# Content

<table>
<thead>
<tr>
<th>Authors</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authors</td>
<td>V</td>
</tr>
<tr>
<td>Foreword</td>
<td>VII</td>
</tr>
<tr>
<td>Glossary</td>
<td>XIII</td>
</tr>
</tbody>
</table>

## I. Tax

1. Taxation of Inbound and Outbound Investments

**Wolf Wassermeyer**  
Tax Classification of Foreign Legal Entities ('Comparability Test')  
1

**Jörg W. Lütgge**  
The Taxation of German Corporations and Partnerships by Comparison  
11

**Thomas Rödder**  
International and Domestic Aspects of German Group Taxation  
25

**Jens Schönfeld**  
Controlled Foreign Company Legislation  
41

**Jochen Bahns**  
Repatriation by Foreign Investors of Profits from German Investments  
53

**Helder Schnittker**  
Cross-Border Investments in German Private Equity Funds  
67

**Martin Oltmanns**  
Typical Transaction Structures for Buyout Investments in Germany  
81

**Franz Wassermeyer**  
Taxation of Partnership Income Under German International Law  
93

**Klaus Sieker**  
German Income Taxation of Foreign Partners in German Trading Partnership  
103

**Florian Kutt**  
German Tax Aspects in M&A Transactions  
113

**Torsten Engers**  
Taxation of Real Estate Investments in Germany  
125

**Matthias Rogall**  
Tax Aspects of Corporate Financing  
139

IX
<table>
<thead>
<tr>
<th>Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marcus Mick</td>
</tr>
<tr>
<td>The German Investment Tax Act.</td>
</tr>
<tr>
<td>2. Transfer Pricing</td>
</tr>
<tr>
<td>Hubertus Baumhoff</td>
</tr>
<tr>
<td>Taxation of Royalties Between Affiliated Companies.</td>
</tr>
<tr>
<td>Xaver Ditz</td>
</tr>
<tr>
<td>German Transfer Pricing Documentation Requirements.</td>
</tr>
<tr>
<td>Markus Greinert</td>
</tr>
<tr>
<td>Business Restructurings</td>
</tr>
<tr>
<td>3. Reorganization Tax</td>
</tr>
<tr>
<td>Ingo Stangl</td>
</tr>
<tr>
<td>An Overview of Reorganizations Under German Tax Law.</td>
</tr>
<tr>
<td>Holger Dietrich</td>
</tr>
<tr>
<td>Tax-Neutral Contributions in Kind of Business Units.</td>
</tr>
<tr>
<td>Jens Hageböke</td>
</tr>
<tr>
<td>Share-for-Share Transactions</td>
</tr>
<tr>
<td>Andreas Schumacher</td>
</tr>
<tr>
<td>Foreign Reorganizations with a Connection to the</td>
</tr>
<tr>
<td>German Tax Net</td>
</tr>
<tr>
<td>4. Tax Accounting</td>
</tr>
<tr>
<td>Joachim Hennrichs</td>
</tr>
<tr>
<td>Provisions in German Income Tax Law</td>
</tr>
<tr>
<td>Norbert Herzig</td>
</tr>
<tr>
<td>Specific Features of Tax Accounting in Germany</td>
</tr>
<tr>
<td>5. VAT, Trade and Real Estate Transfer Tax</td>
</tr>
<tr>
<td>Ulrich Grünwald</td>
</tr>
<tr>
<td>Subordination or Close Links</td>
</tr>
<tr>
<td>Arne von Freedden</td>
</tr>
<tr>
<td>International Aspects of German Trade Tax</td>
</tr>
<tr>
<td>Oliver Hötzel</td>
</tr>
<tr>
<td>The Cornerstones and Quirks of Real Estate Transfer Tax</td>
</tr>
</tbody>
</table>
## 6. Tax Procedure

Michael Hendricks  
**Tax Disputes and Litigation in Germany** ............................................. 309

Stefan Schloßmacher / Joachim Schmitt  
**Tax Audits in Germany** ................................................................. 321

Martin Cordes  
**Ruling Practice in Germany – Achieving Legal Certainty on Taxation**. 331

## II. Private Clients and Succession Planning

Frank Hannes  
**Unlimited and Limited Inheritance Tax Liability of Individuals and Business Entities** ................................................................. 343

Bernd Noll  
**Foundation and Trust in Succession Planning** .................................... 353

Christian von Oertzen  
**Inheritance and Gift Tax Planning Strategies for Individuals Subject to Nonresident Taxation (Foreigners)** ........................................ 367

Johannes Baßler  
**Immigration and Emigration of Individuals** ....................................... 379

Stephan Schauhoff  
**Using German Tax Incentives for Nonprofit Organizations Across National Borders** ................................................................. 393

Carsten Schlotter  
**Taxation of Sportsmen and Artists** .................................................... 403

## III. Corporate, M&A and Labor/Employment Law

Christoph Schulte  
**Legal Forms in German Corporate Law** ............................................. 415

Jens Eggenberger  
**Private M&A in Germany** ................................................................. 429

Stephan Göckeler  
**M&A Involving Listed Corporations** .................................................... 443

Philipp Rulf  
**Cross-Border Reorganizations** .......................................................... 453

Michael Erkens  
**Corporate Reorganizations in Germany** ............................................. 467
Michael R. Wiesbrock  
Legal Aspects of Investments in German Real Estate .......................... 481

Dieter Leuering  
Delisting as a Component of Taking Private Transactions .................. 493

Jens Eric Gotthardt  
German Corporate Governance Code ........................................... 501

Stefan Simon  
Recent Developments in Corporate and Financial Restructuring ...... 513

Lambertus Fuhrmann  
Corporate Litigation in Germany .............................................. 523

Jan Christian Giedinghagen  
Forms of Distribution Under German Commercial Law .................. 539

Tobias Niefen  
Matrix Structures as a Means of Steering Groups Under Corporate Law and Labor-and-Employment Law .......................... 553

Michael Winter  
Corporate Codetermination and Its Avoidance ................................ 565

IV. Tax Crime

Jörg Schauf  
Voluntary Disclosure of Tax Evasion Under German Law ............... 579

Karsten Randt  
Changed Criminal Tax Law Framework ....................................... 591

V. Public Auditing, Accounting and Business Valuation

Torsten Kohl  
A Comparison of Valuation Principles in Germany and Internationally ........................................ 603

Marc Schmidt  
Financial Statements: Disclosure Requirements and Ways of Avoiding Them ........................................ 615

Andreas Söffing  
Accounting for Advertising Spots ............................................ 631

Jesco Idler  
Tax Compliance – A Challenge for Tax Departments .................. 641

Index ................................................................. 655