









ANA; YSIS: Do\$est#1;a< , Is 1a '#tal 9a#n taxa7le under Co do\$est#1 la < E H Does Countr8 A #\$ 'ose tax on 9a d#s 'osal of #\$\$o?a7le 'ro'ert8 s#tuated #n Countr8 AE ose tax on d#s 'osal of s6ares #n ?e t6e#r ?alue fro\$ #\$\$o?a7le

Tax 'a8erls Ar9u \$ ents

- , Tax 'a8er re#es on Art#1les: *(4
- , K6at #s t6e o7=e1t and 'ur'ose and (A+E
- , Does t6e transa1t#on frustrate or defeat t6e
 *(4+E

(. . –

:)

Tax 'a8er8s Ar9u \$ ents

, Pur'ose of Art#1&es: *(4+ and (Assour1e 1ountr8 to tax 9a#ns fro su7stant#a&#nterests #n 10\$'an

su7stant#al #nterest #s : 5 or \$ ore

Onto recorded to the 1 and tax to 9a#n under

ns #s #n a11ordan1e <#t6 t6e

:3

Tax 'a8erls Ar9u\$ents

- , -I; <as res#dent of ;uxe\$7out ;uxe\$7our9 la< and under Art</p>

nta#n an8 #n6erent ant#Fa7use n1e 't #s on&8 'oss#7&e #f 7ot6

: G

Go?ern\$entls Ar9u\$ents

- , Tax a8er a12u#red; uxe\$7ours to 9et treat8 7enef#ts

<as not a real le9##\$ ate
our9 and #s not ent#tled to t6e
a
</pre>

2:

Go?ern\$entls Ar9u\$ents

- , Art#1&e: *(4+ and (A+ do not 1on #n1&ude art#f#1#a& transa1t#ons to tax'a8er&s #nterest to &ess t6an
- Transa1t#on <as ar\$ls len9t6 7ut In1o <as taxF
 - ' '#es to den8 treat8 7enef#ts

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Go?ern\$entls Ar9u\$ents

- , No 1onf#1t 7et<een Countr8 Alt treat8
- Based on ex ' #1#t state \$ ent #n the Co \$ \$ entar8 on Art#1 le :

a''#es to t6e #nter'retat#on nto 7efore 2 *

2*

Go?ern\$ent8s Ar9u\$ents

- , If t6e GAAR does not a ' ' &8 (1a #nter' reted to den8 treat8 7enet
- , Para9ra ' 6 3.A:

H #s one of t6e 'ur'oses of t6e transa1tion to 9et treat8 7enef#tsE and

ef#ts frustrate 'ro?#s#ons of treat8E

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