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Certificate in Digital Economy Tax

## Cross-Border Taxation Issues

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**CFC Rules:** Controlled Foreign Company (CFC) rules are anti-avoidance regulations that tax the income of foreign subsidiaries of domestic corporations, to prevent base erosion and profit shifting (BEPS). CFC rules may apply when a domestic corporation owns a significant interest in a foreign company and has control over its operations.

**Double Taxation Treaties (DTTs):** DTTs are agreements between countries that aim to prevent double taxation of income earned by businesses and individuals in cross-border situations. DTTs usually cover various types of income, such as dividends, interest, royalties, and capital gains, and provide reduced withholding tax rates and tax credit mechanisms.

**E-commerce:** E-commerce refers to the buying and selling of goods and services over the internet, including websites, mobile apps, and social media platforms. E-commerce has transformed the way businesses operate and consumers shop, and has created new challenges in tax compliance and administration.

**FATCA:** The Foreign Account Tax Compliance Act (FATCA) is a US law that requires foreign financial institutions (FFIs) to report to the US Internal Revenue Service (IRS) information about financial accounts held by US taxpayers or foreign entities in which US taxpayers hold a substantial ownership interest. FATCA aims to prevent tax evasion by US taxpayers using offshore accounts.

**GAAR:** General Anti-Avoidance Rules (GAAR) are legal provisions that allow tax authorities to challenge tax arrangements that lack a commercial purpose or are intended to obtain a tax advantage that is not in accordance with the intent of the law. GAAR aims to prevent abusive tax practices and ensure tax compliance.

**Hybrid Mismatch Arrangements:** Hybrid mismatch arrangements refer to cross-border transactions that exploit differences in the tax treatment of entities, instruments, or transactions between two or more jurisdictions, resulting in double non-taxation or reduced taxation. Hybrid mismatch arrangements may involve hybrid entities, hybrid instruments, or reverse hybrids.

**Indirect Taxes:** Indirect taxes are taxes that are imposed on the production, sale, or consumption of goods and services, and are ultimately passed on to the final consumer. Examples of indirect taxes include value-added tax (VAT), goods and services tax (GST), sales tax, and excise tax.

**IRS:** The Internal Revenue Service (IRS) is the US federal agency responsible for collecting taxes, enforcing tax laws, and providing taxpayer assistance and education. The IRS oversees various tax programs, including individual income tax, corporate income tax, employment tax, and estate and gift tax.

**MNEs:** Multinational Enterprises (MNEs) are businesses that operate in two or more countries, including parent companies, subsidiaries, branches, and affiliates. MNEs face various tax challenges in cross-border operations, such as transfer pricing, permanent establishment, and controlled foreign company (CFC) rules.

**OECD:** The Organisation for Economic Co-operation and Development (OECD) is an international organization that promotes economic cooperation and development among its member countries. The OECD plays a leading role in developing and implementing international tax standards, such as the Base Erosion and Profit Shifting (BEPS) project and the Model Tax Convention.

**Permanent Establishment (PE):** A Permanent Establishment (PE) is a fixed place of business through which a foreign enterprise carries out its business activities in a host country. A PE may trigger tax liability in the host country, and may involve various factors, such as place, duration, and frequency of activities.

**PIE Rules:** Passive Income Exemption (PIE) rules are tax regulations that exempt or reduce the tax liability of foreign passive income, such as dividends, interest, and royalties, earned by domestic corporations. PIE rules may apply when certain conditions are met, such as a minimum ownership threshold or a minimum holding period.

**PPT:** Profit-shifting Prevention Treaty (PPT) is a tax treaty provision that aims to prevent base erosion and profit shifting (BEPS) by multinational enterprises (MNEs) through controlled transactions. PPT may involve various factors, such as a fixed ratio, a minimum percentage, or a specific threshold.

**STTR:** The Statutory Transfer Pricing Method (STPM) is a tax method that determines the arm's length price of cross-border transactions between related parties, based on the transfer pricing rules in the relevant tax treaty. STPM may involve various methods, such as the Comparable Uncontrolled Price (CUP) method, the Resale Price Method (RPM), or the Cost Plus Method (CPM).

**TNMM:** The Transactional Net Margin Method (TNMM) is a transfer pricing method that determines the arm's length price of cross-border transactions between related parties, based on the net profit margin of similar transactions between unrelated parties. TNMM may involve various factors, such as the net profit indicator, the tested party, and the comparability analysis.

**Transfer Pricing:** Transfer Pricing refers to the pricing of cross-border transactions between related parties, such as parent companies and subsidiaries, branches and head offices, or affiliated entities. Transfer pricing aims to ensure that the prices charged in such transactions reflect the arm's length principle, i.e., the prices that would be charged between unrelated parties in similar transactions.

**Treaty Shopping:** Treaty shopping refers to the practice of structuring cross-border transactions through jurisdictions that offer favorable tax treaties or arrangements, in order to reduce or avoid tax liability. Treaty shopping may involve various factors, such as the place of residence, the place of effective management, or the place of incorporation.

**Withholding Tax:** Withholding tax is a tax that is deducted at source from certain types of income, such as dividends, interest, royalties, and fees. Withholding tax is usually imposed on the payer of the income, and may vary depending on the tax treaty between the source country and the residence country.

The above glossary terms provide a comprehensive overview of cross-border taxation issues in the context of the Certificate in Digital Economy Tax. These terms are essential for understanding the complex and dynamic landscape of international taxation, and for developing effective tax strategies and compliance

practices for businesses and individuals engaged in cross-border activities. By mastering these concepts, learners will be able to navigate the challenges and opportunities of the digital economy with confidence and expertise.