accessed on 13 October 2009

McGonagle C "Ireland Attracts HQs and Holding Companies" (2004) *International Tax*Review

http://proquest.umi.com/pqdweb?did=783742491&Fmt=3&clientId=27625&RQT =309&VName=PQD accessed on 16 November 2009

Mergers & Acquisitions and Share Buybacks Seminar Capital Gains Tax: Consequences for Mergers and Acquisitions

http://www.deneysreitz.co.za/seminars/item/mergers acquisitions and share bu ybacks seminar capital gains tax consequences for,111.html accessed on 15

October 2008



Morekwa NE and Schoeman NJ Empirical Analysis of Progressivity of the Tax System in South Africa, paper presented to the Essa Conference held in Durban South Africa on 7 September 2005 available on http://www.essa.org.za/download/2005Conference/Morekwa.pdf accessed on 08 June 2009

Murphy R What is a Tax Haven http://www.taxresearch.org.uk/Blog/2007/07/23/what-is-a-tax-haven/ accessed on 29 May 2009

National Treasury *Medium Term Budget Policy Statement* (2009) 26; Exchange Control Circular 13 of 2009 accessible on http://www.reservebank.co.za/internet/Publication.nsf/LADV/C5C3ADD965CE1
79F4225765C004F8AF4/\$File/Circ+No+13+2009.pdf accessed on 11 January 2009

Nelson S "China: How to Prepare for Implementing Rules" (2007) *International Tax Review*http://www.internationaltaxreview.com/?Page=10&PUBID=35&ISS=24353&SI

http://www.internationaltaxreview.com/?Page=10&PUBID=35&ISS=24353&SID=697470&SM=&SearchStr=%22intermediary%20holding%20company%22 accessed on 13 November 2009

"Netherlands: Dutch Holding Companies"

http://www.lowtax.net/lowtax/html/offon/netherlands/nethold.html accessed on 22 November 2008

Organisation for Economic Co-operation and Development Agreement on Exchange of Information on Tax Matters http://www.oecd.org/dataoecd/15/43/2082215.pdf accessed on 09 November 2009



- Organisation for Economic Co-operation and Development *China, South Africa to Participate in Work of OECD's Committee on Fiscal Affairs* available on http://www.oecd.org/document/21/0,3343,en 2649 201185 32074069 1 1 1 1, 00.html accessed on 09 June 2009
- Organisation for Economic Co-operation and Development *Improving Access to Bank Information for Tax Purposes The 2003 Progress Report (2003)*http://www.oecd.org/dataoecd/5/0/14943184.pdf accessed on 09 November 2009
- Organisation for Economic Co-operation and Development *Improving Access to Bank Information for Tax Purposes The 2007 Progress Report* (2007) http://www.oecd.org/dataoecd/24/63/39327984.pdf accessed on 09 November 2009.
- Organisation for Economic Co-operation and Development *Improving Access to Bank Information for Tax Purposes* (2000)

 http://www.oecd.org/dataoecd/3/7/2497487.pdf accessed on 09 November 2009
- Organisation for Economic Co-operation and Development *The OECD's Project on Harmful Tax Practices: The 2001 Progress Report* (2001)

 http://www.oecd.org/dataoecd/60/28/2664438.pdf accessed on 09 November 2009
- Organisation for Economic Co-operation and Development *The OECD's Project on Harmful Tax Practices: The 2001 Progress Report* (2001)

 http://www.oecd.org/dataoecd/60/28/2664438.pdf accessed on 09 November 2009
- Organisation for Economic Co-operation and Development What is a tax Convention
 Double Taxation Juridical and Economic available on
 http://www.oecd.org/document/15/0,3343,en_2649_33753_36156239_1_1_1_1_1,0

 O.html accessed on 10 June 2009



- "Payments for Loss Transfers under the Group Relief System the GST Angle" http://www.lawgazette.com.sg/2003-8/Aug03-col.htm Accessed on 01 July 2008
- Perez W *S Corporation Taxation* available at http://taxes.about.com/od/scorporations/qt/scorp_taxation.htm accessed on 11 June 2009
- Pfaar M "Inbound Investment from a European Perspective" (2003) *International Tax Review*http://www.internationaltaxreview.com/Default.asp?Page=17&PUBID=211&ISS=13163&SID=488044&SM=&SearchStr=%22intermediary%20holding%20company%22 accessed on 28 October 2009
- Ruijten F and De Vries A *Dutch State Secretary Issues Discussion Paper Regarding Tax*Treatment of Interest and Relaxation of Participation Exemption Rules

 http://www.bakernet.com/BakerNet/Resources/Publications/Recent+Publications/

 AmsterdamDiscussionPaperTaxCAJun09.htm accessed on 11 January 2010
- Schmidt N (2004) Austria: Significant Changes Regarding Corporate Income Tax http://www.mondaq.com/article.asp?articleid=27677 accessed on 14 June 2008
- Shelton N "Denmark Squares up for Holding Battle" (December 1998/January 1999)

 International Tax Review**

 http://www.internationaltaxreview.com/?Page=10&PUBID=35&ISS=12655&SI

 D=468670&SM=&SearchStr=%22intermediary%20holding%20company%22

 accessed on 13 November 2009
- Solano M, Alvarez S, Fabregat DG and Santos A "Mexico Bill: Tough on Tax Havens" (December 1997/January 1998) *International Tax Review* <a href="http://www.internationaltaxreview.com/Default.asp?Page=10&PUBID=35&ISS=12666&SID=468530&SM=&SearchStr=%22intermediary%20holding%20company%22 accessed on 15 November 2009



- South African Revenue Service *Summary of all Treaties for the Avoidance of Double Taxation* http://www.sars.gov.za/home.asp?pid=3906 accessed on 17 June 2009
- Ståhl K Direct tax rules and the EU fundamental freedoms Swedish report http://www.fide2006.org/TOPC1/Tax%20Sweden%20Stahl.pdf accessed on 12 March 2008
- "Taxation in Switzerland" http://www.swissprivacy.com/swiss_taxes.htm accessed on 10 November 2008
- "Taxes: What is the Foreign Tax Credit?"

 http://www.essortment.com/home/taxesforeignta_smsr.htm accessed on 13

 October 2008
- Thömmes O & Nakhai K *Introduction to the Parent-Subsidiary Directive*, http://online2.ibfd.org/data/ectl/cm/CM-CH-06.doc.p0005.html accessed on 29 August 2008
- Tran P "Cadbury Schweppes plc v. Commissioners of Inland Revenue: Eliminating a Harmful Tax Practice or Encouraging Multinationals to Shop around the Bloc?" http://ilr.lls.edu/issues/30/documents/Article330.1Tran.pdf accessed on 04 November 2009
- Udal N and Cinnamon A "How to select a Jurisdiction for Your Holding Company" (2004) International Tax Review http://proquest.umi.com/pqdweb?did=789908371&Fmt=3&clientId=27625&RQT=309&VName=PQD accessed on 19 October 2009



"UK throws out Controlled Foreign Companies Regime" (2008) International Tax
Review

http://proquest.umi.com/pqdweb?did=1456135201&Fmt=3&clientId=27625&RQ
T=309&VName=PQD accessed on 16 November 2009

- Van der Voort JBMR "Tax Planner's Guide to Holding Companies" (1998) *International***Tax**

 Review

 http://proquest.umi.com/pqdweb?did=35146916&Fmt=3&clientId=27625&RQT=309&VName=PQD accessed on 14 November 2009
- Van Dijk M, Weyzig F & Murphy R *The Netherlands: A Tax Haven?* November 2006 http://somo.nl/html/paginas/pdf/netherlands tax haven 2006 NL.pdf accessed on 15 July 2008
- Van Stappen D "Belgium: Dividend Withholding Tax Exemption Improves Code"

 International Tax Review**

 http://www.internationaltaxreview.com/Default.asp?Page=10&PUBID=35&ISS=23172&SID=668625&TYPE=20 accessed on 29 October 2009
- Vanhaute PAA and Huygens D "Belgium: Holding Companies" *IBFD* http://online2.ibfd.org/hold/ accessed on 06 November 2009
- Volaw Trust & Corporate Services Ltd, Channel Islands "The Edwards Report 27 November 1998 available on http://www.volaw.com/pg428.htm accessed on 30 May 2009.
- Walton M & Stone V Marks & Spencer: UK Group Relief Rules at Risk http://tax.practicallaw.com/1-200-6684 accessed on 10 July 2008



- Wehby D *Modernising the Tax System: The Need for "Group Relief"*http://www.icaj.org/docs/pdf/modernising tax system.pdf accessed on 16 March 2008
- "What Next? Tax Cooperation after the London G20 Summit" http://www.actionaid.org.uk/doc_lib/what_next.pdf accessed on 29 May 2009
- World Bank *Doing Business* 2009 *Country Profile for Netherlands*http://www.doingbusiness.org/Documents/CountryProfiles/NLD.pdf accessed on 25 May 2009

LEGISLATION

South Africa Legislation and Regulations

Banks Act 94 of 1990

Companies Act 61 of 1973

Companies Bill 61D of 2008

Currency and Exchanges Act 9 of 1933

Financial Advisory and Intermediary Services Act 37 of 2002

Income Tax Act 28 of 1997

Income Tax Act 58 of 1962

Revenue Laws Amendment Act 20 of 2006

Revenue Laws Amendment Act 31 of 2005

Revenue Laws Amendment Act 34 of 2004

Revenue Laws Amendment Act 45 of 2003

Revenue Laws Amendment Bill 80 of 2008

Taxation Laws Amendment Act 8 of 2007

Taxation Laws Amendment Bill 13 of 2008

Explanatory Memoranda

Explanatory Memorandum on the Revenue Laws Amendment Bill 2003

Explanatory Memorandum on the Revenue Laws Amendment Bill 2004

Explanatory Memorandum on the Revenue Laws Amendment Bill 2005

Explanatory Memorandum on the Revenue Laws Amendment Bill 2006

Explanatory Memorandum on the Revenue Laws Amendment Bill 2007

Explanatory Memorandum on the Revenue Laws Amendment Bill 2008

Explanatory Memorandum on the Taxation Laws Amendment Bill 2007

Explanatory Memorandum on the Taxation Laws Amendment Bill 2008

Gazzettes and Regulations

GN 866 of 1 September 2000

Exchange Control Regulations, as promulgated by Government Notice R1111 of 1 December 1961

Government Notice R.885 in Government Gazette No. 20299 of 23 July 1999

Government Notice R.791 in Government Gazette No. 18970 of 5 June 1998

Orders and Rules 1961 as published in Government Notice R1112 of 1 December 1961

Foreign Legislation

Australia

Corporations Act of 2001

Income Tax Assessment Act of 1936

Belgium

Income Tax Code (Wetboek van de Inkomstenbelastingen) of 1992

Canada

Income Tax Act

Ireland

Tax Consolidation Act of 1997 Finance Act of 2004

Luxembourg

Luxembourg Law of 4 December 1967 on Income Tax (loi concernant l'impôt sur le revenue)

Mauritius

Companies Act of 2000

Companies Act of 2001

Income Tax Act of 1995

Financial Services Development Act of 2001

Mauritian Income Tax Regulations of 1996

Netherlands

Business Tax Act of 1893

Corporate Income Tax Act of 1969 (Wet op de vennootschapsbelasting 1969)

Corporate Income Tax Act of 2007

Individual Income Tax Act of 1964 (IB 1964)

Wet op de Vennootschapsbelasting 1969.

New Zealand

Companies Act of 1955

Companies Act of 1993

Income Tax Act of 2004

United Kingdom

Income and Corporation Taxes Act 1988

United States of America

US Federal Income Tax Code (As amended through 31 December 2008)

CASES

South African Cases

Boyd v CIR 1951 (3) SA 525

Cape Explosives Works Ltd v Lever Brothers (South Africa) Ltd 1921 CPD 244

CIR v Black 1957 (3) SA 536 (A)

CIR v Conhage (Pty) Ltd (formerly Tycon (Pty) Ltd 1999 (4) SA 1149 (SCA)

CIR v King 1947 (2) SA 196 (A).

CIR v Kuttel 1992 (3) SA 242 (A) 246-250

CIR v Legal and General Assurance Society Ltd 1963 (3) SA 876 (A)

CIR v Lever Brothers and Unilever Ltd 1946 AD 441

CIR v Pick 'n Pay Employee Share Purchase Trust 1992 (4) SA 39 (A).

Consolidated Diamond Wines of SWA Ltd v Administrator, SWA 1958 (4) SA 512 (A)

Dadoo Ltd v Krugersdorp Municipal Council 1920 AD 530.

Ex Parte Lancashire: In re Paruk v Patel 1943 NPD 356

First National Bank of Southern Africa v C: SARS 64 SATC 253

H v COT 1960 (2) SA 695 (SR).

Parkes v Parkes 1932 SR 74

Rhodesia Metals Ltd (In Liquidation) v COT 1938 AD 282.

S v De Jager 1965 (2) SA 616 (A)d

Salomon v Salomon & Co 1897 AC 22

See Cohen v CIR 1946 AD 183-187

Stellenbosch Farmers' Winery v Distillers Corporation 1962 (1) SA 458 (A)

Tuck v CIR 1988 (3) SA 819 (A)

Foreign Cases

Belgium

Denkavit European Union Court of Justice C-283/94 and C-292/94, 17 October 1996 Cobelfret v Belgium European Union Court of Justice C-138/07, 12 February 2009

Ireland

De Beers Consolidated Mines Ltd vs Howe 5 TC 198 San Paulo (Brazilian) Railway Co vs Carter 3 TC 407

Netherlands

Bosal Holding BV v Staatssecretaris van Financiën Case C – 186/01: referred by Supreme Court of the Netherlands (*Hooge Raad der Nederlanden*) 11 April No 35 729.

United Kingdom

IRC v Duke of Westminster [1936] AC 1, [1935] All ER Rep 259

Cadbury Schweppes Overseas Ltd v Commissioners of Inland Revenue Judgment of the Court (Grand Chamber) of 12 September 2006 (reference for a preliminary ruling from the Special Commissioners, London — United Kingdom) — Cadbury Schweppes plc, Cadbury Schweppes Overseas Ltd v Commissioners of Inland Revenue Official Journal of the European Union C 281/5

OFFICIAL PUBLICATIONS, PRESENTATIONS AND DISCUSSIONS

Bolnick B (2004) Technical Report on the Effectiveness and Economic Impact of Tax Incentives in the SADC Region Report submitted to USAID/RCSA; SADC Tax Subcommittee; and SADC Trade, Industry, Finance and Investment Directorate

Commission of the European Communities, Communication from the Commission to the Council, The European Parliament and the European Economic and Social Committee, Tax Treatment of Losses in Cross-Border Situations SEC (2006)

Commonwealth Finance Ministers' Meeting held in Malta in September 2000

Commonwealth Finance Ministers Communiqué, September 2000

Council of Representatives – "The European Commission Code of Conduct for Business

Taxation" *Resolution of the Council of Representatives of the Governments of the Member States* (1 December 1997)

Convention between the Republic of South Africa and the Kingdom of the Netherlands for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital GG No 31797 dd 2009-01-23 available on http://www.sars.gov.za/home.asp?pid=3919 accessed on 17 June 2009

De Reus S – Discussion with Mr Serge de Reus, Partner/Director of Corporate

International Tax at PricewaterhouseCoopers on 19 September 2008 in

Sunninghill, Johannesburg

Engel K – Discussion with Keith Engel, Chief Director: Tax Policy, South African National Treasury on 02 December 2008

European Community Merger Directive of 23 July 1990 (90/434/EEC)

European Union Council Directive (90/435/EEC) of 23 July 1990

- Graetz (Yale Law School) as quoted in Hager, Treasury Targets Shelters Again,

 Washington Post (1999) E3
- Harris P Discussion with Professor Peter Harris, Director: Centre for Tax Law, University of Cambridge on 20 March 2009 at the University of Cambridge
- Katz Commission Fifth Interim Report of the Commission of Inquiry into Certain Aspects of the Tax Structure of South Africa (1997)
- Katz Commission Third Interim Report of the Commission of Inquiry into certain aspects of the Tax Structure of South Africa 1995
- Keen M's Presentation on Revenue Mobilisation: The Challenges in Corporate Taxation South African Tax Symposium on 17 March 2008 in Pretoria
- Kganyago L's address at the Reuters Economist of the Year Award Ceremony on 11 August 2004
- Manuel TA & Gurria A Joint Statement by the South African Minister of Finance, Trevor A Manuel, MP and The Secretary-General of the OECD, Angel Gurria, regarding Enhanced Engagement between South Africa and the OECD (15 July 2008)
- Margo Commission Report of the Commission of Inquiry into the Tax Structure of the Republic of South Africa 1986



Mosupa F – Discussion with Mr Frank Mosupa, Partner Corporate and International Tax, Bell Dewar Attorneys, Johannesburg on 24 April 2009

National Treasury *Budget Review* (2006)

National Treasury *Budget Review* (2007)

National Treasury *Budget Review* (2008)

National Treasury Budget Review (2009)

National Treasury Detailed Explanation to Section 9D of the Income Tax Act

Organisation for Economic Co-operation and Development (1998) Harmful Tax

Competition, An Emerging Global Issue OECD

Organisation for Economic Co-operation and Development (2007) Fundamental Reform of Corporate Income Tax No 16 OECD 59

Organisation for Economic Co-operation and Development Committee on Fiscal Affairs (2008) *Model Tax Convention on Income and on Capital* OECD

Organisation for Economic Co-operation and Development Committee on Fiscal Affairs (2008) Commentaries on the Articles of the OECD Model Tax Convention, Condensed Version OECD

Rotterdam Institute for Fiscal Studies International Tax Avoidance, Volume A, General and Conceptual Material (1979)

South African Reserve Bank Exchange Control Manual

South African Revenue Service *Interpretation Note 6* issued on 26 March 2002

South African Revenue Service Draft Interpretation Note 18 issued on 30 March 2009

South African Revenue Service Practice Note No 2 issued on 14 May 1996

South African Revenue Service Practice Note No 7 issued on 6 August 1999

INDEX

Accrual, 62, 66, 256, 266, 301

Acquisition, 27, 28, 41

Acquisition price, 84, 85

Active income, 102, 160

Adjustment, 3, 105, 148, 197, 276, 318, 352

Advance pricing agreement, 107, 325

Advance tax rulings, 134, 173

Alternative minimum tax, 199, 214

Anti-Avoidance, 17, 51, 114, 146, 154, 156

Arm's length, 106, 145, 167

Asset, 110, 140

Asset protection, 46, 52

Attributable amount, 101, 250, 252

Attributable income, 100

Australia, 69, 77, 98, 103

Controlled foreign company, 103

Withholding tax, 9, 28, 38, 69, 93, 128, 178

Back-to-back loans, 47, 327, 235, 351

Bank, 33, 49, 82, 140, 152, 195, 266

Base cost, 82, 302

Base country, 35-37

Base havens, 127

Belgium, 215

Capital gains, 223

Controlled foreign company legislation, 216

Corporate income tax, 215

Dividend received deduction, 219

Dividend withholding tax, 218

Notional interest deduction, 217



Participation exemption, 218

Shares, 223

Tax exemption, 223

Thin capitalisation, 223

Transfer pricing, 217

Binding class rulings, 312, 314, 345

Binding general rulings, 312, 345

Binding private rulings, 312, 313, 345

Branch, 24, 35, 76, 123, 145, 164, 183, 197, 227, 317

Business purpose, 260, 304

Calculation of taxable capital gains, 86

Canada, 92

Capital gain, 92, 93

Deemed distribution, 93

Liquidation distribution, 92

Paid-up capital, 92

Capital distributions, 309

Capital export neutrality, 245

Capital gain, 61, 63, 84

Capital gains tax, 9, 61, 84, 114, 172

Capital import neutrality, 245

China, 186

Treaties, 186

Company formations, 195, 320

Company groups, 1, 17, 23, 55, 79, 106, 268, 320, 338, 352

Concession haven, 129

Connected person, 33, 87, 97, 101, 106, 166

Controlled foreign companies, 37, 60, 96-110, 143

Dividends, 279

Legislation, 60, 97, 114, 216, 237, 249, 332

Corporate income tax, 2, 125, 247, 336



Corporate reconstruction, 274

Corporate reorganisations, 27, 29

Cost plus method, 323

Country risk, 49

Cross-border transaction, 51, 105, 106

Currency restrictions, 216, 290

Currency risk, 50

De minimis exemption, 102

Debt instrument, 47, 216

Debt, 6, 7, 33, 46-50, 109, 168, 191

Debt-equity ratios, 168, 223, 297, 327, 343

Deferring tax, 59, 61

Deregistration, 111, 310, 322

Developing country, 12, 193

Disposal, 27, 29, 34, 59, 62, 84, 230, 261

Distribution exemption, 102, 104

Distribution, 47, 54, 91, 104, 128, 143, 174, 187, 190, 228, 270, 304, 310, 373

Dividend tax, 69, 90-93, 159, 209, 311, 338,

Dividend, 143, 218, 257, 268

Double tax, 64, 94, 134, 146, 174, 185, 219

Economic substance, 259, 260

Economy, 2, 4, 29, 126, 195, 300, 330

Effective management, 111, 154, 192, 203, 246, 251

Employee-sharing agreement, 55

Entity approach, 100, 114

Entrepreneur, 42, 162, 338

Equity, 6, 7, 33, 46-50, 109, 168, 191

Evasion, 58, 94, 136

Exchange control, 3, 7, 10, 12, 42, 46, 51, 121, 335, 346

Exchange of information, 94, 134, 156, 158

Exemption method, 66, 145

Expropriation, 58, 121, 304

External finance, 46

Financial centre, 6, 118, 140-142, 152, 161, 339

Financial statement, 29, 57, 294

Fiscal unity, 71, 72, 172, 352

Flexibility, 27, 38, 44, 48, 54, 83, 100, 335

Organisational, 26

Structural, 335

Transactional, 26

Foreign base holding company, 35

Foreign business establishment, 32, 255

Foreign direct investment, 2, 5, 7, 53, 116, 127, 139, 194, 201, 293, 331, 335, 356

Foreign dividend, 60, 151, 209, 247, 269, 333

Foreign exchange gains and losses, 74-75

Foreign financial instrument holding company, 22, 279, 301

Foreign financial services center company, 39

Foreign group finance company, 37

Foreign income tax, 28, 256

Foreign investment funds, 148

Foreign tax credit, 39, 65, 168, 204

Foreign-source income, 68, 97, 129, 197, 204

Genuine business activities exemption, 102, 122

Germany, 162, 186

Thin capitalisation, 326

Global business licence, 200

Global business licence 1(GBL1) companies, 200

Global business licence 2 (GBL2) companies, 200

Globalisation, 2

Group contribution system, 71, 73, 228, 352

Group relief system, 71, 74, 223, 241

Group reorganisation, 32, 46, 53

Group taxation, 71, 192, 233, 315

Harmful preferential tax jurisdictions, 118, 122, 130, 330

Harmful tax competition, 116, 156, 330, 334

Holding company, 9, 11, 13, 20, 169, 309

Hybrid, 48, 102, 178, 280, 341

Income tax rates, 89, 231, 276

Intellectual property holding company, 17, 40, 183

Intellectual property, 40, 62, 124, 216

Interest, 28, 217, 243, 250, 256, 265, 282

Intermediary, 1, 16, 24, 61, 264

Intermediate, 25, 35, 37, 186, 224

International headquarter company, 9, 34, 80, 211, 328, 330-332, 336

International holding company, 9, 30, 179

Intra-group transactions, 73, 81, 179

Ireland, 227

Corporate income tax, 227

Dividends, 229

Exemption from capital gains tax, 231

Group taxation, 234

Portfolio investment, 229

Qualifying shareholdings, 231

Tax credits, 232, 233

Japan, 78

Liquidation loss, 78

Treaties, 186

Katz Commission, 3, 8, 10, 316, 319, 336

Language, 44, 83, 162, 193, 215

Limitation of liability, 1

Liquidation, 38, 92, 113, 177, 310

Liquidation dividend, 272

Liquidation loss, 78

Listed companies, 172, 222, 252, 278, 293

Locational permanence, 259

Loop sales, 263

Loop structure, 294, 299, 346, 348

Luxembourg, 72

Finance company, 225

Group taxation, 72

Participation exemption, 179

Permanent establishment, 318

Treaties, 128

Manufacturing, 4, 102, 127, 200

Margo Commission, 316

Mauritius, 12, 14, 39, 193

Advance tax rulings, 211

Alternative minimum tax, 198

Corporate income tax, 196, 212

Foreign tax credit, 199, 204, 205

Global business licences, 200

Global business licence 1(GBL1) companies, 200

Taxation, 200, 202

Tax residence, 201

Global business licence 2 (GBL2) companies, 357

Taxation, 202

Presumed tax credit, 205

Tax rates, 198

Tax sparing credit, 206

Underlying tax credit, 204

Mobile business activities, 122

Mobile income, 124, 141, 160, 357

Mobile passive income, 265

Multinational, 2, 9, 31



Enterprise, 39, 121

Group, 9, 17, 54, 83, 105, 145

Investors, 12

Structures, 2, 173

Netherlands, 11, 78

Advance tax rulings, 183

Capital gains tax, 165

Controlled foreign company, 165

Corporate income tax, 164, 168

Dividend tax, 165

Exchange control, 168

Fiscal unity, 172, 173

Foreign tax credit, 168, 178

Holding company, 169

Definition, 169

Functions, 171

Parent-subsidiary directive, 174, 186, 188

Participation exemption, 175, 189

Tax treaties, 78, 128

Thin capitalisation, 168

Transfer pricing, 166

New Zealand, 98

Controlled foreign company, 98

Liquidation, 113

Non-binding private opinions, 312, 315

Non-residents, 11, 40, 69, 106, 120, 140, 227, 278

Non-tax characteristics, 15, 44, 46, 81, 334

Offshore financial centre, 118, 139, 336

Offshore holding company, 17, 25, 31, 179

Offshore listing, 27

Operating income, 59, 61



Operational management, 55, 260

Organisation of Economic Cooperation and Development, 14, 95, 123, 150, 154

Parent company, 43, 72, 154, 180, 191, 241, 327

Parent-subsidiary directive, 174, 186

Participation exemption, 59, 70, 100, 146, 165, 175-1181, 280, 306

Participation rights, 249-252

Partnership, 44, 76, 170, 202, 291, 305

Passive income, 36, 100, 122, 159, 258, 342

Permanent establishment, 122, 154, 242, 277, 305

Personal holding company, 41

Personnel, 4, 55, 123

Politics, 45, 49, 82, 121

Portfolio

Business, 124

Investment, 124, 127, 137, 166, 229

Presumed tax credit, 205

Production havens, 127

Profit split method, 323

Profits, 24, 47, 51, 72, 82, 105, 144, 177, 229

Realisation of gain or loss, 85

Re-characterisation of income, 75

Redemption of capital, 274

Reduction of capital, 274

Related persons, (see connected persons) 105

Rental, 59, 255, 265

Rental income, 227, 255

Repatriation, 51, 288, 295, 332

Resale price method, 323

Residence, 15, 17, 20, 63, 75, 86, 97, 101, 203, 263, 264, 305, 328

Ring-fencing, 130

Roll-over, 87, 320

Royalties, 41, 101, 168, 267

Sale of goods, 262

Services, 5, 9, 118, 202, 264

Shares, 23, 274

Share acquisition, 53

Share buy-backs, 274

Social, 1, 11, 82, 121

South Africa, 245

Capital gains tax, 299

Asset, 301

Base cost, 302

Capital gain, 301

Disposal, 304

Exclusions, 306

Persons liable to tax, 305

Capital distributions, 310

Corporate income taxation, 346, 347

Rates, 247

Controlled foreign companies, 249

Attributable amount, 251

Business purpose, 260

Connected person, 262, 264

De minimis, 266

Definition, 251

Disposal, 266

Dividend, 257

Economic substance, 260

Exclusions, 255

Exemptions, 255

Foreign business establishment, 255, 281, 342, 258

Interest, 267



Locational permanence, 259

Mobile passive income, 265

Net income, 254

Participation rights, 250

Rental income, 266

Resident 262-267

Royalties, 267

Rulings, 267

Sale of goods, 262

Services, 264

Dividends, 268

Definition, 268

Controlled foreign company dividends, 279

Exemptions, 277

Foreign dividends, 268

Going-concern dividends, 273

Liquidation dividend, 278

Listed companies, 278

Participation exemption, 274, 280

Reconstructions, 274

Redemption of capital, 274

Reduction of capital, 274

Share buy-backs, 274

Exchange control, 288

Administration fees, 297

Application, 289

Dividends, 297

Interest on foreign loans, 297

Local borrowing restrictions, 295

Management fees, 297

Purpose, 2288



Restrictions on export and import of currency, 290

Subsidiaries, 291

Foreign tax credit, 283

Capital gains, 287

Controlled foreign company income, 286

Foreign dividends, 287

Foreign-source income, 284

Group taxation, 315

Company formations, 320

Deregistration, 322

Intra-group transactions, 321

Katz commission, 317

Liquidation, 322

Margo commission, 316

Winding-up, 322

International headquarter company, 328

Permanent establishment, 318-319

Secondary tax on companies, 268, 269, 271, 310, 331

Thin capitalisation provisions, 324

Tax rulings, 311

Binding class rulings, 314

Binding general rulings, 312

Binding private rulings, 313

Non-binding private opinions, 315

Transfer pricing, 322

South African government's objectives, 6

South African Reserve Bank, 288, 330

Structural consolidation, 53

Subsidiary, 16, 20, 22, 108, 154

Tax base, 1, 72, 90, 91

Tax characteristics, 80, 83, 160



Tax credits (see foreign tax credits), 67

Tax exemption, 65

Tax haven, 116-140, 208, 357

Tax incentive, 40, 89, 120, 138, 160, 231, 356

Tax minimization, 57, 58, 136

Tax rates, 66, 77, 146, 212, 232, 276

Tax sparing credit, 205, 206

Tax treaty, 28, 89, 95, 185, 189, 200

Thin capitalisation provisions, 2, 42, 104, 108, 199

Trading stock, 61, 180, 271, 305, 321

Transactional approach, 100

Transactional net margin method, 323

Transfer pricing, 2, 32, 94, 104, 105-107, 136, 144, 159

Transparency, 121, 130, 133

Treaty haven, 128

Underlying tax credit, 204

Unilateral avoidance of double taxation, 95

United Kingdom, 235

Capital gains exemption, 237

Controlled foreign company, 101, 238

Analysis, 239

Application, 238

Corporate income tax, 236

Group taxation, 242

Sale of subsidiary, 242

Tax credits, 237

Withholding tax, 241

United States of America, 78

Dividends, 272

Hybrid entity, 351

Liquidation loss, 78

S Corporation, 76
Treaties, 186
Winding-up, 322
Withholding tax on dividends, 9, 93, 186, 211