

Advanced Master in Legal Sciences 2015-2016

Course: INTERNATIONAL FOUNDATIONS OF CORPORATE TAXATION

Term: 1st

Number of Credits: 4

Language: English

Instructors: Prof. D. Elvira (PhD) and Prof. J. Cano

Office hours: to be announced

Email: joan.cano@upf.edu, david.elvira@upf.edu

Course Description

The aim of the course is to offer a methodological updated approach to several of the main issues of business taxation. All the studied items are current issues that, at the same time, contain dogmatic problems that are not only specific of the Spanish tax law, but common to all modern tax systems. Therefore, the course is also aimed at students with a foreign background and, in general, to those with an interest in corporate as well as in international and European Union law.

Prerequisites

In order to follow the course, no prerequisites are needed. In particular, it is not necessary to have any particular knowledge of the Spanish Tax System or International Tax Law.

Methodology

The teaching methodology of this subject is based on the learning of the student, oriented and led by the professors, with the aim of improving the skills on which this subject focuses. During this learning process, a series of activities programmed by the professors will be carried out. These activities should be prepared by the students in advance to the classes, where they will be discussed.

In accordance with the teaching methodology of the subject, a system of continuous assessment will be used, which evaluates, through the different programmed activities, the learning of the student and the level of progressive assimilation of the skills that should be acquired. To begin with, several case studies will be commented in class in order to exemplify aspects such as the relevance of the case law of the European Court of Justice on business taxation.

Students are expected to acquire the following capacities and skills by the end of the course:

- Capacity to analyse the case law on Corporate Taxation and VAT especially from the ECJ.
- Understanding of the economic subtracts of Corporate Income Tax and VAT, and, at the same time, of the legal basis underlying the positive regulation of it.

- Comprehension of the main current problems of the Corporate Income Tax and VAT.
- Capability to analyse common problems faced by corporations with an impact on taxation (company restructurings, internationalization, etc.).
- Research in Corporate Tax and VAT from international and European point of view.

Attendance policy: the minimum percentage of attendance is 80%.

Workload: The workload is an overage of 3 hours per week including the preparation of the classes, and/or the completion of the assignments, and/or the preparation of the written work.

Assignments and Evaluation

Evaluation is conceived as a continuous process within the course. Students will be invited to prepare a brief oral presentation of a program's topic or, alternatively, to write a brief review on a legal case, a court's judgement or a specific legal regulation related to the issues of the program, which could be commented in class.

Finally, it is compulsory to present a final paper containing a study on a topic related to business taxation, which must be different from the questions specifically commented along the course and which could be typical from the national legal background of each student.

The final grading of the subject consists of the sum of the marks for:

- Attendance and active participation in the classes (33%);
- Oral presentation or/and written works (33%);
- Final academic essay (33%).

The second-chance examination consists of a written test with four questions about the course content.

Schedule and Work Plan

The course will consist of 12 sessions of 2 hours, with the following program, which is however subject to possible minor changes or to the alteration of the order of the sessions:

SESSION 1: 21/09/2015

Introduction. Relationship between Accountancy and Corporate taxation.

SESSION 2: 28/10/2015

Adjustment to the Market value in Corporate Income Tax (I).

SESSION 3: 05/10/2015

Adjustment to the Market value in Corporate Income Tax (II).

SESSION 4: 19/10/2015

Tax treatment of business restructurings: the special European regime of mergers, divisions, transfers of assets and exchanges of shares.

SESSION 5: 26/10/2015

The erosion of taxable bases in the Corporate Income Tax. Effects of the special regimes, tax benefits, global fiscal planning and other elements of the Corporate Tax. The OECD's BEPS initiative.

SESSION 6: 02/11/2015

Formal aspects of business taxation: the estimation of the taxable business income in the case of natural persons. The "one stop shop" approach in the framework of the Corporate Income Tax in the countries of the European Union.

SESSION 7: 09/11/2015

To be or not to be a taxable person: the economic activity VAT taxable person. ECJ Cases concerning that topic.

SESSION 8: 16/11/2015

Intra-community delivery: exemption requirements vs. Fraud

SESSION 9: 23/11/2015

VAT in international transactions: export, import and custom duties

SESSION 10: 30/11/2015

Location of Intra-community services: the victory of the destination principle in VAT

SESSION 11: 14/12/2015

In-VAT and Out-VAT: Scope of the right of deduction

SESSION 12: 16/12/2015

E-commerce and VAT: Invoicing and E-invoicing

Bibliography/List of readings and materials

The detailed bibliography and other didactic materials for the study of this subject will be announced prior to the start of the course. Readings, materials and useful references will be published in the virtual campus.

Some general references which may be useful for the students are:

- PICCIOTTO, Sol: *International Business Taxation: A Study in the Internationalization of Business Regulation*, Quorum Books, New York, 1992.
- TERRA, Ben J. M.; WATTEL, Peter J.: *European Tax Law*, Kluwer Law International, Alphen aan den Rijn, latest edition.