

SYLLABUS 2018

ADIT



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INTRODUCTION

In order to achieve success in this qualification, candidates will need to possess a broad knowledge right across the spectrum of international taxation, preferably informed by experience.

This document contains the detailed syllabus for each module currently available, together with recommended reading lists. Permitted texts for each exam are indicated in the recommended reading lists, and can be found on the [website](#).

Questions will NOT be set which require knowledge of any law or regulation or any Statutory Instrument, EU directive or similar legal provision announced less than five months before the date of an exam, or on any tax or legal court case reported less than three months before the exam date. For Module 2.09 United Kingdom exams taking place in 2018, the 2017 Finance Act is considered examinable.

Each syllabus contains a list of topics included, together with an indication of the level of knowledge that a candidate may be required to demonstrate.

SYLLABUS GUIDE

Each syllabus includes guides which are intended to give candidates broad guidance on the approximate proportion of marks available for the major areas within the syllabus for each module.

The levels specified are:

Level 1

Candidates will be expected to have a broad understanding and awareness of the topic, but will not be required to provide answers in detail on these topics.

Level 2

Candidates will be expected to have a detailed knowledge of the topic and be able to apply this knowledge in both written and computational situations (where appropriate), showing an understanding of the issues involved.

Level 3

Candidates may be required to demonstrate an advanced knowledge, involving interpretive exposition and analysis, with the ability to comment upon problems arising and to suggest possible solutions in novel situations.

Candidates are expected to have an awareness of current accounting issues relevant to tax.

MODULE 1 - PRINCIPLES OF INTERNATIONAL TAXATION

I	Basic principles of international tax law	20%
II	Double Taxation Conventions (focusing on the current version of the OECD model)	30%
III	Transfer pricing and thin capitalisation rules	20%
IV	International tax avoidance	25%
V	Miscellaneous topics	5%

I Basic principles of international tax law

A	Jurisdiction to tax, including limits to tax jurisdiction arising from public international law, and cross-border enforcement of taxes	1
B	Taxes and tax systems	
1.	Definition and classification of taxes	1
2.	Federal systems and local-level taxes	1
C	State practice in exercising tax jurisdiction	
1.	Concepts of source and situs; use of residence, domicile and citizenship as connecting factors	2
2.	State practice in determining residence of individuals and corporations	2
3.	Implications of the use of citizenship as a connecting factor (especially particular issues for US citizens)	1
4.	State practice in determining the source of income and gains	2
5.	Tax issues arising from a change of residence/citizenship	2
D	Causes of international double taxation	
1.	Conflicts of residence and source	2
2.	Conflicting definitions of connecting factors	2
3.	Other causes of international double taxation (including particular issues for using citizenship as a connecting factor for taxation)	1
E	Methods of relief from international double taxation	
1.	Relief by credit – including indirect/underlying credit and tax sparing credit	3
2.	Relief by exemption – including participation exemption	3
3.	Practical difficulties in applying relief by credit and relief by exemption	3
4.	Relief by exemption and relief by credit compared: capital import neutrality vs. capital export neutrality	2
5.	Other methods of relief from international double taxation – relief by deduction of foreign tax; relief by deferral	2
F	Private international law and taxation	
1.	Recognition of foreign legal entities	2
2.	Characterisation of entities as transparent or opaque – state practice	2
3.	The issue of qualification and international taxation	1
G	History of international tax law	
1.	Work under the League of Nations	1
2.	Work of the G20 and OECD	2
3.	Work of the UN Group of Experts	1
H	European Union law and international taxation	
1.	EU law and Double Taxation Conventions	2
I	Taxation and international human rights instruments	
1.	The European Convention on Human Rights	2
2.	The International Covenant on Civil and Political Rights	2
J	State responsibility in international taxation – the development of the concept of harmful tax competition	2

II Double Taxation Conventions (DTCs) focusing on the current version of the OECD Model Tax Convention (MTC)

Candidates are expected to: understand the operation of the provisions of the OECD MTC; show awareness of the major points in the Commentary to the relevant Article of the OECD MTC; and be aware of key reports of the OECD Committee on Fiscal Affairs and major international cases on the topic.

A	Types of DTCs (limited, multilateral etc.) and negotiation of DTCs	2
B	DTCs and domestic law	
1.	Incorporation of DTCs into domestic law	3
2.	Treaty override	3
C	Format and structure of a DTC	
1.	OECD MTC and the Commentaries to the OECD MTC – the work of the OECD Committee on Fiscal Affairs	3
2.	UN MTC	2
3.	Specific states' models: the US MTC; the Dutch MTC	1
D	Approach to the application of a DTC: applying a DTC to a concrete scenario	3
E	Interpretation of DTCs	
1.	General approach to interpretation	3
2.	Vienna Convention on the Law of Treaties	2
3.	Use of external aids for interpretation – the status and use of the OECD Commentaries	2
4.	Application of Art. 3(2) OECD MTC	2
5.	Resolving interpretation issues by competent authority proceedings – Art. 25(3) OECD MTC	2
F	Provisions relating to the scope of a DTC: Arts. 1, 2, 29, 30 OECD MTC	2
G	Key definitional provisions	
1.	Meaning of “resident” and resolution of cases of dual residence – Art. 4 OECD MTC	3
2.	Permanent establishment concept: determining the existence of a permanent establishment – Art. 5 OECD MTC	3
H	DTC provisions relating to businesses	
1.	Business profits (with or without a permanent establishment) – Art 7 OECD MTC	3
2.	Shipping and air transport profits – Art. 8 OECD MTC (in outline)	1
3.	Associated enterprises – Art. 9 OECD MTC: status of Art. 9 and link to transfer pricing legislation	3
I	DTC provisions relating to individuals	
1.	Employment income – Art. 15 OECD MTC	2
2.	Pensions – Art. 18 OECD MTC	1
J	DTC provisions relating to investment income and gains	
1.	Income from land – Art. 6 OECD MTC	1
2.	Dividends – Art. 10 OECD MTC – including some consideration of the forms of dividend article used by key states (US, UK, France, Germany)	3
3.	Interest – Art. 11 OECD MTC	3
4.	Royalties – Art. 12 OECD MTC	3
5.	Capital gains – Art. 13 OECD MTC	2
K	Relevance of the “other income” Article – Art. 21 OECD MTC	2
L	Limitation of benefit provisions	
1.	Approaches to the misuse of DTCs	2
2.	Abuse of law doctrines and DTCs	2
3.	State practice with respect to LoB provisions	2
M	Methods of elimination of Double Taxation – Arts. 23A and 23B OECD MTC	3
N	The impact of the non-discrimination Article – Art. 24 OECD MTC	2
O	The resolution of disputes under DTCs	
1.	Competent authority/mutual agreement procedures – Art. 25 OECD MTC	2
2.	Alternative means of resolving international tax disputes	2
P	The application of DTCs to electronic commerce	
1.	The work of the OECD Taxation Advisory Group	2
2.	E-commerce and permanent establishments	2

III Transfer pricing and thin capitalisation rules

A	Various approaches to the determination of profits of branches and associated enterprises	
1.	Unitary taxation/global formulary apportionment	2
2.	Arm's length approaches	3
B	State practice with respect to transfer pricing	
1.	Consideration of examples of domestic transfer pricing legislation (US, UK, Germany, Australia)	2
C	Transfer pricing and DTCs – Art. 9 OECD MTC	3
D	Advanced pricing agreements	3
E	The OECD Transfer Pricing Guidelines	
1.	Consideration of the methodologies in the Guidelines	3
2.	Practical application of the methodologies and the resolution of transfer pricing disputes	3
3.	Valuation of intangibles	3
4.	Cost sharing/contribution arrangements	3
5.	Intra-group services	3
6.	Documentation	3
F	State practice with respect to thin capitalisation	
1.	Consideration of examples of thin capitalisation legislation (US, UK, Germany)	3
G	Thin capitalisation legislation and DTCs	3

IV International tax avoidance

A	Tax havens	
1.	Approaches to the identification of tax havens – black lists, white lists, grey lists – work of the OECD Forum on Harmful Tax Practices	2
2.	Features of the most commonly used tax havens	2
B	Domestic law approaches to international tax avoidance	
1.	CFC and other controlled foreign entity legislation – examples from state practice	2
2.	Foreign personal holding company legislation – examples from state practice	2
3.	CFC and equivalent legislation and DTCs	2
C	Money-laundering legislation and international tax avoidance	
1.	Application of money-laundering legislation to foreign fiscal offences	1
D	Co-operation between revenue authorities	
1.	Exchange of information – Art. 26 OECD MTC	3
2.	Tax information exchange agreement	3
3.	Joint investigations of taxpayers	1
4.	Co-operation in the enforcement of tax liabilities/assistance in the collection of taxes Art.27 OECD MTC	3
E	Conventions for administrative assistance in tax administration	
1.	The OECD/Council of Europe Convention	1
2.	Regional arrangements for cooperation in tax administration	1
F	Base Erosion and Profit Shifting (BEPS)	
1.	Awareness of the scope of the OECD BEPS Project	3
2.	Implications of the OECD BEPS Project for aspects of international taxation, notably transfer pricing and the taxation of cross-border activities	3

V **Miscellaneous topics**

A	Indirect taxes and international taxation	
1.	The origin and destination bases for indirect taxes	2
2.	GATT and GATS rules and the limitation on border tax adjustment	2
3.	WTO rules and taxes – the WTO dispute resolution regime and taxation	2
B	Cross-border mergers	
1.	Examination of some of the issues and solutions	2
C	Estate and gift taxation and international issues	
1.	The taxation issues of cross-border probate	1
2.	The OECD Model Double Taxation Convention on Estates and Inheritances	1

RECOMMENDED READING LIST

Essential Reading

There is an excellent compilation of materials on International Tax Law:

Van Raad, K. *Materials on International, TP and EU Tax Law 2017-2018*. Volume A (Leiden: International Tax Centre, 2017) [ISBN: 9789082585407]

Candidates may take a copy of this text into the examination.

Candidates with a pre-2016 edition may instead take Volume 1 of the earlier edition into the examination. Available from the International Tax Centre at Leiden University:

www.itc-leiden.nl or b.bosman@itc-leiden.nl

Or available from Wildy & Sons: www.wildy.com

OECD. *Action Plan on Base Erosion and Profit Shifting* (Paris: OECD, 2013) [ISBN: 9789264202702]

Available from the OECD online bookshop:

www.oecd.org/tax/treaties/oecdmtcavailableproducts.htm

OECD. *Base Erosion and Profit Shifting Project: 2015 Final Reports, Executive Summaries* (Paris: OECD, 2015)

Available from the OECD:

www.oecd.org/ctp/beps-reports-2015-executive-summaries.pdf

OECD, Committee on Fiscal Affairs. *Model Tax Convention on Income and on Capital* (Paris: OECD, 2017)

Available from the OECD online bookshop:

www.oecd.org/tax/treaties/oecdmtcavailableproducts.htm

OECD, Committee on Fiscal Affairs. *Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations* (Paris: OECD, 2017) [ISBN: 9789264262737]

Candidates may take a copy of this text into the examination.

Candidates can obtain OECD documents from some bookshops, or directly from the OECD online bookshop at www.oecdbookshop.org.

Books

Unfortunately, there is no single textbook or casebook for the entire syllabus. There are books which cover parts of the syllabus, but these need to be supplemented by references to articles in periodicals (see below).

Most of the books below are available from www.amazon.co.uk. CCH publications are available to order from www.cchinformation.co.uk.

Books to which candidates should refer are:

Baker, P. *Double Taxation Conventions* (London: Sweet & Maxwell, 3rd edition, 2001) [ISBN: 9780421673601]

Available from Sweet & Maxwell:

www.sweetandmaxwell.co.uk

Dixon, J. and Finney, M. *Tolley's International Corporate Tax Planning* (London: Tolley's Publishing, 2002) [ISBN: 9780754513391]

Available from Amazon: www.amazon.co.uk

Harris, P. and Oliver, D. *International Commercial Tax* (Cambridge: Cambridge University Press, 2010) [ISBN: 9780521853118]

Available from Amazon: www.amazon.com

Or available from Google Books: books.google.co.uk

Holmes, K. *International Tax Policy and Double Taxation Treaties* (IBFD, 2nd edition, 2014) [ISBN: 9789087222574]

Available from IBFD: www.ibfd.org

Or available from Amazon: www.amazon.co.uk

Li, J. *International Taxation in the Age of Electronic Commerce: A Comparative Study* (Canadian Tax Foundation, 2003) [ISBN: 9780888081841]

Available from Canadian Tax Foundation: www.ctf.ca

Miller, A. and Oats, L. *Principles of International Taxation* (Bloomsbury Professional, 5th edition, 2016) [ISBN: 9781780437859]

Contents catered to ADIT syllabus.

Available from Bloomsbury Professional:

www.bloomsburyprofessional.com

Ogley, A. *Principles of International Taxation: A Multinational Perspective* (London: Interfisc Publishing, 1993) [ISBN: 9780952044208]
Available from Amazon: www.amazon.co.uk

Qureshi, A. *The Public International Law of Taxation: Text, Cases and Materials* (London: Kluwer Law International, 1994) [ISBN: 9781853339509]
Available from Amazon: www.amazon.co.uk

Russo, R., Finnerty, C., Merks, P. and Pettricone, M. *Fundamentals of International Tax Planning* (IBFD, 2007) [ISBN: 9789087220167]
Available from IBFD: www.ibfd.org

Schwarz, J. *Schwarz on Tax Treaties* (CCH, 4th edition, 2015) [ISBN: 9781785400742]
Available from CCH: www.cch.co.uk (Discount available for registered ADIT students)

Schwarz, J. *Booth and Schwarz: Residence, Domicile and UK Taxation* (Bloomsbury Professional, 19th edition, 2016) [ISBN: 9781784513825]
Available from Bloomsbury Professional: www.bloomsburyprofessional.com
Or available from Amazon: www.amazon.co.uk

Shome, P. et al. *Base Erosion and Profit Shifting (BEPS): The Global Taxation Agenda* (New Delhi: Wolters Kluwer, 2016) [ISBN: 9789351297246]
Available from CCH: www.cchindiastore.com

Vogel, K. *On Double Taxation Conventions* (London: Kluwer Law International, 4th edition, 2014) [ISBN: 9789041122988]
Available from Amazon: www.amazon.co.uk

Periodicals

Because international taxation is a rapidly developing subject, and because of the lack of a single textbook, candidates will have to follow much of the course through articles in periodicals. Several periodicals are devoted to the subject of international taxation. Unfortunately, only a very good tax library is likely to have all these periodicals. A number of the journals are available electronically from various websites.

The principal periodicals are:
British Tax Review (London: Sweet & Maxwell) [ISSN: 00071870]

Also known as *BTR*.

Available from Sweet & Maxwell:
www.sweetandmaxwell.co.uk

Bulletin of the International Bureau of Fiscal Documentation (Amsterdam: IBFD) [ISSN: 00074624]
Also known as the *Bulletin for International Taxation*.
Available from IBFD:
www.ibfd.org

Cahiers de Droit Fiscal International (Studies on International Fiscal Law) (Deventer: Kluwer Law International)
Also known as *Cahiers DFI*. Despite its title, most reports in the Cahiers are published in English.
Available from IFA:
www.ifa.nl/publications/cahiers/pages/default.aspx
EC Tax Review (New York: Kluwer Law International) [ISBN: 9789880007408]
Published together with *Intertax*.
Available from Kluwer Law International:
www.kluwerlawonline.com

European Taxation (Amsterdam: IBFD) [ISSN: 00143138]
Also known as *ET*.
Available from IBFD: www.ibfd.org

Intertax (Deventer: Kluwer Law International)
Published together with *EC Tax Review*.
Available from Kluwer Law International:
www.kluwerlawonline.com

Case Reports

The syllabus does not examine the rules of any one state. Decisions of the courts of many countries are therefore relevant to this subject. Leading cases are drawn from as far afield as New Zealand, South Africa, Canada, France and Germany. Cases from the non-English speaking world are generally from the Bundesfinanzhof (German Federal Tax Court), the Conseil d'Etat (French Supreme Administrative Court) or the Hoge Raad (Netherlands Supreme Court). The more important cases are summarised in *European Taxation* or the *Bulletin for International Taxation*.

International Tax Law Reports, also known as *ITLR*, contains the texts of important international tax cases (including English translations of some cases). Available from LexisNexis: www.lexisnexis.co.uk

These law reports are available online as part of the LexisNexis online service. CCH's *British Tax Cases* are also useful.

MODULE 2.01 - AUSTRALIA OPTION

I	Income Tax	70%
II	Fringe Benefits Tax	10%
III	Goods and Services Tax	20%

I Income Tax

A	Jurisdiction to Tax	
1.	Concepts of Residency: Distinguishing between Residents, Temporary Residents and Foreign Residents	3
2.	Concepts of Source: Classes of Income and Statutory/Common Law Source Rules	3
B	Taxing Residents	
1.	Exemption/Exemption with Progression Methods	3
2.	Foreign Tax Credits (known as “Foreign Income Tax Offsets”) Methods	3
3.	Deduction Methods	1
4.	Attribution of Income CFC; Transferrer Trust; FIF’s and Sections 96/C	2
C	Taxing Foreign Residents	
1.	Withholding Taxes on Certain Dividends	3
2.	Withholding Taxes on Interest	3
3.	Withholding Taxes on Royalties	3
4.	Taxes on Capital Gains	3
5.	Other Income	3
D	Taxing Temporary Residents	
1.	Australian sourced income	2
2.	Foreign Employment Income	2
3.	Capital Gains	2
E	International Anti-Avoidance Measures	
1.	Statutory Anti-Avoidance Rule (“GAAR”)	3
2.	Thin Capitalisation	2
3.	Transfer Pricing	3
F	Double Tax Agreements	
1.	Taxes Covered	3
2.	Taxpayers Covered	3
3.	Time-frame Covered	3
4.	Allocation Rules	3
5.	DTA Methods to Avoid Double Tax	3
6.	Treaty Shopping	2
7.	Treaty Override	1
8.	DTA Procedures	
i.	Exchange of Information Procedures	2
ii.	Mutual Agreement Procedures	1
iii.	Binding Arbitration Procedures	1

II Fringe Benefits Tax

A	General Principles	3
B	Exemptions	2
C	Valuation of Fringe Benefits	
1.	Cars	1
2.	Loans	1
3.	Housing	1
D	International Aspects	3

III Goods and Services Tax

A	General Principles	3
B	Registration	2
C	Grouping	2
D	Non-taxable supplies	2
E	GST-Free Supplies	2
F	Input taxed supplies	2
G	International Aspects	
1.	Exports	3
2.	Imports	3
3.	Concept of “connected with Australia”	3

RECOMMENDED READING LIST

Essential Reading

Deutsch, R. et al. *Australian Tax Handbook 2017* (Thomson Reuters Australia, 2017)
[ISBN: 9780864699213]

Candidates may take a copy of this text into the examination.

Available from Thomson Reuters:
www.thomsonreuters.com.au

Deutsch, R. et al. *Principles and Practice of Double Taxation Agreements* (BNA International, 2008)
[ISBN: 9780906524152]

Available from BNA International:
www.bnai.com/shop

Income Tax Assessment Acts

Available from ComLaw: www.comlaw.gov.au

Case Law

The following court decisions:

- Chevron Australia Holdings Pty Ltd v Commissioner of Taxation [2017 FCAFC 62]
 - Thomas v Commissioner of Taxation [2017 FCAFC 57]
-

MODULE 2.02 - CHINA OPTION

I	The structure of the Chinese tax system	5%
II	Individual Income Tax	15%
III	Enterprise Income Tax	80%

I The structure of the Chinese tax system

A	Sources of Tax Law	1
B	Structure of tax administration	1

II Individual Income Tax

A	Jurisdiction to tax	2
B	Schedular system	2
C	Wages and salaries	2
D	Business income	2
E	Services	2
F	Income from property and investment	2
G	Capital gains	2
H	Effect of tax treaties	3
I	Tax administration	1

III Enterprise Income Tax (EIT)

A	Legislative framework	1
B	Jurisdiction of the tax	1
C	Inbound rules: Foreign investment enterprises	
1.	Residence	2
2.	Taxable income	2
3.	Tax rate	2
4.	Tax incentives	2
5.	Reorganisations	3
6.	Thin capitalisation rule	3
D	Inbound rules: foreign corporations operating in China	
1.	"Establishment", "place of business" and "agent"	3
2.	Effectively connected income	3
3.	Treaty considerations	3
E	Inbound withholding taxes on investment income	
1.	Chinese source of income	2
2.	Dividends	2
3.	Interest	2
4.	Rents and royalties	2
5.	Capital gains	2
6.	Treaty consideration	3
F	Outbound rules	
1.	Foreign tax credit	3
2.	Controlled Foreign Corporations	3
G	Transfer pricing	3
H	General Anti-Avoidance Rule	3

RECOMMENDED READING LIST

Essential Reading

Cao, F. *Corporate Income Tax Law and Practice in the People's Republic of China* (Oxford University Press, 2011) [ISBN: 9780195393392]

Available from Amazon: www.amazon.co.uk

CCH. *China Master Tax Guide 2015-2016* (CCH, 2015) [ISBN: 9789881395610]

Candidates may take a copy of this text into the examination.

Available from CCH: www.cch.co.uk

Li, J. "Fundamental Enterprise Income Tax Reform in China: Motivations and Major Changes" (2007)

Available from Social Science Research Network:

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1030656

Li, J. "Tax Transplants and Local Culture: A Comparative Study of the Chinese and Canadian GAAR" (2010)

Available from Social Science Research Network:

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1645336

Li, J. "The Great Fiscal Wall of China: Tax Treaties and Their Role in Defining and Defending China's Tax Base" (2012)

Available from Social Science Research Network:

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2159405

Li, J. and Huang, H. "Transformation of the Enterprise Income Tax in China: Internationalization and Chinese Innovations" (2008)

Available from Social Science Research Network:

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1313727

State Administration of Taxation. *China Advance Pricing Arrangement Annual Report 2013* (SAT, 2013)

Available from State Administration of Taxation:

www.chinatax.gov.cn/n810219/n810724/c1371141/part/1371156.pdf

State Administration of Taxation. "Circular of the State Administration of Taxation on the Issue of the Implementation Measures of Special Tax Adjustments (Provisional)". *Circular Guoshuifa* (2009, No. 2)

Available from KPMG:

www.kpmg.com/CN/en/services/Tax/Global-Transfer-Pricing-Services/Documents/Circular-20090108-0002-1e.pdf

United Nations. *UN Practical Manual on Transfer Pricing for Developing Countries*. 10.3: China Country Practices (New York: UN, 2013)

Available from the UN:

www.un.org/esa/ffd/tax-committee/ta-transfer-pricing.html

Zhang, X. *The Law and Practice of International Tax Treaties in China* (Wildy, Simmonds and Hill Publishing, 2003) [ISBN: 9781898029625]

Candidates may take a copy of this text into the examination.

Available from Amazon: www.amazon.co.uk

2011 UK/China Double Taxation Convention, together with 2013 Protocol

MODULE 2.03 - CYPRUS OPTION

I	Income Tax	
A	Basic concepts	5%
B	Sources of Income	10%
C	Deductions, exemptions and personal allowances	10%
D	Special modes of taxation	5%
E	Reorganisations	5%
F	Base Erosion and Profit Shifting (BEPS)	5%
G	Double taxation relief and Cyprus Double Taxation Treaty Network	25%
II	Special Defence Contribution	5%
III	Capital Gains Tax	8%
IV	Immovable Property Tax	
V	Collection and Assessment Tax	
VI	Trusts	10%
VII	Land Transfer Fees	
VIII	Stamp Duty	
IX	Value Added Tax	10%
X	Organisation of the Tax Department	2%

I **Income tax**

A	Basic concepts	
	1. Meaning of residence for individuals and relevance of the term	3
	2. Meaning of residence for legal entities and relevance of the term	3
	3. Explanation of transparency of partnerships	1
	4. Meaning of tax year	2
	5. Explanation of the implications of statute law, case law and tax circulars	1
	6. Meaning of arm's length transactions and implications of Article 33	2
B	Sources of Income	
	1. Explanation of income of residents vs. non-residents	2
	2. Income from business including from isolated transactions (badges of trade)	3
	3. Income from employment including benefits in kind and 90-day rule	2
	4. Income from dividends	2
	5. Income from interest, including explanation of interest income treated as business income	2
	6. Income from pensions and annuities	2
	7. Income from immovable property, including value of owner's benefit	2
	8. Income from intellectual property	3
	9. Income from trading goodwill	2
	10. Income from benefit on debit balances	3
C	Deductions, exemptions and personal allowances	
	1. The concept of chargeable income	3
	2. Deductible and non-deductible expenditure	3
	3. Exemptions available including overseas permanent establishments	2
	4. Deemed interest expense on 'fresh capital' injection from 1 January 2015	3

5. Tax treatment of losses	3
6. Capital allowances	3
7. Personal allowances	3
8. Social insurance and social cohesion fund contributions	2
D Special modes of taxation	
1. Shipping and aircraft businesses	1
2. Insurance companies	1
3. Royalties	2
4. Film rentals	2
5. Income of professionals, artists and other public entertainers	2
6. Income of companies providing services to the upstream energy sector	2
E Debt restructuring	
1. Definition of restructuring, lender, restructuring price	2
2. Exemption from taxation of amounts written off restructured loans	2
3. Provisions to which exemptions do not apply	2
F Reorganisations	
1. Types of reorganisations	1
2. Tax implications of reorganisation schemes	1
3. Exemptions do not apply in cases of artificial arrangements for the purposes of avoidance or deferral of taxes	2
G Base Erosion and Profit Shifting (BEPS)	
1. Understanding of the concept of BEPS, and BEPS as a tax avoidance issue	1
2. BEPS by trading, royalty and financing companies	2
3. Provisions in Cyprus legislation to combat BEPS	3
4. Double taxation avoidance where related companies are caught in BEPS, the European code of conduct EC2006/C176/02 and the relevant provisions of Article 9 OECD MC	1
H Double taxation relief and Cyprus Double Taxation Treaty Network	
1. Double tax treaty relief	3
2. Unilateral relief and relief for underlying tax	3
3. Outline of OECD model convention	3
4. Cyprus's double taxation treaty network, including knowledge of the most popular treaties for inward and outward investment	3
5. Restriction of Foreign Dividend income exemption if it erodes the taxable base of the remitter company	2
6. Restriction of unilateral double taxation relief on foreign dividends received in cases of artificial arrangements for the purposes of avoidance or deferral of taxes	2
7. Multilateral automatic exchange of information (Application of the OECD Common Reporting Standard (CRS))	1

II Special Defence Contribution

A Application of Special Defence Contribution (SDC)	
1. Residents and domiciled vs. non-domiciled residents and non-residents, including when beneficial owner of structure is non-domiciled or non-resident	1
B Taxation of dividends	
1. SDC on dividends and deemed dividend distribution rules	1
2. Exemption of SDC on dividend between resident companies and four year exception rule	1
3. Clawback of deemed distribution exemption on reorganization, on future disposal of previously exempt asset transfer	2
4. Definition of restructuring, lender, restructuring price	1
5. Exemption from deemed distribution of amounts written off restructured loans	2
6. Provisions whereby exemption from deemed distribution of amounts written off from restructured loans does not apply, and general anti-avoidance provisions	2

C	Taxation of interests	
1.	SDC on interest including explanation of application when interest is considered business income	1
2.	Application of the reduced rate	1
D	Taxation of Rental Income	
1.	SDC on rental income	1

III Capital Gains Tax

A	Chargeable gain	1
B	Rollover relief	1
C	Application to sale of shares	1
D	Exemptions and losses	1
E	Exemption from scope of tax of disposals of taxable property acquired up to 31 December 2016	1
F	Definitions of restructuring, lender, restructuring price	2
G	Capital Gains Tax exemption for amounts written off from restructured loans	2
H	Provisions under which exemptions do not apply	2
I	Tax is the obligation of the borrower, but the lender has the obligation to withhold in cases where exemptions do not apply	2
J	Definitions of sale and leaseback, finance lease, simple finance lease, lessor, leasehold premium, lessee, connected person and company	2
K	Transfer of leasehold premiums between connected parties; tax obligation on the lessee, the lessor has the obligation to withhold the tax	2

IV Immovable Property Tax

A	1 January 1980 values and rates of tax	1
B	Payment and assessment	1
C	Purchaser payment of tax where legal transfer of property is still pending	1

V Collection and Assessment Tax

A	Method and dates of payment of tax, including temporary taxation provisions	2
B	Penalties for late or non-payment	2
C	Powers of the Commissioner	1
D	Definitions for debt restructuring, lender, restructuring price	1
E	Memo on immovable property transferred to the lender when the property is transferred under a debt restructuring scheme	1
F	Commissioner discretion to transfer the memo to another property, to negotiate a settlement to free it from the memo or to grant relief for insolvent individuals of illiquid companies	1
G	Objections, assessments and appeals	1

VI Trusts

A	The Cyprus International Trust vs. the Cyprus Trust	3
B	Administration of a trust for tax purposes	3

VII Land Transfer Fees

A	Rates of fees	1
B	Definitions for restructuring, lender, restructuring price	1
C	Anti-avoidance; false declaration of the restructuring price	1

VIII Stamp Duty

A	Basic rules regarding instruments liable to duty	1
B	Definitions for restructuring, lender, restructuring price	1
C	Stamp duty exemption for documents within a debt restructuring scheme	1
D	General anti-avoidance provision regarding artificial arrangements for tax avoidance	1

IX Value Added Tax

A	Meaning of taxable person and taxable supply	2
B	Place of supply rules for goods and services, including triangulation and reverse charge principle	2
C	The application of VAT to cross-border acquisitions and supplies	2
D	The application of VAT to imports and exports	2
E	VAT mixed transactions	2
F	Optional cash accounting scheme	2
G	Application of harmonised time limits for issuing invoices for intra-Community trade	2
H	Electronic invoices: content, storage, transmission, integrity and authenticity	2
I	Tax point changes for lawyers' services and services in the building industry	2
J	Definitions for debt restructuring, lender, restructuring price	1
K	Memo on immovable property transferred to the lender when the property is transferred under a debt restructuring scheme	1
L	Commissioner discretion to transfer the memo to another property, to negotiate a settlement to free it from the memo or to grant relief for insolvent individuals of illiquid companies	1

X Organisation of the Tax Department

A	Organisation of the Tax Department	3
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RECOMMENDED READING LIST

Publications

CTR. *A Practical Application of Income Tax in Businesses* (CTR Publications)

This manual covers all tax legislation in Cyprus in detail, giving an article-by-article explanation of the law, and including important court decisions and tax circulars. Loose leaf binder with subscription required for updates.

Available only in Greek.

Available from CTR Publications:

www.ctrpublications.com

CTR. *A Practical Application of VAT in Businesses* (CTR Publications)

This manual covers all VAT legislation in Cyprus in detail, giving an article-by-article explanation of the law, and including important court decisions and tax circulars. Loose leaf binder with subscription required for updates.

Available only in Greek.

Available from CTR Publications:

www.ctrpublications.com

Neofytou, N. *Cyprus in International Tax Planning* (Redimus Services Ltd, 2014) [ISBN: 9789963203109]

OECD, Committee on Fiscal Affairs. *OECD Model Tax Convention on Income and on Capital* (Paris: OECD, 2017)

Available from the OECD online bookshop:

www.oecdbookshop.org

OECD, Committee on Fiscal Affairs. *Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations* (Paris: OECD, 2017) [ISBN: 9789264262737]

Chapter 1 is of relevance to the syllabus for this module.

Available from the OECD online bookshop:

www.oecdbookshop.org

Savvides, S. *Cyprus Tax Laws loose-leaf books in Greek* (CTR Publications) [ISBN: 99635950104]

Available from CTR Publications:

www.ctrpublications.com

Terra, B. and Kajus, J. *A Guide to the European VAT Directives 2016. Volume 1* (IBFD, 2016) [ISBN: 9789087223571]

Available from IBFD: www.ibfd.org

Van Raad, K. *Materials on International, TP and EU Tax Law 2017-2018. Volume A* (Leiden: International Tax Centre, 2017) [ISBN: 9789082585407]

Candidates may take a copy of this text into the examination.

Candidates with a pre-2016 edition may instead take Volume 1 of the earlier edition into the examination. Available from the International Tax Centre at Leiden University:

www.itc-leiden.nl or b.bosman@itc-leiden.nl

Or available from Wildy & Sons: www.wildy.com

Court cases

Particular attention should be given to the following court decisions:

- Canada: *Prévost Car Inc vs. The Queen*, 2008 D.T.C. 3080, on the definition of the term 'beneficial ownership' in the context of a double tax treaty
- CY: *Hagop Matossian*, Case 1102 [14.9.1992], on tax of notional profit, enforcing the principle laid down in the UK case of *Sharkey vs. Wernher* [1956]
- CY: *Faunus Investment Company Ltd*, Case 423/85 [30.12.1986], on rule that double tax treaty provisions override local tax law provision
- CY: *Serafino Shoe Industry and Trading Limited*, Case 757 [16.05.1991], on rules on interpreting provisions of tax law
- CY: *Canon Assurance Limited*, Case 1203, [26.01.1996], on existence of permanent establishment
- ECJ: *Marks and Spencer plc vs. David Halsey (Her Majesty's Inspector of Taxes)*, Case C-446/03 [13.12.2005], on use of losses from foreign subsidiary as group relief
- UK: *Wood vs. Holden* [26.01.2006], on place of management and control

The following court decisions are also of interest:

- CY: Limassol Land Investments Ltd [1957], on badges of trade
- CY: Rallis Makrides [Πάλλης Μακρίδης] [18.2.1967], on badges of trade
- CY: Amani Enterprises (Houses) Ltd, Case 438 [27.3.1990], on badges of trade
- CY: Lavar Shipping Co. Ltd, Case 1109 [15.7.1994], on general principle regarding deduction of losses
- CY: Ktimatiki Etaireia A X''Savva Ltd [Κτηματική Εταιρεία Α. Χ''Σάββα Λτδ], Case 2090, [18.12.1997], on badges of trade
- CY: Theodosia Karaolis Holdings Ltd and A Kapetanios Holdings Ltd, Case 138/05 [11.02.2009], on computation of taxable gain for capital gains tax purposes when selling shares in a company that owns immovable property in Cyprus

International court cases can be found through a simple internet search. Cyprus court cases are available free of charge from the Cyprus Bar Association's website:

www.cylaw.com

Tax Laws and Treaties

Particular attention should be given to the following tax legislation:

- *1998 Cyprus/Russia Double Taxation Convention, together with 2010 Protocol*
- *The Income Tax Law, Law 118(I)/2002*

Both items are available from the Ministry of Finance website: www.mof.gov.cy

Other Tax and VAT Laws and Circulars

Particular attention should be given to the following circulars issued by the Department of Inland Revenue of Cyprus:

On exchange differences:

- Circular 1990/23 – Tax treatment of exchange differences
- Circular 2008/4 – Tax treatment of exchange differences arising directly or indirectly from the sale and purchase of shares

On the income/profit tax exemption on sale of titles:

- Circular 2008/13 – List of investment products that constitute 'titles'
- Circular 2009/6 – Amendment to circular 2008/13

On the deductibility of interest expense:

- Circular 2010/8 – Interest that is not deductible for the purposes of calculating taxable income (Article 11 of the Income Tax Law)

On deduction of losses and distribution of expenses at arriving at taxable income:

- Circular 2008/14 – Deduction of losses and distribution of expenses and deductions for the purposes of determining taxable income

On when interest income constitutes business income:

- Circular 2003/8 – Article 8(19) of the Income Tax Law and Article 3(2)(b)(i) of the special contribution for the defence of the Republic Law

On debt restructuring:

- Circular 2016/2 – Debt restructuring

On BEPS:

- Double taxation relief for related companies, Law 11(III)/2006 (90/436/EEC)
- Circular 2007/5 – Acknowledgement of Law 11(III)/2006 and application of EU code 2006/C176/02
- Letter of Director of Taxes dated 4 July 2011 to ICPAC on acceptable profit margins (within the frame of s.33 of Law 118(I)/2002 on triangular loan relationships between connected companies)
- ACTL Ministerial Order 161/2016 dated 20 May 2016 on Multilateral Automatic Exchange of Information (Adoption of the OECD Common Reporting Standard)

On double tax relief:

- Circular 2011/14 – Providing tax relief with regards to overseas tax that was paid on income arising outside of the Republic and which is taxable in the Republic (Articles 35 and 36 of the Income Tax Law)

On double tax treaties:

- Circular 2012/11 – Protocol that amends the Double Tax Treaty between Cyprus and Russia

Tax circulars are available only in Greek, and are available from the Ministry of Finance website: www.mof.gov.cy/mof/ird/ird.nsf/dmlcirculars_gr/dmlcirculars_gr?OpenDocument

Particular attention should be given to the following VAT circulars, issued by the authorities:

- Interpretative Circular 86 – Place of supply of services – changes after 1 May 2004
- Interpretative Circular 139 – Change in the place of supply rules for services as of 1 January 2010
- Interpretative Circular 145 – Change in the place of supply rules for certain services as of 1 January 2011

The following VAT circulars are also of interest:

- Interpretative Circular 101 – Sale of buildings with the land
- Interpretative Circular 105 – Barter transactions in the construction industry
- Interpretative Circular 127 – Deduction of input VAT when applying the reverse charge
- Interpretative Circular 166 – Obligation to register under Article 11B

VAT circulars exist only in Greek and are available from the Ministry of Finance website: www.mof.gov.cy/mof/vat/vat.nsf/All/EB4F13A5B6603053C225723C002A8DDF?OpenDocument

European Union Directives

The following EU Directives are of interest:

- Council Directive 2003/49/EC of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States [Interest and Royalties Payments Directive]
 - Council Directive 2003/123/EC of 22 December 2003 on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States [Parents – Subsidiary Directive]
 - Council Directive 2005/19/EC of 17 February 2005 on the common system of taxation applicable to mergers, divisions, transfers of assets and exchanges of shares concerning companies of different Member States [Mergers Directive]
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MODULE 2.04 - HONG KONG OPTION

I	Income Tax	
A	Taxation of individuals	25%
B	Taxation of corporate business	35%
C	Tax administration	10%
D	Tax planning and tax audit	10%
E	Transfer Pricing, Double Taxation relief and Hong Kong Double Taxation Treaty Network	10%
II	Stamp Duty	10%

I Income Tax

A	Taxation of individuals	
1.	Salaries tax on income from employment	3
2.	Profits tax on income from self-employment	2
3.	Property tax on income from property	1
4.	Personal Assessment	1
	Within each of the above headings:	
i.	Scope of charge: meaning of source of income and residence issues	3
ii.	Deduction, relief, and allowances	2
iii.	Calculation of tax liability	1
B	Taxation of corporate business	
1.	Profits tax on income of Hong Kong companies trading in Hong Kong, the PRC Mainland and overseas	3
2.	Profits tax on income of non-Hong Kong resident companies trading in Hong Kong	2
3.	Special categories of taxpayer	
i.	Insurance corporations	1
ii.	Financial Institutions	1
iii.	Shipping and airline companies	1
iv.	Clubs and associations	1
	Within each of the above headings:	
i.	Scope of charge: meaning of source of income and residence issues	3
ii.	Deduction, relief, allowances	2
iii.	Calculation of tax liability	1
C	Tax administration	
1.	Assessment procedures and tax compliance	1
2.	Objections and appeals	2
3.	Penalties	2
D	Tax planning, and tax audit	
1.	Tax deferral and mitigation – principles and strategies	3
2.	Anti-tax avoidance rules – specific rules, general rules and transfer pricing rules	3
3.	Advance ruling	1
4.	Tax investigation – process, methods of quantification of under-statement, offences and penalties	2
E	Transfer Pricing, Double Taxation relief and Hong Kong Double Taxation Treaty Network	
1.	The basis of Double Taxation relief: unilateral and bilateral	2
2.	The rules for determining Double Taxation relief: tax deduction, tax exemption, tax credit, etc.	1
3.	Hong Kong treaty network	1
4.	Principle and operation of transfer pricing	2
5.	Transfer pricing methodologies and documentation advance pricing agreement	1

II Stamp Duty

A	Scope of charge	2
B	Voluntary disposition	2
C	Relief and exemption	2
D	Calculation of stamp duty	1
E	Stamp duty planning	1

RECOMMENDED READING LIST

Textbooks for Hong Kong Tax

CCH. *Hong Kong Master Tax Guide 2015-2016* (CCH Hong Kong Ltd, 2015) [ISBN: 9789881395627]

Available from CCH: www.cch.com.hk

Or available from Professional Bookshop:

www.pbookshop.com

CCH. *Hong Kong Revenue Legislation* (CCH Hong Kong Ltd, 1989-) [ISBN: 9781862644175]

Candidates may take a copy of this text into the examination.

Available from CCH: www.cch.com.hk

CCH. *Hong Kong Tax Workbook 2012-2013* (CCH Hong Kong Ltd, 2012) [ISBN: 9789881552402]

Available from CCH: www.cch.com.hk

Or available from Professional Bookshop:

www.pbookshop.com

Ho, P. *Hong Kong Taxation and Tax Planning* (Pilot Publishing Company Ltd, 14th edition, 2015) [ISBN: 9789882059474]

Available from Professional Bookshop:

www.pbookshop.com

Lee, D. *Advanced Taxation in Hong Kong* (Pearson Education Asia Ltd, 17th edition, 2014) [ISBN: 9789882331907]

Available from Bloomsbury Books:

www.bloomsbury.com.hk

Or available from Professional Bookshop:

www.pbookshop.com

MacPherson, A. and Pearce, J. *Hong Kong Taxation: Law and Practice 2015-2016* (Chinese University Press, 2015) [ISBN: 9789629966829]

Available from Professional Bookshop:

www.pbookshop.com

Or available from Amazon: www.amazon.com

Additional reading

Halkyard, A., Vanderwolk, J. and Chow, W. *Hong Kong Tax Law: Cases and Materials* (LexisNexis, 6th edition, 2013) [ISBN: 9789888231416]

Available from LexisNexis: www.lexisnexis.com.hk

Willoughby, P. and Halkyard, A. *Encyclopaedia of Hong Kong Taxation* (LexisNexis, three-volume looseleaf edition, 2011) [ISBN: 9780409996340]

Available from LexisNexis: www.lexisnexis.com.hk

Websites

Bilingual Laws Information System (for Inland Revenue Ordinance): www.legislation.gov.hk

Hong Kong Board of Review (for Board of Review's decisions): www.info.gov.hk/bor

Hong Kong Inland Revenue Department:
www.info.gov.hk/ird

MODULE 2.05 - INDIA OPTION

I	Tax jurisdiction including territoriality	10%
II	Taxation of individuals	15%
III	Taxation of companies	20%
IV	Tax planning	20%
V	Use of tax treaties	10%
VI	Tax procedures	10%
VII	Withholding taxes	10%
VIII	Tax administration	5%

I Tax jurisdiction (including territoriality)

A	Charge to tax including deemed income under Section 9	3
B	Residence, ordinary residence and non-residence	3

II Taxation of individuals

A	Employment income	3
B	Reliefs	1
C	Investment income	2
D	Capital Gains	3

III Taxation of companies

A	Business profits	3
B	Capital Gains	3
C	Withholding taxes	3
D	Computations	3
E	Transfer Pricing	2
F	Funding costs	3
G	Dividends	3

IV Tax planning

A	Judicial anti-avoidance doctrine	3
B	GAAR	2
C	Vodafone Changes	3
D	Specific anti-avoidance legislation	1
E	Implications of the OECD BEPS Project for Indian taxation of cross-border activities	2
F	Residence of partnerships	2
G	Availability of treaty benefits	2

V Use of tax treaties

A	Knowledge of most popular treaty locations for inward and outward investment	2
B	Use of treaty residence certificates	2
C	Interaction with GAAR	2
D	Courts' approach to treaties	3
E	TIEA Network	1

VI Tax procedures

A	Advance rulings	3
B	Transfer Pricing	2
C	Section 195 procedure	3

VII Withholding taxes

A	What does withholding apply to?	2
B	Payment machinery	1
C	Withholding tax rates	2

VIII Tax administration

A	Assessment and compliance	2
B	Appellate procedure	2
C	Other judicial remedies	2
D	Interest and penalties	1
E	Collection and enforcement	1

RECOMMENDED READING LIST

Tax Legislation

Draft Report on Retrospective Amendments Relating to Indirect Transfer (New Delhi: Ministry of Finance Expert Committee, 2012)

Available from the Ministry of Finance:
www.finmin.nic.in

Final Report on General Anti Avoidance Rules (GAAR) in Income Tax Act 1961 (New Delhi: Ministry of Finance Expert Committee, 2012)

Available from the Ministry of Finance:
www.finmin.nic.in

Income Tax Act 1961 [ISBN: 9789350716359]

Candidates may take a copy of this text into the examination.

Available from Taxmann: www.taxmann.com/bookstore

Reports of the Tax Administration Reform Commission (New Delhi: Tax Administration Reform Commission, 2014-2015)

Available from the Ministry of Finance:
www.finmin.nic.in

UK/India Double Taxation Treaty

Candidates may take a copy of this text into the examination.

Available in Mittal, *Indian Double Taxation Agreements*, Volume 2.

Available from Taxmann: www.taxmann.com/bookstore

Kanga, J., Palkhivala, N., and Vyas, D. *The Law and Practice of Income Tax* (LexisNexis, 10th edition, 2014) [ISBN: 9788180386503]

Available from LexisNexis: www.lexisnexus.in

Mittal, D. *Indian Double Taxation Agreements and Tax Laws* (Taxmann, three-volume edition with free CD, 7th edition, 2014) [ISBN: 9789350715321]

Available from Taxmann: www.taxmann.com/bookstore

Mittal, D. *Law and Practice Relating to General Anti Avoidance Rules (GAAR)* (Taxmann, 2012) [ISBN: 9789350710685]

Available from Taxmann: www.taxmann.com/bookstore

Shome, P. *Taxation Principles and Applications: a Compendium* (LexisNexis, 2014) [ISBN: 9789351431244]

Available from LexisNexis:
www.lexisnexus.in/taxation-principles-and-applications-a-compendium.htm

Taxmann. *Direct Taxes Manual* (Taxmann, three-volume edition, 46th edition, 2016) [ISBN: 9789350718926]

Candidates may take a copy of Volume 1 into the examination.

Available from Taxmann: www.taxmann.com/bookstore

Taxmann. *Securities Transaction Tax, Commodities Transaction Tax and Wealth Tax with Rules* (Taxmann, 43rd edition, 2016) [ISBN: 9789350718889]

Available from Taxmann: www.taxmann.com/bookstore

Taxsutra. *Judicial Trends in Transfer Pricing: a Comprehensive Analysis* (Taxsutra, 2013) [ISBN: 9788184739572]

Available from CCH: www.cchindiastore.com

Books

Butani, M. *Transfer Pricing: An Indian Perspective* (Butterworth Heinemann, 2nd edition, 2007) [ISBN: 9788180381386]

Available from LexisNexis: www.lexisnexus.in

Chaturvedi, K. and Pithisaria, M. *Chaturvedi and Pithisaria's Income Tax Law* (LexisNexis, 6th edition, 2014) [ISBN: 9789351432739]

Available from LexisNexis: www.lexisnexus.in

Websites

Income Tax Department of India:

www.incometaxindia.gov.in

ITAT Online (for cases): www.itatonline.org

Ministry of Finance: www.finmin.nic.in

OECD (for BEPS): www.oecd.org/ctp/beps.htm

Taxmann: www.taxmann.com

Taxsutra: www.taxsutra.com (20% discount available for registered ADIT students)

Taxsutra Transfer Pricing portal:
www.tp.taxsutra.com (20% discount available for registered ADIT students)

MODULE 2.06 - IRELAND OPTION

I	Income Tax, Universal Social Charge, Corporation Tax and Capital Gains Tax	
A	Basic jurisdictional rules	15%
B	The application of taxes on income and capital gains to cross-border situations	25%
C	Double Taxation relief	25%
D	The Irish double tax treaty network	10%
E	Transfer Pricing	10%
F	Anti-Avoidance	
II	Capital Acquisitions Tax	
III	Stamp Duty	
IV	Pay-Related Social Insurance	
V	Value Added Tax	
VI	The impact of EU law	15%

I Income Tax, Universal Social Charge, Corporation Tax and Capital Gains Tax

A	Basic jurisdictional rules	
	1. Jurisdictional rules applying to the various categories of income and to capital gains tax	3
	2. Meaning of residence and ordinary residence for individuals, corporations, and other bodies	3
	3. Determination of Irish source or situs for various categories of income and property: trading in Ireland; Irish permanent establishment	3
	4. The imposition of tax on non-resident persons: Irish tax representatives of non-resident persons; withholding at source; domicile levy	2
	5. Domicile	3
	6. Remittance basis	3
	7. Administrative and compliance requirements	1
B	The application of taxes on income and capital gains to cross-border situations	
	1. The taxation of foreign income and gains of Irish resident individuals and corporations	3
	2. The determination and taxation of Irish source income of non-resident corporations	3
	3. Entity characterisation: the characterisation of foreign entities for various purposes	3
	4. Cross-border payments of dividends, interest, and royalties out of Ireland	3
	5. Cross-border payments of dividends, interest and royalties into Ireland	3
	6. Restriction of relief for interest paid (the distribution provisions)	3
	7. Taxation of foreign exchange transactions for trading and non-trading companies and individuals	2
	8. Cross-border re-organisations	3
	9. Tax consequences of change of individual and corporate residence (outwards and inwards)	3
	10. Tax issues of employees: stock options, PRSI, tax equalisation arrangements, special assignee relief, foreign earnings deduction	2
	11. Irish partnerships trading abroad; non-resident partners in Irish partnerships	1
C	Double Taxation Relief	
	1. The basis for Double Taxation relief: unilateral and treaty relief	3
	2. The rules for determining Double Taxation relief: the credit code and other provisions	3
	3. Practical administration of DTCs and foreign tax credit relief	2

D	The Irish Double Taxation treaty network	
1.	The legal basis for negotiating and implementing Double Taxation Conventions in Ireland	2
2.	The approach to interpreting Double Taxation Conventions in Ireland	3
3.	An overview of the Irish treaty network (candidates are not expected to know the details of the entire network, but are expected to know where Irish treaty practice departs regularly from the OECD Model. Some understanding of the major Irish treaties, with the US, UK, and Netherlands in particular, is expected).	2
E	Transfer Pricing	
1.	Transfer Pricing in Irish Law	3
F	Anti-avoidance	
1.	Transfers of assets abroad	2
2.	Offshore funds	2
3.	Capital Gains Tax	3
4.	Arbitrage – Section 247 and related anti-avoidance provisions	2
5.	General anti-avoidance provision (Section 811)	2
6.	The implications of the OECD BEPS Project on Irish investment, both inbound and outbound	2
G	Non-Irish Trusts	
1.	The rules relating to non-Irish resident trusts, their settlors and beneficiaries	1

II Capital Acquisitions Tax

A	Basic jurisdictional rules:	
1.	Domiciled individuals, non-domiciled individuals, deemed domicile	2
2.	Situs of assets	2
B	Double Taxation and unilateral relief	1

III Stamp Duty

A	Basic Jurisdictional rules	1
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IV Pay-Related Social Insurance

A	Application of PRSI rules in cross-border situations	2
B	Ireland's network of social security agreements	1

V Value Added Tax

A	The application of VAT to cross-border acquisitions, importations and supplies	2
B	The application of VAT to non-Irish resident entities	2

VI The impact of EU law

A	The implementation of the Directives relating to direct taxation: Parent-Subsidiary Directive, Mergers Directives, Interest and Royalties Directive, Savings Income Directive	2
B	The impact on Irish tax law of the jurisprudence of the CJEU	3

RECOMMENDED READING LIST

Books

Bradley, J. *PRSI, Levies and the Universal Social Charge, Finance Act 2012* (Irish Tax Institute, 2012) [ISBN: 9781842602928]

Available from Irish Tax Institute: www.taxinstitute.ie

Brodie, S. et al. *Value Added Tax and VAT on Property, Finance (No. 2) Act 2013* (Irish Tax Institute, 2014)

Available from Irish Tax Institute: www.taxinstitute.ie

Byrne, K. et al. *Taxing Financial Transactions* (Irish Tax Institute, 3rd edition, 2012) [ISBN: 9781842601471]

Available from Irish Tax Institute: www.taxinstitute.ie

Cantillon, L. and Nestor, P. *The Taxation of Income and Employment, Finance Act 2015* (Irish Tax Institute, 2016)

Available from Irish Tax Institute: www.taxinstitute.ie

Cassidy, B. and Reade, M. *Law of Value Added Tax, Finance Act 2015* (Irish Tax Institute, 2016)

Candidates may take a copy of this text into the examination.

Available from Irish Tax Institute: www.taxinstitute.ie

Conroy, S. *Cross-border Compliance Masterclass: Ireland and UK 2016* (Irish Tax Institute, 2016)

Available from Irish Tax Institute via TaxFind

(subscription required):

www.taxinstitute.ie/TaxFind/Taxfind.aspx

Doherty, B. *Corporate Transactions: Tax and Legal Issues* (Irish Tax Institute, 2015)

Available from Irish Tax Institute: www.taxinstitute.ie

Feeney, M. *The Taxation of Companies 2015* (Bloomsbury Professional, 2015) [ISBN: 9781780436975]

Available from Bloomsbury Professional:

www.bloomsburyprofessional.com

Haccius, C. *Ireland in International Tax Planning* (2nd edition, 2004) [ISBN: 9789076078748]

Available from IBFD:

www.ibfd.org/IBFD-Products/Ireland-International-Tax-Planning-Second-Revised-Edition

Healy-Rae, R., Barry, F. and Buitleir, D. *Who's Afraid of the ECJ? Implications of the European Court of Justice Decisions on Ireland's Corporate Tax Regime* (Irish Tax Institute, 2007) [ISBN: 9781842601655]

Available from Irish Tax Institute via TaxFind

(subscription required):

www.taxinstitute.ie/TaxFind/Taxfind.aspx

Herlihy, J., Moore, P. and O'Sullivan, H. *Corporation Tax, Finance Act 2010* (Irish Tax Institute, 2010) [ISBN: 9781842602201]

Available from Irish Tax Institute: www.taxinstitute.ie

Keogan, A. and Scully, E. *Law of Capital Acquisitions Tax, Stamp Duty and Local Property Tax, Finance Act 2015* (Irish Tax Institute, 2016)

Candidates may take a copy of this text into the examination.

Available from Irish Tax Institute: www.taxinstitute.ie

Maguire, T. *Direct Tax Acts, Finance Act 2015* (Irish Tax Institute, 2016)

Candidates may take a copy of this text into the examination.

Available from Irish Tax Institute: www.taxinstitute.ie

McQuillan, P. *Irish Income Tax 2015* (Bloomsbury Professional, 2015) [ISBN: 9781780436999]

Available from Bloomsbury Professional:

www.bloomsburyprofessional.com

O'Brien, C. *Double Taxation Agreements* (Irish Tax Institute, 2014) [ISBN: 9781842603628]

Available from Irish Tax Institute: www.taxinstitute.ie

O'Hanlon, F. and McCleane, J. *The Taxation of Capital Gains, Finance Act 2015* (Irish Tax Institute, 2016)

Available from Irish Tax Institute: www.taxinstitute.ie

Power, T., Scully, E. and Devlin, C. *The Law and Practice of Irish Stamp Duty, Finance Act 2013* (Irish Tax Institute, 2013) [ISBN: 9781842602935]

Available from Irish Tax Institute: www.taxinstitute.ie

Van Raad, K. *Materials on International, TP and EU Tax Law 2017-2018*. Volumes A and C (Leiden: International Tax Centre, 2017)

Candidates may take a copy of Volume A into the examination.

Candidates with a pre-2016 edition may instead take Volume 1 of the earlier edition into the examination. Available from the International Tax Centre at Leiden University:

www.itc-leiden.nl or b.bosman@itc-leiden.nl

Or available from Wildy & Sons: www.wildy.com

Whelan, J. and Williams, A. *Taxation of Gifts and Inheritances, Finance Act 2012* (Irish Tax Institute, 2012) [ISBN: 9781842602881]

Available from Irish Tax Institute: www.taxinstitute.ie

Periodicals

Cahiers de Droit Fiscal International (Studies on International Fiscal Law) (Deventer: Kluwer Law International)

Also known as Cahiers DFI. Despite its title, most reports in the Cahiers are published in English.

Relevant articles include:

- “Foreign exchange issues and international taxation” (Volume 94b, page 345)
- “Is there a permanent establishment?” (Volume 95a, p.367)
- “Tax treaties and anti-avoidance” (Volume 95a, p.389)
- “Cross-border business restructuring” (Volume 96a, p.383)

Available from IFA:

www.ifa.nl/publications/cahiers/pages/default.aspx

Irish Tax Review (Irish Tax Institute)

Relevant articles include:

- Berry, M. “Key provisions for companies – Finance No 2 Act 2013” (March 2014)
- Farrell, F. and Brady, K. “EU Social Security changes: significant changes – could they affect your clients?” (September 2010)
- Farrell, F. “International mobile directors: the final frontier” (March 2015)

- Florides, J. “Offshore funds: a quick guide to Finance Act 2007 changes” (May 2007)
- Gill and Porter. “CAT and double taxation: credit where it’s due” (September 2009)
- Keogh, N. and Sexton, L. “Taxation of fund investments – where are we at?” (March 2014)
- Maguire, T. “Corporate Tax deductions for interest after Finance Act 2011” (May 2011)
- Maguire, T. “Tax treatment of foreign dividends and EU law – are we there yet?” (May 2013)
- Quirke, J. “Dual residents: Interpreting the “tie-breaker” rules in a globalised world” (September 2014)
- Raine, M. “Sections 247 and 249 TCA 1997: interest relief on loans” (January 2013)
- Vale, P. and Meredith, S. “Foreign tax revisited: recap and update on recent changes” (June 2010)
- Walsh, F. and Smyth, P. “Offshore Funds: a little done, lots more to do” (March 2009)
- Watson, D. “Foreign direct investment: the people agenda” (September 2014)

Available from Irish Tax Institute via TaxFind (subscription required):

www.taxinstitute.ie/TaxFind/Taxfind.aspx

MODULE 2.07 - MALTA OPTION

I	Income Tax	
A	Tax jurisdiction	10%
B	Ascertainment of chargeable income	10%
C	Taxation of individuals	10%
D	Taxation of companies	15%
E	Taxation of partnerships	5%
F	Special cases	5%
G	Relief from international double taxation and Malta's Double Taxation Treaty network	10%
H	Tax administration	5%
II	Income Tax on capital gains	10%
III	Property Transfers Tax	5%
IV	Duty on Documents and Transfers	5%
V	Value Added Tax	10%

I Income Tax

A	Tax jurisdiction	
1.	General jurisdiction rules (income arising, foreign source income, the remittance basis)	3
2.	Meaning of ordinary residence for individuals	2
3.	Meaning of ordinary residence for companies	3
4.	Meaning of domicile for individuals	2
5.	Meaning of domicile for companies	3
6.	Meaning of 'residence' for companies and individuals and relevance of the term	2
B	Ascertainment of chargeable income	
1.	The concept of chargeable income	2
2.	Deductions of a non-capital allowances Nature	2
3.	Capital allowances	3
4.	'Personal' deductions (Arts. 14A-14H)	2
5.	Surrendering of losses	2
6.	Relevant exemptions (Including the Participation Exemption)	3
C	Taxation of individuals	
1.	The taxation of employment income (overview)	3
2.	The Fringe Benefit rules	2
3.	Article 56(17), Article 56(21), Article 56(23), Article 56(25), Article 56(26)	2
4.	The part-time rules	2
5.	Computational issues	2
D	Taxation of companies	
1.	Meaning of the term 'company'	3
2.	General tax treatment of companies	3
3.	Tax accounting	3
4.	The refundable tax credit system and the full imputation system	3
5.	Deemed distributions and the investment income provisions	2

E	Taxation of partnerships	
1.	Transparent entities for the purposes of Maltese law	2
2.	The taxation of partners and partnerships, including treatment as companies	2
F	Special cases	
1.	Shipping companies	3
2.	Collective Investment Schemes	3
3.	Non-resident entertainers	1
4.	Trusts and foundations	3
5.	Aviation companies	3
6.	Insurance companies	2
7.	Banking companies	2
8.	Petroleum profits	3
9.	Rental income	2
G	Relief from international double taxation and Malta's Double Taxation Treaty network	
1.	Double Taxation Treaty relief	1
2.	Unilateral relief and relief for underlying tax	3
3.	The Flat Rate Foreign Tax Credit	3
4.	Malta's Double Taxation Treaty network	3
H	Tax administration	
1.	Tax compliance obligations	1
2.	Penalties	1
3.	Objections, assessments and appeals	3
4.	Taxation and Human Rights	3

II Income Tax on capital gains

1.	Chargeable gains	3
2.	Relevant definitions	2
3.	Transfers of immovable property	2
4.	Transfers of securities (including capital gains rules)	2
5.	Transfer of interests in partnerships	2
6.	Value-shifting	2
7.	De-grouping	2
8.	Exemptions	2

III Property Transfers Tax

1.	Scope of Article 5A ITA	2
2.	Special rules	2

IV Duty on Documents and Transfers

1.	Documents subject to duty	3
2.	Transfers of shares	3
3.	Transfers of immovable property	2

V Value Added Tax

1.	Concept of 'Turnover Tax'	1
2.	The application of VAT to cross-border acquisitions, importations and supplies	2
3.	Compliance obligations	2

RECOMMENDED READING LIST

Essential Reading

Attard, R. *An Introduction to Income Tax Theory* (Agenda Books, 2005) [ISBN: 9789993267270]
Available from Professional Bookshops:
www.professionalbooks.co.uk

Attard, R. *Principles of Maltese Income Tax Law* (Malta Institute of Management, 2013) [ISBN: 9789995780231]
Candidates may take a copy of this text into the examination.
Available from Malta Institute of Management:
www.maltamanagement.com

Attard, R. *Principles of Maltese Tax Law* (Malta Institute of Management, 2008)
Available from Malta Institute of Management:
www.maltamanagement.com

Attard, R. *Principles of Maltese VAT Law* (Malta Institute of Management, 2009) [ISBN: 9789995780210]
Candidates may take a copy of this text into the examination.
Available from Malta Institute of Management:
www.maltamanagement.com

Additional Reading

Laws of Malta, Value Added Tax Act, Cap 406 (1999)
Candidates may take a copy of this text into the examination.
Available from the Ministry for Justice, Law and Local Government:
<http://justiceservices.gov.mt/LOM.aspx?pageid=24>

MODULE 2.08 - SINGAPORE OPTION

I	Income Tax	
A	Tax jurisdiction	10%
B	Taxation of individuals	10%
C	Taxation of companies and other vehicles	15%
D	Taxation implications of debt and equity	10%
E	Ascertainment of chargeable income	10%
F	Tax planning	10%
G	Tax administration	5%
H	Relief from international double taxation	15%
II	Goods and services tax	15%

I	Income Tax	
A	Tax jurisdiction	
1.	Charge to tax: source; remittance	3
2.	Deemed and exempt income	1
3.	Tax residence and its implications	2
B	Taxation of individuals	
1.	Employment income	3
2.	Perquisites: stock options	2
3.	Deductions and personal reliefs	1
4.	Non-resident reliefs	2
C	Taxation of companies and other vehicles	
1.	Taxation of corporate profits: trade or business	3
2.	Corporate residence and tax implication	2
D	Taxation implications of debt and equity	
1.	Deductibility of interest and other costs of debt financing	3
2.	Taxation of corporate distributions	3
E	Ascertainment of chargeable income	
1.	Deductions	3
2.	Capital allowances	3
3.	Loss relief	2
F	Tax planning	
1.	Anti-avoidance	3
2.	Advance rulings	1
3.	Transfer pricing	2
G	Tax administration	
1.	Assessment and compliance	1
2.	Objections and appellate process	2
3.	Penalties for non-compliance and violations	2
H	Relief from international double taxation	
1.	Unilateral and bilateral reliefs	3
2.	Tax credits under DTAs	2

II Goods and Services Tax

A	The charge to tax	1
B	Scope of charge: supply; consideration; taxable person; in the course of furtherance of business	3
C	Value of supply and time of supply	2
D	International services	2
E	Anti-avoidance	2

RECOMMENDED READING LIST

Textbooks for Singapore Tax

CCH. *Singapore Master Tax Guide Handbook 2015-2016* (Singapore: CCH Asia Pte Ltd, 34th edition, 2015) [ISBN: 9789814446167]

Available from CCH: www.cch.com.sg

CCH. *Singapore Master Tax Guide Manual* (Singapore: CCH Asia Pte Ltd, two-volume looseleaf edition, 1989-) [ISBN: 9789810010867]

Volume 2 contains a compilation of articles on a range of topics and issues that candidates may find helpful.

Available from CCH: www.cch.com.sg

LexisNexis. *Halsbury's Laws of Singapore: Revenue and Taxation* (Income Tax). Volume 16(2) (Singapore: LexisNexis, 2008) [ISBN: 9789812367181]

Available from LexisNexis: www.lexisnexis.com.sg

Lim, C., Leung, Y. and Chia, H. *Goods and Services Tax: The Law and Practice* (Singapore: LexisNexis, 2002) [ISBN: 9789812362254]

Available from LexisNexis: www.lexisnexis.com.sg

Pok, S., Ng, K. and Timms, S. *The Law and Practice of Singapore Income Tax* (Singapore: LexisNexis, 2nd edition, 2013) [ISBN: 9789812369796]

Available from LexisNexis: www.incometaxlaw.com.sg

Additional Reading

CCH. *Tax Issues: Articles and Case Notes* (Singapore: CCH Asia Pte Ltd, 2001) [ISBN: 9789810442125]

Goods and Services Tax Act, Cap 117A, Rev Ed 2005 with all subsequent amendments

Candidates may take a copy of this text into the examination.

Available from the Singapore Attorney-General's Chambers: <http://statutes.agc.gov.sg>

Income Tax Act, Cap 134, Rev Ed 2014 with all subsequent amendments

Candidates may take a copy of this text into the examination.

Available from the Singapore Attorney-General's Chambers: <http://statutes.agc.gov.sg>

Websites

Singapore IRAS: www.iras.gov.sg

Singapore Law Watch: www.singaporelawwatch.sg

Singapore Ministry of Finance/Taxation: www.mof.gov.sg

Singapore statutes and judicial authorities: www.lawnet.com.sg and <http://statutes.agc.gov.sg>

MODULE 2.09 - UNITED KINGDOM OPTION

I	Income Tax, Corporation Tax and Capital Gains Tax	
A	Basic jurisdictional rules	10%
B	The application of corporation tax to cross-border situations	25%
C	The UK Double Taxation Treaty network (including double taxation relief)	15%
D	Transfer pricing (to include thin capitalisation)	15%
E	Anti-avoidance	20%
II	Inheritance Tax	
III	Stamp Taxes	
IV	National Insurance Contributions	15%
V	Value Added Tax and customs duties	
VI	The impact of EU law	

I Income Tax, Corporation Tax and Capital Gains Tax

A	Basic jurisdictional rules	
	1. Jurisdictional rules applying to the various categories of income and to capital gains tax	3
	2. Meaning of residence for individuals, corporations and other bodies	3
	3. Determination of UK source or situs for various categories of income and property: trading in the UK; UK permanent establishment	3
	4. The imposition of tax on non-resident persons: UK tax representatives of non-resident persons; withholding at source	3
	5. Domicile	3
	6. Remittance basis	3
	7. Administrative and compliance requirements	1
B	The application of corporation tax, etc. to cross-border situations	
	1. The taxation of the foreign income of UK-resident corporations	3
	2. The determination and taxation of the UK-source income of non-resident corporations	3
	3. Entity characterisation: the characterisation of foreign entities for various purposes	3
	4. Cross-border payments of dividends, interest and royalties out of the UK	3
	5. Cross-border payments of dividends, interest and royalties into the UK	3
	6. Restrictions on the deductibility of interest	3
	7. Forex rules	2
	8. Cross-border reorganisations	3
	9. Tax consequences of change of corporate residence	3
	10. Tax issues of employees: stock options, NICs, tax equalisation arrangements	2
	11. UK partnerships trading abroad; non-resident partners in UK partnerships	2
C	The UK Double Taxation treaty network (including double taxation relief)	
	1. The legal basis for negotiating and implementing Double Taxation Conventions in the UK	2
	2. The approach to interpreting Double Taxation Conventions in the UK	3
	3. An overview of the UK treaty network (candidates are not expected to know the details of the entire network, but are expected to know where UK treaty practice departs regularly from the OECD Model. Some understanding of the major UK treaties – with the US, Netherlands, France and Germany, in particular – is expected)	2
	4. Double taxation relief	
	i. The basis for double taxation relief: unilateral and treaty relief	2
	ii. The rules for determining double taxation relief: the credit code	3
	iii. Practical administration of DTCs and foreign tax credit relief	2

D	Transfer pricing (to include thin capitalisation)	
1.	The legal basis for transfer pricing adjustments in the UK	3
2.	The UK approach to transfer pricing	3
3.	Other transfer pricing provisions	2
4.	Thin capitalisation provisions	3
5.	The UK approach to thin capitalisation	3
E	Anti-avoidance	
1.	Transfers of assets abroad	2
2.	Controlled Foreign Companies	3
3.	Offshore funds	1
4.	International movement of capital – reporting requirements	3
5.	Treaty abuse	2
6.	Capital Gains Tax	3
7.	Hybrid mismatch rules	3
8.	Worldwide debt cap	3
9.	Diverted Profits Tax	3
10.	Unallowable purpose rule	3
11.	General Anti-Abuse Rule	2

II Inheritance Tax

A	Basic jurisdictional rules	
1.	Domiciled individuals, non-domiciled individuals, deemed domicile	2
2.	Situs of assets	2
B	Double Taxation	
1.	The UK's network of estate taxation conventions	1
2.	Measures for relieving Double Taxation	1

III Stamp Duty, Stamp Duty Reserve Tax, Stamp Duty Land Tax

A	Basic jurisdictional rules	2
B	Extension of stamp duty reliefs to cross-border situations	2

IV National Insurance Contributions

A	Application of NIC rules in cross-border situations	2
B	The UK's network of social security agreements	1

V Value Added Tax and Customs Duties

A	The application of VAT to cross-border acquisitions, importations and supplies	2
B	The application of VAT to non-UK resident entities	2
C	The liability to and collection of customs duties in the UK and available reliefs	1

VI The impact of EU law

1.	The implementation of the Directives relating to direct taxation: Parent-Subsidiary Directive; Mergers Directive; Arbitration Convention; Mutual Assistance Directives; Interest; Royalties; Savings Income	2
2.	The impact of the jurisprudence of the CJEU	2

RECOMMENDED READING LIST

LexisNexis (Tolley Exam Training) offers full course notes, books and guidance for this module to the level of detail specified in the syllabus. For details of how to obtain the course, see page 22 of the [Prospectus](#).

What is essential is a thorough understanding of the relevant parts of the UK tax legislation and cases, to which candidates will need direct access.

Tax Legislation

Finance Act 2017

Available from legislation.gov.uk:
www.legislation.gov.uk/ukpga/2017/10/contents/enacted/data.htm

Books

Baker, P. *Double Taxation Conventions* (London: Sweet & Maxwell, 3rd edition, 2001) [ISBN: 9780421673601]
Available from Sweet & Maxwell:
www.sweetandmaxwell.co.uk

CCH. *British International Tax Agreements* (CCH, updated weekly)
Online version available from CCH: www.cch.co.uk

Cordara, R. *Tolley's Orange Tax Handbook 2017-2018* (LexisNexis, 2017) [ISBN: 9781474304061]
Candidates may take a copy of this text into the examination.
Available from LexisNexis: www.lexisnexis.co.uk
(Discount available for registered ADIT students)

Dixon, J. and Finney, M. *Tolley's International Corporate Tax Planning* (LexisNexis, 5th edition, 2002) [ISBN: 9780754513391]
Available from Amazon: www.amazon.co.uk

Dodwell, B. and Prosser, K. *CCH Green Book 2017-2018* (CCH, 2018) [ISBN: 9781788870290]
Candidates may take a copy of this text into the examination.
Available from Croner-i: www.croneri.co.uk (Discount available for registered ADIT students)

Dodwell, B. and Prosser, K. *CCH Red Book 2017-2018* (CCH, 2018) [ISBN: 9781788870344]

Candidates may take a copy of this text into the examination.

Available from Croner-i: www.croneri.co.uk (Discount available for registered ADIT students)

Kessler, J. *Taxation of Non-Residents and Foreign Domiciliaries 2015-2016* (Key Haven Publications, 14th edition, 2015) [ISBN: 9781901614657]
Online version available from TFD Online:
www.foreigndomiciliaries.co.uk
Hard copy version available from Key Haven Publications: www.khplc.co.uk

Lee, N. *Revenue Law: Principles and Practice* (Bloomsbury Professional, 34th edition, 2016) [ISBN: 9781784513801]
Available from Bloomsbury Professional:
www.bloomsburyprofessional.com
Or available from Amazon: www.amazon.co.uk

Miller, A. and Oats, L. *Principles of International Taxation* (Bloomsbury Professional, 5th edition, 2016) [ISBN: 9781780437859]
Contents catered to ADIT syllabus.
Available from Bloomsbury Professional:
www.bloomsburyprofessional.com

Munro, A. *Tolley's Double Taxation Relief* (LexisNexis, 8th edition, 2005) [ISBN: 9780754528906]
Available from LexisNexis: www.lexisnexis.co.uk
Or available from Amazon: www.amazon.co.uk

Redston, A. *Tolley's Yellow and Orange Finance Act 2017* (LexisNexis, 2017) [ISBN: 9780754555445]
Candidates may take a copy of this text into the examination.
Available from LexisNexis: www.lexisnexis.co.uk
(Discount available for registered ADIT students)

Redston, A. *Tolley's Yellow Tax Handbook 2017-2018* (LexisNexis, 2017) [ISBN: 9781474304092]
Candidates may take a copy of this text into the examination.
Available from LexisNexis: www.lexisnexis.co.uk
(Discount available for registered ADIT students)

Saunders, R. *International Tax Systems and Planning Techniques 2011-2012* (London: Sweet & Maxwell, 2011) [ISBN: 9780414022683]

Available from Sweet & Maxwell:

www.sweetandmaxwell.co.uk

Or available from Wildy & Sons: www.wildy.com

Schwarz, J. *Booth and Schwarz: Residence, Domicile and UK Taxation* (Bloomsbury Professional, 19th edition, 2016) [ISBN: 9781784513825]

Available from Bloomsbury Professional:

www.bloomsburyprofessional.com

Or available from Amazon: www.amazon.co.uk

Schwarz, J. *Schwarz on Tax Treaties* (CCH, 4th edition, 2015) [ISBN: 9781785400742]

Available from CCH: www.cch.co.uk (Discount available for registered ADIT students)

Van Raad, K. *Materials on International, TP and EU Tax Law 2017-2018*. Volume A (Leiden: International Tax Centre, 2017) [ISBN: 9789082585407]

Candidates may take a copy of this text into the examination.

Candidates with a pre-2016 edition may instead take Volume 1 of the earlier edition into the examination.

Available from the International Tax Centre at Leiden University:

www.itc-leiden.nl or b.bosman@itc-leiden.nl

Or available from Wildy & Sons: www.wildy.com

MODULE 2.10 - UNITED STATES OPTION

I	Federal Income Tax	
A	Basic rules and concepts	20%
B	Cross-border situations: outbound	17.5%
C	Cross-border situations: inbound	17.5%
D	US tax treaties	10%
E	Transfer pricing	10%
F	Cross-border mergers and acquisitions	5%
G	Foreign trusts	5%
H	Information reporting and information exchange	5%
II	Federal Estate Tax	
A	Basic rules and concepts	
B	Cross-border issues	
III	Federal Gift Tax	10%
A	Basic rules and concepts	
B	Cross-border issues	
IV	State and local taxes	
A	State income taxes on cross-border business	

I	Federal Income Tax	
A	Basic rules and concepts	
1.	US taxpayers: individuals, corporations and others	3
2.	Entity classification	3
3.	Residency tests for individuals	3
4.	Source of income and capital gains	3
5.	Withholding tax principles	3
6.	Bilateral tax treaties	3
7.	Corporate groups and consolidated returns	2
8.	General anti-avoidance: substance over form	3
B	Cross-border situations: outbound	
1.	Foreign tax credit: direct and indirect	3
2.	Corporate transfers to foreign subsidiaries	3
3.	Distributions from foreign subsidiaries	3
4.	Foreign currency rules	2
5.	Controlled foreign corporations	3
6.	Passive foreign investment companies	3
7.	Investment in foreign partnerships, funds	2
C	Cross-border situations: inbound	
1.	US trade or business of a foreign person	3
2.	Effectively connected income	3
3.	Branch profits tax	3

4. Related party financing of US subsidiary:	
i. debt vs. equity	3
ii. earnings stripping rules	3
5. Distributions from US subsidiary	3
6. US-source payments where no US trade or business	2
7. Safe harbours for US investment activity	2
8. Anti-conduit rules	3
9. Foreign investment in US real property interests	2
D US tax treaties	
1. The OECD Model and the US Model	3
2. Limitation on benefits provisions	3
3. Provisions relating to hybrid entities	2
E Transfer pricing	
1. The US approach to transfer pricing	3
2. Cost-sharing for research and development	2
3. Global trading of securities	2
4. Transfer pricing of services and intangibles	2
F Cross-border mergers and acquisitions	
1. Tax-free reorganisations	2
2. Outbound reorganisations	2
3. Inbound reorganisations	2
4. Carryover of tax attributes, losses	2
G Foreign trusts	
1. Grantor trust rules	2
2. Non-grantor trusts and accumulated income	2
H Information reporting and information exchange	
1. Foreign Account Tax Compliance Act (FATCA)	2
2. Foreign bank account reporting and entity information returns	2
3. Exchange of information and cooperation between revenue authorities	1

II Federal Estate Tax

A Basic rules and concepts	
1. Domicile of individuals	2
2. Situs of assets	2
B Cross-border issues	
1. Transfers to non-resident alien beneficiaries	2
2. Relief of double taxation: estate tax treaties	2

III Federal Gift Tax

A Basic rules and concepts	
1. US persons and non-resident aliens	2
2. Situs of property for gift tax purposes	2
B Cross-border issues	
1. Transfers to non-resident aliens	2

IV State and local taxes

A State income taxes on cross-border business	
1. Formulary apportionment	2
2. Worldwide groups and water's edge limitation	2
3. Jurisdictional issues: nexus and source	2

RECOMMENDED READING LIST

Internal Revenue Code and Treasury Regulations

Any edition of the Internal Revenue Code and Treasury Regulations may be used.

Any unannotated copy of the Code and Treasury Regulations may be taken in to the examination.

CCH. *Internal Revenue Code* (Chicago: CCH, latest edition)

Candidates may take a copy of this text into the examination.

Available from CCH: www.cchgroup.com

CCH. *Income Tax Regulations* (Chicago: CCH, latest edition)

Candidates may take a copy of this text into the examination.

Available from CCH: www.cchgroup.com

Both available in the following publication:

Peroni, R., Gustafson, C. and Pugh, R. *International Income Taxation: Code and Regulations* (Chicago: CCH, latest edition)

Candidates may take a copy of this text into the examination.

Available from CCH: www.cchgroup.com

Essential Reading

Repetti, J., Ring, D. and McDaniel, P. *Introduction to United States International Taxation* (Alphen: Kluwer Law International, 6th edition, 2014) [ISBN: 9781454847977]

Available from Kluwer Law International:
www.kluwerlaw.com/Catalogue/titleinfo.htm?ProdID=9041136568

Schadewald, M. and Misey, R. *Practical Guide to US Taxation of International Transactions* (Chicago: CCH, 10th edition, 2015) [ISBN 9780808040842]
Available from CCH:

www.cchgroup.com/store/products/practical-guide-u-s-taxation-international-transactions-10th-prod-10032341-0004/book-ebook-item-1-10024514-0002

Additional Reading

Christensen III, H. *International Estate Planning* (New York: Matthew Bender, 2nd edition, 1999) [ISBN: 9780820514826]

Available from LexisNexis: www.lexisnexus.com

Doernberg, R. *International Taxation in a Nutshell* (St Paul: West Publishing, 10th edition, 2016) [ISBN: 9781628105551]

Available from Amazon: www.amazon.com

Streng, W. *US International Estate Planning* (Boston: Warren, Gorham & Lamont, 1996) [ISBN: 9780791326015]

Online version available from Thomson Reuters:
<http://ria.thomson.com/Estore/detail.asp?ID=WUEPE>

MODULE 2.11 - BRAZIL OPTION

I	Tax jurisdiction (including territoriality)	10%
II	Taxation of non-residents	25%
III	Taxation of individuals	10%
IV	Taxation of companies	25%
V	Tax planning	15%
VI	Tax treaties and international agreements	15%

I Tax jurisdiction (including territoriality)

A	Brazilian sovereignty and territoriality principle	1
B	Fiscal domicile concept on the Brazilian tax legislation	3
C	Double taxation treaty primacy rule	2

II Taxation of non-residents

A	General rules	3
B	Taxpayers	3
C	Income and capital gains	3
D	Exemptions, zero rates and tax reductions	1
E	Dividends	2
F	Capital and financial markets	2
G	Interest	2
H	Services	2
I	Royalties	2
J	International freight	1
K	International leasing	1
L	Withholding and collection	3

III Taxation of individuals

A	Tax residency	3
B	Worldwide income taxation principle for Brazilian residents	2
C	Dual residence under Brazil's double taxation treaties	1
D	Foreign tax credit	2
E	Income and capital gains	3

IV Taxation of companies

A	Tax residency	3
B	Worldwide income taxation principle for Brazilian companies	2
C	CFC rules	3
D	Dual fiscal residence under Brazil's double taxation treaties	2
E	Taxation of non-resident entities	
	1. Foreign tax credit	1
	2. Permanent establishment	2
F	Transfer pricing	1
G	Thin capitalisation rules	1
H	Taxation of trusts and transparent entities	1

V Tax planning

A	Substance-over-form approach in Brazil	
1.	Treaty shopping prevention of BEPS in Brazil's domestic regulations	3
B	Impacts of the OECD/G-20 BEPS on Brazil's tax policy	1

VI Tax treaties and international agreements

A	OECD and UN models	2
B	Brazil's international tax policy vis-a-vis the OECD and UN models	3
C	Exchange of information for tax purposes	1

RECOMMENDED READING LIST

Tax Legislation

Brazilian Federal Constitution

Available from Biblioteca Digital da Câmara dos Deputados:

<http://english.tse.jus.br/arquivos/federal-constitution>

Federal Tax Legislation

Service Tax Legislation

ICMS Legislation

Brazilian Double Taxation Treaties

Books

Bellán, D. V. *Direito Tributário Internacional: Rendimentos de Pessoas Físicas nos Tratados Internacionais Contra Dupla Tributação* (São Paulo: Saraiva, 2010)

Available from Estante Virtual:

www.estantevirtual.com.br

Neder, M. V. *Processo Tributário Administrativo e Judicial*. 3rd Edition (São Paulo: Saraiva, 2015)

Available from Estante Virtual:

www.estantevirtual.com.br

Rocha, S. A. *Manual de Direito Tributário Internacional* (São Paulo: Saraiva, 2012)

Available from Estante Virtual:

www.estantevirtual.com.br

Rocha, S. A. *Tributação de Lucros Auferidos no Exterior* [Lei nº 12.973/2014]

Schoueri, L. E. *Preços de Transferência* [Lei nº 12.766/2012]

Xavier, A. *Direito Tributário Internacional do Brasil* (Rio de Janeiro: Forense, 2010)

Available from Estante Virtual:

www.estantevirtual.com.br

Websites

Income Tax Department of Brazil:

www.receitafederal.gov.br

Ministry of Finance:

www.fazenda.gov.br

Mercosul:

www.mercosul.gov.br

MODULE 3.01 - EU DIRECT TAX OPTION

I	The institutional background	17.5%
II	Historical overview of the development of EU tax law from the 1950s to the present time	5%
III	The harmonisation of direct taxes	12.5%
IV	The tax jurisprudence of the ECJ relating to direct taxation	25%
V	Administrative co-operation between revenue authorities in Europe	5%
VI	Taxpayer protection within Europe	12.5%
VII	The EU and international tax law	12.5%
VIII	The state aid rules and taxation	5%
IX	The future direction of EU tax law	5%

I The institutional background

A	The provisions of the Treaties establishing the European Community and European Union which are relevant to taxation	1
B	The EU Institutions relevant to taxation: role of the Commission, the Council and the European Court of Justice (ECJ)	1
C	The hierarchy of EU and national tax regimes: possible approaches and implications for taxation	1

II Historical overview of the development of EU tax law from the 1950s to the present time 1

III The harmonisation of direct taxes

A	The basis in the Treaties	2
B	Historical outline of developments with regard to direct taxation	2
C	Measures adopted on direct tax harmonisation: the direct tax Directives	2

IV The jurisprudence of the ECJ relating to direct taxation

A	The concept of discrimination	3
B	The concept of restriction	3
C	The notion of comparability	3
D	Justifications	3
E	The principle of proportionality	3
F	The relationship with non-member countries	3

V Administrative co-operation between revenue authorities in Europe

A	Arrangements for administrative assistance in Europe: the Mutual Assistance Directives; the Mutual Assistance in Recovery of Duties (MARD) Directive	2
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VI Taxpayer protection within Europe

A	The European Convention on Human Rights and taxation	2
B	The link between the Convention and EU law	2
C	General principles of European Union law and their application to taxpayers	2

VII The EU and international tax law

A	The EU and Double Taxation Conventions (including the relevant jurisprudence of the ECJ)	2
B	The EU and the principles of international taxation	2
C	The EU and international tax avoidance and evasion	2

VIII The State Aid rules and taxation

A	The application of the State Aid rules to taxation, with particular reference to the decisions of the ECJ	2
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IX The future directions of EU tax law

A	Current developments (including Environmental Taxes, European Monetary Union and Taxation)	2
B	Future policy directions	1

RECOMMENDED READING LIST

There is an excellent compilation of materials on EU Tax Law:

Van Raad, K. *Materials on International, TP and EU Tax Law 2017-2018*. Volume C (Leiden: International Tax Centre, 2018)

Candidates may take a copy of this text into the examination.

Candidates with a 2014-2015 or 2015-2016 edition may instead take Volume 3 of the earlier edition into the examination. Candidates with a pre-2014 edition may instead take Volume 2 of the earlier edition into the examination.

Available from the International Tax Centre at Leiden University:

www.itc-leiden.nl or b.bosman@itc-leiden.nl

Or available from Wildy & Sons: www.wildy.com

Books

There are several good books that cover the subject matter of this course. You should choose from the following.

HJI Panayi, C. *European Union Corporate Tax Law* (Cambridge: Cambridge University Press, 2013) [ISBN: 9781107018990]

Available from Amazon: www.amazon.co.uk

O'Shea, T. *EU Tax Law and Double Tax Conventions* (London: Avoir Fiscal Ltd, 2008) [ISBN: 9780955916403] £50 student price available for registered ADIT students quoting their student registration number.

Available from Avoir Fiscal:

avoirfiscal@live.co.uk

Or available from Waterstone's: www.waterstones.com

Terra, B. and Wattel, P. *European Tax Law* (Kluwer, 7th edition, 2017) [ISBN: 9789013133592].

Available from Amazon: www.amazon.co.uk

Periodicals

Bulletin of the International Bureau of Fiscal Documentation (Amsterdam: IBFD) [ISSN: 00074624]

Available from IBFD: www.ibfd.org

EC Tax Journal (Key Haven Publications) [ISSN: 13501089]

Available from Key Haven Publications:

www.khplc.co.uk

EC Tax Review (New York: Kluwer Law International) [ISBN: 9789880007408]

Published together with Intertax.

Available from Kluwer Law International:

www.kluwerlawonline.com

European Taxation (Amsterdam: IBFD) [ISSN: 00143138].

Also known as ET.

Available from IBFD: www.ibfd.org

Highlights and Insights on European Taxation (Deventer: Kluwer Law International) [ISSN: 10134764]

Available from Kluwer Law International:

<http://shop.kluwer.nl>

Tax Notes International (Tax Analysts) [ISSN: 10483306]

Available from LexisNexis: www.lexisnexis.co.uk

Also available from Tax Analysts: www.taxanalysts.com

Case Reports

Candidates should regularly check the European Court of Justice database for new tax cases:

<http://curia.europa.eu/juris/recherche.jsf?language=en>

European Commission Taxation and Customs Union:

http://ec.europa.eu/taxation_customs/index_en.htm

MODULE 3.02 - EU VAT OPTION

I	Fundamental concepts	10%
II	Scope of EU VAT	10%
III	Place of taxable transactions	25%
IV	The charge to VAT: time of supply, valuation and rates	15%
V	Exemptions	15%
VI	The right to deduct input tax	15%
VII	Administration of VAT	10%

I Fundamental concepts

A	Sources of law	
1.	Treaty on the Functioning of the European Union (articles relating to VAT and indirect taxes)	1
2.	Development of VAT law from First Directive to 2006	1
3.	Principal VAT Directive 2006/112	3
4.	Implementing Regulation 282/2011/EU	3
5.	Other Directives relevant to VAT	1
6.	Other Regulations relevant to VAT, e.g. Regulation 904/2010/EU relating to Administrative Cooperation	1
7.	Role of Commission and Council in relation to VAT	1
B	EU law principles	
1.	Fundamental freedoms	1
2.	Fiscal neutrality, equal treatment	3
3.	Equivalence, effectiveness	3
4.	Legal certainty, legitimate expectations	3
5.	Proportionality, fundamental human rights	3
6.	Abuse of rights, abusive practices	3
7.	Acquis communautaire (body of statute and case law of the EU)	1
8.	Direct effect of Directives	3
9.	Conforming construction of national law	3
C	Judicial remedies	
1.	Role of the Court of Justice of the European Union in relation to VAT	3
2.	Infringement proceedings against Member States	2
3.	Referrals under Article 267 TFEU	2
4.	Claims for damages	1
5.	Methods of interpretation: purposive construction	2
6.	Acte clair (Cilfit) and Acte éclairé (Da Costa)	1

II Scope of EU VAT

A	Chargeable events	
1.	Supply, importation and intra-Community acquisition	3
2.	Origin and destination system	1
3.	Relevance of legality of transactions or fraudulent intent	2
B	Territorial scope	
1.	VAT territory, customs territory, special territories	1
C	Taxable person	
1.	Economic activity	3
2.	Passive or private activities	2

3. Public authorities	1
4. Occasional transactions	1
5. VAT grouping (single taxable person)	2
D Taxable transaction	
1. 'Supply of goods' and 'supply of services'	3
2. Supply for consideration	3
3. Classification of supplies as goods or services	3
4. Compound/single and multiple/mixed supplies	3
5. Deemed supplies, including intra-Community transfers	3
6. Deemed non-supplies (transfer of going concern)	3
7. Self-supplies	1
8. Acting as an agent	2

III Place of taxable transactions

1. Place of supply of goods: general rules and exceptions	3
2. Place of intra-Community acquisitions	3
3. Place of importations	3
4. Place of supply of services: business to business: general rule and exceptions	3
5. Place of supply of services: business to consumer: general rule and exceptions	3
6. Place of establishment and 'other fixed establishment'	3

IV The charge to VAT

A Chargeable event	
1. Timing of charge on supplies	3
2. Alternative rules: continuous supplies, link to payment	2
3. Timing of intra-Community acquisitions	2
4. Timing of importations	2
5. Timing of charge on intra-Community supplies of services	2
B Taxable amount	
1. Valuation rules: consideration	3
2. Specific items to be included or excluded from taxable amount	2
3. Barter transactions	2
4. Use of open market value: anti-avoidance provisions	2
5. Valuation of intra-Community acquisitions	3
6. Valuation of importations	3
7. Adjustment for non-receipt	3
C VAT rates	
1. Structure and level of rates	2
2. Lower rates	2
3. Transitional provisions for rates retained by Member States	1

V Exemptions

1. General principles of exemption: strict construction, mandatory where applicable, conditions and scope for Member States to vary rules	3
2. Exemptions within the territory: in the public interest	3
3. Exemptions within the territory: other exemptions	3
4. Option to tax certain exempt transactions	2
5. Exemptions for despatches of goods within the EU	3
6. Exemptions for intra-Community acquisitions of goods	2
7. Triangular transactions	3
8. Exemptions for exports of goods	3

9. Exemptions on importation	2
10. Other exemptions related to international trade	1

VI The right to deduct input tax

1. The basic right to deduct	3
2. Partial exemption: standard and 'special' or alternative methods	3
3. Irrecoverable input tax	2
4. Transitional provisions retaining 'blocking' of input tax	1
5. Adjustment of recovery: change of circumstances	3
6. Adjustment of recovery: Capital Goods	3
7. Exercise of the right to deduct, including requirements for evidence	2

VII Administration of VAT

A Obligations on taxable persons	
1. Identification and registration	1
2. Invoicing, accounting, returns and recapitulative statements	1
3. Special schemes for small enterprises	1
4. Margin schemes for tour operators, second hand goods	1
5. Other special schemes	1
B Derogations	
1. Transitional derogations allowed until definitive arrangements agreed	1
2. General scheme of derogations subject to authorisations	1
C Miscellaneous VAT provisions	
1. Role of the VAT Committee and VAT Expert Group (VEG)	1
2. Prohibition of other turnover taxes	1
3. Transitional arrangements regarding intra-Community trade	1
D Cross-Border VAT Claims: claimant established in the EU	
1. Rules and procedures of Directive 2008/9/EC	1
E Cross-Border VAT Claims: claimant established outside the EU	
1. Rules and procedures of Directive 86/560/EEC (The 13th VAT Directive)	1
F Trading of goods	
1. Community statistics relating to the trading of goods (Regulation 638/2004/EC)	1

RECOMMENDED READING LIST

Essential Reading

Council Directive 2006/112/EC: the Principal VAT Directive

Available from EUR-Lex:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32006L0112&from=EN>

Council Directive 86/560/EEC: the 13th VAT Directive

Available from EUR-Lex:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31986L0560&from=EN>

Council Directive 2008/9/EC: Electronic System of VAT Refunds

Available from EUR-Lex:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:044:0023:0028:EN:PDF>

Council Implementing Regulation 282/2011/EU

Available from EUR-Lex:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2011:077:FULL&from=EN>

European Parliament and Council Regulation 638/2004/EC

Available from EUR-Lex:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0638&from=EN>

All available in the following publication:

Cordara, R. *Tolley's Orange Tax Handbook 2017-2018. Part 1* (LexisNexis, 2017) [ISBN: 9781474304061]

Candidates may take a copy of this text into the examination.

Available from LexisNexis: www.lexisnexis.co.uk
(Discount available for registered ADIT students)

Or available in the following publication:

Dodwell, B. and Prosser, K. *CCH Green Book 2017-2018* (CCH, 2018) [ISBN: 9781788870290]

Candidates may take a copy of this text into the examination.

Available from Croner-i: www.croneri.co.uk (Discount available for registered ADIT students)

Annacondia, F. *EU VAT Compass 2015-2016* (IBFD, 2015) [ISBN: 9789087223243]

Available from IBFD: www.ibfd.org

Lang, M. et al. *ECJ - Recent Developments in*

Value Added Tax: The Evolution of European VAT

Jurisprudence and its Role in the EU Common VAT

System (Linde Verlag, 2014) [ISBN: 9783707327533]

Available from Booklooker: www.booklooker.de

Terra, B. & Kajus, J. *A Guide to the European VAT*

Directives 2016 (IBFD, 2016) [ISBN: 9789087223571

(Volume 1); 9789087223557 (Volume 2)]

Available from IBFD: www.ibfd.org

Additional Reading

The EU Commission's 2010 Green Paper on the Future of VAT: 'Towards a simpler, more robust and fairer VAT system'

Available from EUR-Lex:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0695:FIN:EN:PDF>

Websites

EU law, including case law, can be found on the EUR-Lex website:

<http://eur-lex.europa.eu/browse/summaries.html>

Information for VAT professionals and students about the Principal VAT Directive, and its implications for businesses trading with or within the EU, can be found at: www.vatdirective.com

MODULE 3.03 - TRANSFER PRICING OPTION

I	Fundamental sources	15%
II	The Arm's Length Principle (ALP)	5%
III	Functional analysis	10%
IV	Transfer pricing methods	10%
V	Comparability	10%
VI	Specific transactions	15%
VII	Permanent Establishments (PEs)	10%
VIII	Compliance issues	5%
IX	Avoiding Double Taxation and dispute resolution	10%
X	Other issues	10%

I Fundamental sources

A	Tax treaties, based on the OECD Model Convention and UN Model Double Tax Convention, specifically Article 9 and "special relationship" in Articles 10-12	3
B	OECD Transfer Pricing Guidelines (TPG)	3
C	OECD BEPS 2015 Final Reports (Actions 8-10)	3
D	UN Practical Manual on Transfer Pricing for Developing Countries	3
E	Transfer pricing litigation cases (refer to the reading list)	3
F	EUJTPF Codes of Conduct guidelines and reports	2

II The Arm's Length Principle (ALP)

A	Interpretation of the arm's length principle and current dialogue	3
B	Associated enterprises	3
C	Global Formulary Apportionment	1
D	Recognition of the actual transactions undertaken	2
E	Losses and the effect of government policy	2

III Functional analysis

A	Goal of functional analysis	1
B	Analysis of functions, assets and risks (FAR)	3
C	Relating functional analysis to selection of transfer pricing method	3
D	Entity characterisation (e.g. characterisation as "entrepreneur", stripped risk manufacturer, commissionaire, etc.)	2
E	Practical approach to undertaking functional analysis	3

IV Transfer pricing methods

A	Description of methods	2
B	Selection and application of the method(s) (including by reference to FAR analysis, entity characterisation and availability of comparables); the party to be tested	3

V Comparability

A	Significance of comparability and factors determining comparability	3
B	Performing a comparability analysis	3
C	Dealing with the lack of comparable data	2
D	Sources of information: internal/external comparables; “secret comparables”, foreign comparables	2
E	Timing and compliance issues in comparability	2

VI Specific transactions

A	Intra-group services	
1.	Different types of intra-group services	3
2.	Transfer pricing methods	3
3.	Direct/indirect charging and allocation keys	3
4.	International guidelines on reviewing services	2
B	Intra-group financial transactions	
1.	Intragroup loans, credit guarantee fees, factoring or receivables, cash pooling, and other forms of financing and credit risk transfer arrangements	3
2.	Loan pricing including creditworthiness, interest rates and credit margins	2
3.	Thin capitalisation rules and the nexus with Transfer Pricing	3
4.	Debt pricing and/or debt amounts that result in ongoing losses or low levels of profitability	2
C	Intangible property	
1.	The life cycle of intangibles (development, exploitation, exit strategy)	1
2.	Different types of intangibles	2
3.	Models to structure the development of intangibles (e.g. contract research and development vs. cost contribution/cost sharing arrangements)	3
4.	Models for exploiting intangibles: for example principal structure vs. licensing out	3
5.	Valuation of intangible assets	3
6.	Current developments on transfer pricing aspects of intangibles	2
D	Business restructurings	
1.	The nature of business restructuring	1
2.	Guidance on transfer pricing aspects of business restructurings including Chapter IX of the OECD TPG)	3
E	Cost Contribution Arrangements/Agreements	
1.	Concept of a CCA including entry, withdrawal or termination	3
2.	Applying the ALP in a CCA	3
3.	Tax consequences if a CCA is not arm’s length	1
4.	Structuring and documenting a CCA	2

VII Permanent Establishments (PEs)

A	Article 5 Permanent Establishments (OECD and UN Models)	1
B	Article 7 Business Profits (OECD and UN Models)	2
C	Understanding the importance of PEs when dealing with transfer pricing	3

VIII Compliance issues

A	Documentation	3
1.	OECD BEPS 2015 Final Reports (Action 13)	3
2.	Country by country reporting, master and local file documentation formats	3
B	Examination practices, burden of proof and penalties	2
C	Risk assessment and risk management	3
D	Audits	1

IX Avoiding Double Taxation and dispute resolution

A	Adjustments	3
B	Mutual agreement procedure, including OECD BEPS 2015 Final Reports (Action 14)	3
C	Arbitration Article 25(5)	2
D	EU Arbitration Convention	1
E	Advance Pricing Agreements	3

X Other issues

A	Base Erosion and Profit Shifting project	3
B	Interaction between customs valuation and transfer pricing	2
C	Safe harbours and tax incentives	2
D	E-commerce and transfer pricing	2
E	Worldwide recent developments in transfer pricing	2

RECOMMENDED READING LIST

Essential Reading

OECD, Committee on Fiscal Affairs. *Model Tax Convention on Income and on Capital* (Paris: OECD, 2017) and accompanying Commentary: Article 5, Article 7, Article 9, and “special relationship” in Articles 10-12

Candidates may take a copy of this text into the examination.

Available from the OECD online bookshop:
www.oecdbookshop.org

OECD, Committee on Fiscal Affairs. *OECD/G20 Base Erosion and Profit Shifting Project 2015 Final Reports. Actions 8-10* (Paris: OECD, 2015) [ISBN: 978 9264241237]

Candidates may take a copy of this text into the examination.

Available from the OECD online bookshop:
www.oecdbookshop.org

OECD, Committee on Fiscal Affairs. *OECD/G20 Base Erosion and Profit Shifting Project 2015 Final Reports. Action 13* (Paris: OECD, 2015) [ISBN: 978 9264241466]

Candidates may take a copy of this text into the examination.

Available from the OECD online bookshop:
www.oecdbookshop.org

OECD, Committee on Fiscal Affairs. *Report on the Attribution of Profits to Permanent Establishments* (Paris: OECD, 2010)

Candidates may take a copy of this text into the examination.

Available from the OECD online bookshop:
www.oecdbookshop.org

OECD, Committee on Fiscal Affairs. *Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations* (Paris: OECD, 2017) [ISBN: 9789264262737]

Candidates may take a copy of this text into the examination.

Available from the OECD online bookshop:
www.oecdbookshop.org

Sim Tzi Yong, S. *The Logic and Practice of Transfer Pricing* (LexisNexis, 2014) [ISBN: 9789814406789]

Available from LexisNexis:
<https://store.lexisnexis.com.sg>

United Nations. *UN Model Double Taxation Convention between Developed and Developing Countries 2011. Article 5, Article 7 and Article 9* (New York: UN, 2011) [ISBN: 9789211591026]

Candidates may take a copy of this text into the examination.

Available from United Nations Publications:
<https://unp.un.org>

United Nations. *UN Practical Manual on Transfer Pricing for Developing Countries* (2017) (New York: UN, 2017)

Candidates may take a copy of this text into the examination.

Available from the United Nations:
www.un.org/esa/ffd/tax-committee/ta-transfer-pricing.html

Van Raad, K. *Materials on International, TP and EU Tax Law 2017-2018. Volume A* (Leiden: International Tax Centre, 2017) [ISBN: 9789082585407]

Candidates may take a copy of this text into the examination.

Candidates with a pre-2016 edition may instead take Volume 1 of the earlier edition into the examination. Available from the International Tax Centre at Leiden University:

www.itc-leiden.nl or b.bosman@itc-leiden.nl

Or available from Wildy & Sons: www.wildy.com

Case Law

The following court decisions:

- Chevron Australia Holdings Pty Ltd v Commissioner of Taxation [2017 FCAFC 62]
- DSG [2009 UKFTT 31 (TC)]
- GE Capital [2010 FCA 344]
- GSK Canada [2010 FCA 201]
- Ireland/Apple state aid [SA.38373]
- LG Electronics India Pvt Ltd v ACIT [2013 29 taxmann.com 300]
- Roche Products Property [2008 AATA 261]
- Netherlands/Starbucks state aid [SA.38374]
- SNF (Australia) Pty Ltd v Commissioner of Taxation [Single Federal Court Decision, 2010 FCA 635]
- SNF (Australia) Pty Ltd v Commissioner of Taxation [Full Federal Court Decision, 2011 FCAFC 74]
- Unilever Kenya [Income Tax Appeal 753 of 2003]

Additional Reading

Van Raad, K. *Materials on International, TP and EU Tax Law 2017-2018*. Volume B (Leiden: International Tax Centre, 2018)

Available from the International Tax Centre at Leiden University:

www.itc-leiden.nl or b.bosman@itc-leiden.nl

Or available from Wildy & Sons: www.wildy.com

The following texts may also be considered useful for candidates in understanding the post-BEPS environment. However, familiarity with these texts is not required to sit and pass the exam:

Lolliri, F. *Transfer Pricing Risks Post-BEPS: a Practical Guide* (LexisNexis, 2017) [ISBN: 9780754554639]

Available from LexisNexis:

<http://store.lexisnexis.co.uk> (Discount available for registered ADIT students using discount code 100672)

Lang, M., Petruzzi, R. and Storck, A. *Transfer Pricing Developments Around the World 2017* (Kluwer Law International, 2017) [ISBN: 9789041183750]

Available from Wildy & Sons: www.wildy.com

Websites

EU Joint Transfer Pricing Forum:

http://ec.europa.eu/taxation_customs/taxation/company_tax/transfer_pricing/forum/index_en.htm

Candidates should read the following sections:

1. Background, Achievements
2. Code of conduct on transfer pricing documentation for associated enterprises in the EU
3. Guidelines for Advance Pricing Agreements (APAs) in the EU
4. Guidelines on low-value-adding intra-group services
5. Potential approaches to non-EU triangular cases
6. Report on Small and Medium Enterprises (SMEs) and Transfer Pricing
7. Report on Cost Contribution Arrangements on Services not creating Intangible Property (IP)
8. Report on Secondary Adjustments
9. Report on Transfer Pricing Risk Management
10. Report on Compensating Adjustments

OECD BEPS page:

www.oecd.org/ctp/beps.htm

OECD Transfer Pricing page:

www.oecd.org/ctp/tp

Candidates should read documents relevant to the syllabus within the “What’s New” and “Transfer Pricing Projects” sections.

Pacific Association of Tax Administrators (PATA) Transfer Pricing Documentation Package:

www.ustransferpricing.com/PATA_transferpricingpackage.pdf

United Nations: www.un.org/esa/ffd

Candidates should read documents relevant to the syllabus within the “Transfer Pricing” and “BEPS” thematic areas.

MODULE 3.04 - UPSTREAM OIL & GAS OPTION

I	Fundamental tax issues	5%
II	Tax and fiscal regimes	15%
III	Country tax examples	10%
IV	Permanent establishments	10%
V	Technical services	10%
VI	Mergers and acquisitions	5%
VII	Intellectual Property (IP)	5%
VIII	Leasing	5%
IX	Oil and gas financing	5%
X	Profit repatriation	5%
XI	Oil and gas trading	5%
XII	Transfer pricing for upstream oil and gas	5%
XIII	Governance of mineral resources	5%
XIV	Arbitration of oil and gas disputes	5%
XV	Tax issues relating to decommissioning oil and gas assets	5%

I Fundamental tax issues

A	International Investment	1
B	International Income Flows	1
C	Tax Treaties	2
D	Transfer pricing	2

II Tax and fiscal regimes

A	Licence and Concession regimes	3
B	Production Sharing Contracts	3
C	Service Contracts	2
D	Royalties	2
E	Indirect taxes, including VAT and qualifying for exemptions	2
F	Deferred tax accounting issues	1

III Country tax examples

A	Angola	1
B	Brazil	1
C	Indonesia	1
D	Iraq, Technical Services Contracts and Development Production Service Contracts	1
E	Nigeria	1
F	Norway	1
G	United Kingdom	2
H	United States (Federal taxation)	2
I	United States (State taxation generally, includes focus on Texas and Alaska)	1

IV Permanent establishments

A	Permanent establishments and tax treaties	2
B	Upstream oil and gas companies	2
C	Upstream service companies	2

V Technical services

A	Technical services background	2
B	Structuring technical service operations	2
C	Interaction with PSCs and joint operating agreements	3
D	Withholding tax and related planning	3

VI Mergers and acquisitions

A	Acquire target assets or target company shares	2
B	Interest deductions and debt push down	2
C	Depreciation and asset step up	2
D	Carry-forward tax losses	2
E	Sale and purchase agreements	3
F	Cost carry deals	3
G	Tax due diligence	3

VII Intellectual Property (IP)

A	IP in upstream oil and gas	2
B	Royalties	2
C	Transfers of IP	2
D	Group IP companies	2

VIII Leasing

A	Operating leasing	2
B	Leasing and tax treaties	1
C	Sale and leaseback	1
D	Group leasing companies	1

IX Oil and gas financing

A	Group treasury companies and in-house banking	2
B	Thin capitalisation	1
C	Controlled foreign corporations	1
D	Hybrid entities and hybrid securities	1

X Profit repatriation

A	Subsidiaries and dividends	2
B	Subsidiaries and deductible expenses	1
C	Branches and profit repatriation	1
D	Branches and allocation of related company expenses	2

XI Oil and gas trading

A	Group trading company	2
B	Planning structures	1
C	Derivatives, including options, forwards and swaps	1

XII Transfer pricing for upstream oil and gas

A	Transfer pricing methods and Advance Pricing Agreements (APAs)	2
B	Upstream oil and gas pricing	2
C	Exploration services and drilling	1
D	Financial and environmental guarantees	2
E	Transfer pricing and procurement	2
F	Transfer pricing and oil and gas trading	3
G	Intellectual property	2
H	Services and administration	2
I	Group financing	2

XIII Governance of mineral resources

A	Definition and characteristics of the types of mineral resources governance	
1.	Proprietorial regime	1
2.	Non-proprietorial regime	1
B	The link between international oil and gas agreements and different types of mineral resources governance	2
C	The effects of using certain types of governance on government tax receipts	2

XIV Arbitration of oil and gas disputes

A	The use of arbitration by oil and gas companies	2
B	Bilateral Investment treaties and the Energy Charter Treaty	2
C	Arbitration clauses in oil and gas contracts	1

XV Tax issues relating to decommissioning oil and gas assets

A	International legal regulations and obligations regarding decommissioning oil and gas structures	2
B	Tax treatment of decommissioning costs in merger and acquisition	2
C	UK decommissioning tax relief	2

RECOMMENDED READING LIST

Essential Reading – Primary Sources

Abrahamson, J. *Tolley's International Taxation of Upstream Oil and Gas* (LexisNexis, 2017)
[ISBN: 9780754555421]

Candidates may take a copy of this text into the examination.

Available from LexisNexis:

<https://store.lexisnexis.co.uk/products/tolleys-international-taxation-of-upstream-oil-and-gas-second-edition-skuuksku9780754555421TUOG278916>
(Discount available for registered ADIT students; to enquire, please click [here](#).)

Calder, J. *Administering Fiscal Regimes for Extractive Industries: A Handbook* (IMF, 2014)
[ISBN: 9781475575170]

Available from the IMF eLibrary: www.elibrary.imf.org

Deloitte. *Oil and Gas Taxation in the UK: Deloitte Taxation and Investment Guides* (London: Deloitte, 2013), pp. 3-6

Available from Deloitte:

www2.deloitte.com/content/dam/Deloitte/global/Documents/Energy-and-Resources/dttl-er-UK-oilandgas-guide.pdf

EY. *2017 Global Oil and Gas Tax Guide* (London: EY, 2017)

Available from EY:

www.ey.com/GL/en/Services/Tax/Global-oil-and-gas-tax-guide---Country-list

HMRC. *Oil and Gas Companies: Tax Relief for Decommissioning Expenditure* (London: HMRC, 2016)
Available from HMRC:

www.gov.uk/government/publications/oil-and-gas-companies-tax-relief-for-decommissioning-expenditure/oil-and-gas-companies-tax-relief-for-decommissioning-expenditure

Mommer, B. *Global Oil and the Nation State* (Oxford: Oxford University Press, 2002) [ISBN: 9780197300282]

Candidates may take a copy of this text into the examination.

Available from Amazon: www.amazon.com

Nakhle, C. *Petroleum Taxation: Sharing the Oil Wealth* (London: Routledge, 2008) [ISBN: 9780415541909]

Candidates may take a copy of this text into the examination.

Available from Routledge: www.routledge.com/books

Essential Reading – Model Agreements

Angola. *Model Production Sharing Agreement* (1969)
Available from the National Resource Governance Institute:

http://archive.resourcegovernance.org/training/resource_center/angola-model-production-sharing-agreement

Indonesian Ministry of Energy and Mineral Resources (MEMR). *Regulation No. 8 of 2017 regarding the Gross Split for Production Sharing Contracts* (MEMR Regulation 8/2017)

Available from the Indonesian Petroleum Association: www.ipa.or.id/assets/images/news/20170119%20IPA%20-%20Permen%2008%202017%20Original_ENG%20FINAL.pdf

Iraq. *Model Producing Oil Field Technical Service Contract* (2009)

Available from Platform:

<http://platformlondon.org/documents/PFTSC-23-Apr-09.pdf>

Other Relevant Reading

Abdo, H. "Investigating the effectiveness of different forms of mineral resources governance in meeting the objectives of the UK petroleum fiscal regime", in *Energy Policy* (2014, Volume 65, p.48)

Candidates may take a copy of this text into the examination.

Available at ScienceDirect:

www.sciencedirect.com/science/journal/03014215/65

Abdo, H. *Taxation of UK Oil and Gas Production: a Non-Proprietorial Regime?* (Oxford: Lambert Academic Publishing, 2010) [ISBN: 9783843375917]

Candidates may take a copy of this text into the examination.

Available from Amazon: www.amazon.com

Amereller, F., Jäger, S. and Al-Janabi, A. *Legal Guide to Doing Business in Iraq* (Munich: Amereller Rechtsanwälte, 6th edition, 2014), pp. 94-97
Available from Amereller:
<http://amereller.com/wp-content/uploads/2016/10/Amereller-Iraq-Business-Guide-2014.pdf>

Blyschak, P. "Arbitrating overseas oil and gas disputes: breaches of contract versus breaches of treaty", in *Journal of International Arbitration* (2010, Volume 27:6, p.579)
Available from Kluwer Law Online:
www.kluwerlawonline.com

Daniel, P., Keen, M. and McPherson, C. (eds). *The Taxation of Petroleum and Minerals* (London: Routledge, 2010) [ISBN: 9780415569217]
Available from Routledge: www.routledge.com/books

EY. 2016-17 *Transfer Pricing Global Reference Guide* (London: EY, 2016)
Available from EY:
[www.ey.com/publication/vwluassets/ey-worldwide-transfer-pricing-reference-guide/\\$file/ey-worldwide-transfer-pricing-reference-guide.pdf](http://www.ey.com/publication/vwluassets/ey-worldwide-transfer-pricing-reference-guide/$file/ey-worldwide-transfer-pricing-reference-guide.pdf)

EY. *US GAAP vs. IFRS – The Basics: Oil and Gas* (London: EY, 2009), pp. 40-41
Available from EY:
www.ey.com.au/UL/en/AccountingLink/Publications-library-US-GAAP-vs--IFRS--The-Basics

IMF. *Fiscal Regimes for Extractive Industries: Design and Implementation* (IMF, 2012)
Available from the IMF:
www.imf.org/external/np/pp/eng/2012/081512.pdf

Johnston, D. and Johnston, D. "Fundamental petroleum fiscal considerations", in *Oxford Energy Comment* (February 2015)
Available from the Oxford Institute for Energy Studies:
www.oxfordenergy.org/wpcms/wp-content/uploads/2015/02/Fundamental-Petroleum-Fiscal-Considerations.pdf

Kobetsky, M. *International Taxation of Permanent Establishments: Principles and Policy* (Cambridge: Cambridge University Press, 2011) [ISBN: 9780521516327]
Available from Cambridge: www.cambridge.org

OECD, Committee on Fiscal Affairs. *Model Tax Convention on Income and on Capital* (Paris: OECD, 2017) and accompanying *Commentary*
Candidates may take a copy of this text into the examination.
Available from the OECD online bookshop:
www.oecdbookshop.org

OECD, Committee on Fiscal Affairs. *Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations* (Paris: OECD, 2017) [ISBN: 9789264262737]
Available from the OECD online bookshop:
www.oecdbookshop.org

PwC. *Financial Reporting in the Oil and Gas Industry: International Financial Reporting Standards* (London: PwC, 2017)
Available from PwC:
www.pwc.com/gx/en/services/audit-assurance/assets/pwc-financial-reporting-in-the-oil-and-gas-industry-2017.pdf

Samuelsen, J. *A Guide to Norwegian Petroleum Taxation* (Oslo: KPMG, 2011) [ISBN: 9788292222096]
Available from KPMG:
www.kpmglaw.no/artikkel/a-guide-to-norwegian-petroleum-taxation

Van Raad, K. *Materials on International, TP and EU Tax Law 2017-2018*. Volume A (Leiden: International Tax Centre, 2017) [ISBN: 9789082585407]
Candidates may take a copy of this text into the examination.
Candidates with a pre-2016 edition may instead take Volume 1 of the earlier edition into the examination.
Available from the International Tax Centre at Leiden University:
www.itc-leiden.nl or b.bosman@itc-leiden.nl
Or available from Wildy & Sons: www.wildy.com

Wälde, T. "Arbitration in the oil, gas and energy field: emerging energy charter treaty practice", in *Transnational Dispute Management* (2004, Volume 1:2)
Available from Transnational Dispute Management:
www.transnational-dispute-management.com

Wälde, T. "Oil and gas arbitration: some historical background and current significance", in *Transnational Dispute Management* (2006, Volume 3:5)
Available from Transnational Dispute Management:
www.transnational-dispute-management.com

EXTENDED ESSAY OPTION RULES

ADIT candidates may submit a 15,000-20,000 word extended essay, instead of sitting either a Module 2 or Module 3 exam.

1. Candidates must first submit a proposal using the extended essay proposal form, available at www.adit.org.uk/extendedessay. The proposal must include:
 - a working title; and
 - a brief synopsis of your topic, approximately 250 words in length and outlining the scope and planned objectives of your proposed extended essay.
2. Approval of the extended essay proposal is at the sole discretion of the ADIT Academic Board.
3. The proposal must be accompanied by a registration fee, currently £180, which will be collected only if the proposal is approved. ADIT fees are subject to annual review and may change over time.
4. Registration is valid for three years from the date of notification of approval by the Academic Board. Subject to the approval of the Academic Board, an extended essay proposal may be changed within the three-year period without a further fee being charged. However, candidates are recommended to submit their extended essay within two years of approval in order to maintain the momentum of attaining the qualification.
5. If the candidate has chosen to submit an extended essay instead of sitting a Module 2 examination, the subject matter of the extended essay must be related to international tax from the perspective of an individual tax jurisdiction. Extended essays dealing with matters of international or supranational tax policy are acceptable, so long as the effects on and/or relationship with the chosen jurisdiction are included. Likewise, extended essays which carry out comparative studies of the chosen jurisdiction with those of other countries are acceptable.
6. If the candidate has chosen to submit an extended essay instead of sitting a Module 3 examination, the subject matter of the extended essay must be related to some aspect of international tax as it affects a specific sector, area of taxation or transnational grouping or supranational entity such as the World Trade Organisation or the European Union.
7. The tax jurisdiction or subject area covered by the extended essay must differ from that of the Module 2 or Module 3 exam selected by the candidate for the remaining option module. For example, if you plan to sit the Module 3.03 Transfer Pricing exam, your extended essay should cover a subject area other than transfer pricing, and if you plan to sit the Module 2.10 United States exam, your extended essay should cover a jurisdiction other than the United States. If you plan to sit a Module 2 exam and complete a comparative study in your extended essay, then your extended essay may include the jurisdiction addressed by your Module 2 exam but will also need to focus on at least one other country.
8. Further guidance regarding the subject matter of the extended essay is given in the Extended Essay Guidance Notes on the following pages. Where appropriate (e.g. in an extended essay which takes an aspect of a tax system as its subject and which draws on the author's practical experience), adequate consideration should be given to the commercial and legal background to the topic so that such matters as company law, trust law, contract law and generally accepted accounting principles are discussed where relevant.
9. The extended essay must be personal to the candidate. This means that it must contain the candidate's original analysis of the issues under consideration.
10. The extended essay must be fully referenced. This means that all books, articles and other sources (including in-house technical materials) used must be cited in the text by way of footnote. Where quotations are used, these should be clearly identified as such and properly referenced. A full bibliography should be provided.

11. The extended essay should normally be between 15,000 and 20,000 words and must be submitted in English.
12. The extended essay should be presented in accordance with the instructions in the Extended Essay Guidance Notes regarding page layout, margins and spacing. The candidate's extended essay reference number should be clearly marked on the outer cover, but there should be no mention of the candidate's name or ADIT student number either on the cover or elsewhere in the work.
13. Two paper hardcopies must be submitted to the CIOT, plus one electronic softcopy. The electronic softcopy must be accompanied by a completed Extended Essay Declaration Form, confirming that the extended essay has been completed in accordance with the Extended Essay Rules, and that the extended essay is the candidate's own work.
14. Extended essays will be reviewed as quickly as possible, normally within four months, but the Academic Board reserves the right to take such time as may be needed to complete its review.
15. In cases of failure to reach the required standard, the Academic Board will provide a short report to the candidate outlining the principal areas of deficiency. The report will indicate whether a revised submission making good the deficiencies identified will be permitted. The decision of the Academic Board is final.
16. By submitting an extended essay to the Academic Board, candidates grant the CIOT a non-exclusive, royalty free licence to publish it in whole or in part in Tax Adviser (the CIOT's monthly and online journal), on the CIOT website, and/or otherwise, if the extended essay is approved. The CIOT also reserves the right to make available any extended essay which has been approved for reading or photocopying. Any application for the CIOT to waive these rights must be made at the time of submission and will be judged on its own merits, with the decision of the CIOT being final. Copyright will remain vested in the authoring candidate.
17. The John Avery Jones Extended Essay Prize may, at the discretion of the Academic Board, be awarded to the candidate who, in the sole opinion of the Academic Board, achieves the highest standard in any calendar year.
18. The Academic Board reserves the right to amend the rules regarding extended essays at any time, but the rules applying at the date of the application for extended essay approval will remain valid throughout the period of registration.
19. Any candidate submitting an ADIT extended essay must hold a valid ADIT student registration at the time of submission.
20. ADIT extended essay passes are valid for five years from the date on which the pass is awarded.

EXTENDED ESSAY OPTION GUIDANCE NOTES

Introduction

These guidance notes are intended to clarify the requirements for the presentation of your ADIT extended essay, which are laid down in the Extended Essay Rules. They aim to indicate those matters for which extended essay reviewers will be searching, to summarise the main faults commonly found in extended essays, and to list the steps in approaching the preparation of an extended essay which the ADIT Academic Board considers will increase the likelihood of your success.

Choosing a topic

The primary questions to address are:

“What aspect of international taxation really interests me?”

“Does it provide sufficient scope for a 15,000-20,000 word extended essay?”

Extended essays may address an area of taxation in which you have considerable practical experience, be based purely on academic research or be a mixture of the two.

Originality

A key requirement for success is that your extended essay contains a high degree of originality. The nature of originality means that it is impossible to specify what constitutes it but, by way of illustration, originality may be achieved in one or more of the following ways:

- By drawing on your own professional experience;
- By drawing together for the first time diverse sources of information on a particular topic, to present a coherent and novel treatment of the subject; and
- By relating an aspect of taxation to wider legal, political, economic or ethical considerations in a way that has not previously been done.

The key test that will be applied is whether or not the extended essay treats the chosen topic in a way not previously published.

There is no bar to choosing topics on which ADIT extended essays have previously been submitted, provided the foregoing guidelines are following.

The required extended essay standard

The extended essay should be of publishable quality, i.e. broadly equivalent to a dissertation for a master's degree at a European university.

Plagiarism and academic bad practice

As an ADIT extended essay candidate, you are expected and required to adhere to a high standard of academic practice. The CIOT takes offences such as plagiarism very seriously and, if judged to have engaged in academic bad practice in the conduct of your extended essay, you may, in addition to receiving an automatic fail grade for the ADIT extended essay, be subject to penalties including disqualification from the ADIT extended essay option and/or ADIT and related CIOT examinations.

While a distinction will always be made between accidental instances of misattribution (such as resulting from a typing error or use of an unrecognised citing convention in a footnote), and deliberate attempts to pass someone else's work off as one's own, you are strongly advised to double check that all uses of external sources are properly and correctly referenced, with the author and text indicated in the footnotes and bibliography.

The CIOT reserves the right to use checking plagiarism software to screen extended essays for unattributed or improperly attributed use of the work of others. By submitting an extended essay, you consent to the submission of the text to plagiarism checking software. Processing by such software may involve inclusion of the text in the software's database. This does not affect ownership of or copyright in the extended essay, which remains with the author.

Examples of external sources which need to be referenced include:

- Direct quotations;
- Arguments or conclusions from other authors which you have summarised or paraphrased;
- Extracts from external sources which you have reproduced or adapted anywhere in the extended essay (in appendices as well as the main body of the work);
- Images or graphical depictions which you have reproduced or adapted anywhere in the extended essay (in appendices as well as the main body of the work);
- Ideas which you have previously presented in an earlier work (however, this does not include an earlier submission of the same extended essay, if the submission was in fulfilment of a university assessment or other academic requirement); and
- Any external source which is in a language other than English. Many essays on international tax topics will use foreign language primary and secondary source materials, and indeed your ability to review and analyse foreign language materials may be a major advantage in researching a topic. However, the usual research and citation standards apply. In particular, all citations to foreign language materials should include full citation information in both English and the original language.

As a general rule of thumb, if you have depicted or referred to an idea, conclusion, quote or piece of data which is not original to your extended essay, even if it is your own idea, conclusion, quote or piece of data from another work, it should be referenced.

The Academic Board reserves the right to request copies of any cited material which it cannot easily obtain.

The importance of analytical content

It necessarily follows from the requirement for originality that a successful ADIT extended essay will contain a high degree of analytical content. This must be distinguished from descriptive content. Whilst some descriptive content will be necessary, for example to explain the current or previous legal position or practice, the analytical content should provide, inter alia, commentary on (and critique of) the current or previous legal position or practice, together with your own opinions (and recommendations, if appropriate). Extended essays consisting mainly of descriptive content are less likely to succeed than ones with a high degree of analytical content. However, the analytical content must not be achieved at the expense of thorough research into your subject matter.

Breadth versus depth

The requirement for a high degree of analytical content means that your extended essay is more likely to succeed if it covers a narrow area in depth, rather than a broad area superficially. In other words, you are advised to limit

the scope of your extended essay to a few specific sections of tax law. For instance, if you wish to write on taxation in eastern European economies, you are advised to limit your extended essay either to one particular country or tax (e.g. VAT in Romania) or even to one or two aspects of a particular tax (e.g. VAT on e-commerce in eastern European countries).

Your extended essay should involve a comprehensive treatment of your topic, meaning that all relevant aspects need to be analysed, unless the extended essay topic has been carefully defined to exclude them. Where appropriate, consideration of the relevant aspects of other areas of law or of accountancy should be included.

Technical accuracy

The Academic Board realises that some extended essays will be written about contentious areas or provisions. The Academic Board believes that there should always be room for a divergence of views as to the interpretation of statutes and case law,, and it wishes to encourage discussion of the meaning of the law. You should therefore not hesitate to discuss contentious points, but you will be expected to support any position you may take. Provided your position is well reasoned, you will not be penalised if the reviewer happens to hold an opposing view.

Extended essays on tax planning issues

If your extended essay takes as its topic international issues in tax planning then it is important that the commercial aspects of the planning points and practical considerations in their implementation are considered. Relevant examples and illustrations would be expected, together with due consideration of the legal and, where relevant, accounting considerations of the planning strategies being put forward.

Changes in the law during preparation of the extended essay

Your extended essay should state at the outset the date through which the relevant law is covered. In general, if your extended essay deals with specific points of law that have changed since notification of approval of your extended essay proposal, then the following guidelines apply:

- Changes should generally be fully dealt with in the body of the extended essay unless they are announced less than three months prior to submission.
- Changes announced more than three months but less than one year before the submission date may either be fully dealt with throughout the extended essay or acknowledged via the addition of a short chapter discussing the impact of the changes on the subject matter of the extended essay.

Steps in researching and writing the extended essay

A good extended essay poses an interesting, focussed question and provides a reasoned answer to that question or identifies a problem and proposes a solution to that problem.

Keeping in mind that researching and writing a law essay is a dialectical process, not a linear one, these are the basic steps:

1. Choose a topic of interest both to yourself and potential readers. Know your target audience.
2. Narrow the scope of the topic down to a discrete issue that can be dealt with well in 15,000-20,000 words. You should avoid being too broad and descriptive while at the same time avoid being so narrowly focussed as to be unlikely to interest potential readers.

3. Know and cite the existing literature relevant to your issue.
4. Make sure the structure of the extended essay follows the logic of the argument, and maintains the focus of that argument throughout the essay.
5. Include your analysis and, where relevant, recommendations.

Collecting source materials

An ADIT extended essay is intended to be a work of scholarship and will require painstaking research into your chosen area, encompassing some or all of legislation, case law, books, journal articles, professional publications, websites, professional correspondence and files, and unpublished work such as university theses or dissertations, and other ADIT extended essays. In any extended essay which addresses a more academic topic, it will usually be appropriate to include a formal literature review so that the reader is aware of the volume and nature of materials available which are relevant to the topic.

You may find that noting the specific source of an idea, argument or quotation when taking notes will save you considerable time when writing up your essay.

Planning the structure of the extended essay

Whatever the topic of your extended essay you should write down, and keep in mind, the primary objective of your extended essay. Perhaps there is a question on which you wish to reach a conclusion. Perhaps you are seeking to perform a comparative study of an aspect of the tax system. Perhaps there is an assertion which you wish to try and prove. Making a list of criteria to be used in answering the question, making the comparison or proving the assertion will greatly assist in providing the extended essay with a logical and rational structure. For instance, if making a comparative study between property taxes in two jurisdictions, what will be the points of comparison for the analysis? Fairness? Simplicity? Effect on the housing market? Effect on business expansion?

Having done this, you should be in a position to outline your extended essay with chapter headings and approximate word allocations, taking care to allocate sufficient time and space to descriptive and analytical material and discussion. You should remember that it may be more appropriate to locate larger tracts of descriptive material in appendices if they are relevant to the extended essay but do not contribute directly to the analysis.

Writing up

You may find it difficult to begin writing your extended essay. However, rest assured that, once started, candidates often find it even more difficult to finish! This is a personal choice, but you may find it easier to start with descriptive sections or by preparing practical or numerical examples rather than plunging straight into analysis.

You are strongly advised to discuss your extended essay with colleagues or other contacts with appropriate knowledge of the subject matter, to have one or more of them read and critically review it and to arrange for a colleague or contact to proofread your extended essay prior to submission.

Conclusions

A successful ADIT extended essay will contain well-argued conclusions which are supported by preceding analysis and descriptive materials. The conclusions should form a substantial part of the extended essay, rather than being confined to a few sentences at the end.

Presentation

The title of your extended essay and the extended essay reference number, assigned on approval of the extended essay, must be on the front cover. Your name and ADIT student number should not appear anywhere on any of the hardcopies or on the softcopy of the extended essay.

The extended essay must be typed using Times Roman, Arial, Calibri or similar easily readable typeface, in 12 point font size.

The text should be double spaced. Page margins should be as follows:

- Left (binding edge): 40 mm
- Other margins: 25 mm

Printing and binding

Your two extended essay hardcopies should be printed, single sided, on A4 paper. Both copies must be bound; simple comb binding is acceptable.

Page numbering and table of contents

Pages must be numbered in a single sequence throughout your extended essay. Page numbers should be located within the page footer, at least 15 mm from the edge of the page.

A table of contents should appear at the front of the extended essay, immediately following the title page. It should list, in sequence and with page numbers, all chapters, sections and relevant subsections of the extended essay; the bibliography; and any additional items included, such as appendices and any list of abbreviations.

Acknowledgements

Any acknowledgements should be given on the page immediately following the table of contents.

Referencing

A recognised referencing system should be used. In keeping with generally accepted practice in legal writing, this should be a full footnote citation system such as the Oxford Standard for the Citation of Legal Authorities (OSCOLA). Guides to and examples of OSCOLA and other full footnote citation systems are widely available, online and in print. Suitable modifications may be made for foreign language material and other material not sufficiently addressed by the citation system, as long as any such citations are consistent with the citation system.

In the context of the ADIT extended essay, the purpose of citation is two-fold: to acknowledge the source of an idea, an argument a quotation or other material and to make it easy for the reader to check the source, either for accuracy or to read further. For these reasons, regardless of the referencing system used, a number of pieces of information should be included in each reference, to ensure that the reference can be traced and avoid the possibility of accidental misattribution or academic bad practice.

When citing a book, you should include:

- the full name(s) of the author(s);
- the title and edition of the work;
- the publisher and year of publication; and
- the page(s) from which the information is drawn

When citing a journal, you should include:

- the full name(s) of the author(s);
- the title of the article;
- the title, publication year, volume and issue number of the journal; and
- the page(s) from which the information is drawn.

When citing a legal case, piece of legislation or report, you should include:

- the full title (including the parties' names in the case of legal cases);
- the year of judgment, effective date and/or publication date;
- the volume, law or report number (if there is one);
- the judge or author, where relevant; and
- the page(s) or section(s) from which the information is drawn.

When citing a webpage, you should include:

- the name of the authoring individual(s) or organisation;
- the title of the website and article;
- the full web address (URL); and
- the date on which the information was published (if available) and the date on which the webpage was viewed.

Bibliography

ADIT extended essays should contain a full bibliography. Your bibliography should list references in alphabetical order by authors' last names. Where more than one publication by the same author has been used, the publications should be listed in chronological order with the oldest item first. The bibliography may be divided into sections (e.g. books, journal articles, websites, etc).

Submission of copies

As detailed in the Rules (Rule 13), you must submit two hardcopies and a softcopy of your extended essay. The softcopy should be sent to education@ciot.org.uk in either MS Word (.doc or .docx) or PDF format. The hardcopies should be posted to the CIOT office at the following address:

ADIT Examinations Manager
Chartered Institute of Taxation
1st Floor, Artillery House
11-19 Artillery Row
London
SW1P 1RT
United Kingdom

Your softcopy must be accompanied by a completed Extended Essay Declaration Form, confirming that your extended essay has been completed in accordance with the Extended Essay Rules, and that all sections of your extended essay are your own work.

Find out more at
www.adit.org.uk/extendedessay

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