

Table of contents

Preface	5
List of abbreviations	11
1 Introduction to German profit tax law	13
1.1 The importance of taxes	13
1.2 Tax burden and tax justice	13
1.3 The three tax disciplines	15
1.4 The tax system	16
1.4.1 Earnings of the state	16
1.4.1.1 Taxes	17
1.4.1.2 Fees	18
1.4.1.3 Contributions	18
1.4.1.4 Special levies	19
1.4.2 Classification of the tax types	19
1.4.3 Taxation terminology	21
1.4.3.1 Taxpayer and/or taxable subject	21
1.4.3.2 Subject of taxation and/or taxable object	21
1.4.3.3 Tax base	21
1.4.3.4 Tax threshold, tax allowance, deductible amount	22
1.4.3.5 Tax rate and tax scale	23
1.4.4 Tax sovereignty	25
2 Personal income tax	27
2.1 Basic principles of personal income tax	27
2.1.1 Characterization, importance and principles of personal income tax	27
2.1.1.1 Legal basis	27
2.1.1.2 Characteristics and demarcation of the personal income tax	28
2.1.1.3 Fiscal and economic importance	29
2.1.1.4 Principles of income taxation	29
2.1.1.5 The two forms of income tax assessment	31
2.1.2 Personal and impersonal liability for personal income tax	33
2.1.3 Personal liability for personal income tax	33
2.1.3.1 Types of unlimited tax liability	34

2.1.3.2	Types of limited tax liability	39
2.1.3.3	The issue of double taxation	41
2.1.4	Impersonal liability for personal income tax	41
2.1.4.1	The types of income	41
2.1.4.2	Determination of the personal income tax	48
2.1.4.3	Classification of earnings and expenses	49
2.1.5	Temporal assignment	54
2.1.5.1	Assessment period and determination period	54
2.1.5.2	Fiscal year	55
2.2	Determination of taxable income	58
2.2.1	Determination of income	58
2.2.1.1	Overview of the methods of determining income	58
2.2.1.2	Determination of profit	59
2.2.1.3	Determination of surplus income	67
2.2.2	Seven types of income	70
2.2.2.1	The profit income types	70
2.2.2.2	The surplus income types	89
2.2.2.3	Compensation and income from previous employment (Sec. 24 EStG)	122
2.2.3	Determination of the total amount of income	125
2.2.3.1	Elderly allowance (Altersentlastungsbetrag)	125
2.2.3.2	Tax allowance for single parents	127
2.2.3.3	Deduction for farmers and foresters	128
2.2.4	Fiscal treatment of losses	130
2.2.4.1	Loss relief	131
2.2.4.2	Deduction of losses	132
2.2.5	Special expenses	137
2.2.5.1	Concept of special expenses	137
2.2.5.2	Unlimited deductible special expenses	138
2.2.5.3	Limited deductible special expenses	142
2.2.6	Extraordinary expenses	155
2.2.6.1	Concept of extraordinary expenses	155
2.2.6.2	Extraordinary expenses in general cases	157
2.2.6.3	Extraordinary expenses in standardized cases	158
2.2.7	Family benefit compensation	162
2.2.8	Assessment basis and scale	167
2.2.8.1	The taxable income	167

2.2.8.2	Scaled income tax	168
2.2.8.3	Special rates according to Secs. 34 and 34a EStG.....	169
2.2.8.4	Determination of the personal income tax to be assessed.....	182
2.2.8.5	Determination of the final payment and/or the refund entitlement	186
2.3	Partnerships	193
2.3.1	Co-partner income	194
2.3.2	Other partners of a partnership	203
3	Corporate income tax.....	207
3.1	Basic principles.....	207
3.1.1	Characteristic features.....	209
3.1.2	Personal tax liability	211
3.1.2.1	Unlimited tax liability	211
3.1.2.2	Limited tax liability	212
3.1.3	Tax exemption	212
3.2	Tax assessment basis.....	213
3.2.1	Determination of taxable income	213
3.2.2	Adaptations of the commercial balance sheet to the tax balance sheet.....	215
3.2.3	Additions and deductions to determine the taxable income out- side of the balance sheet	216
3.2.3.1	Hidden profit distributions.....	217
3.2.3.2	Hidden equity contributions.....	225
3.2.3.3	Tax-exempt income from investments in accordance with Sec. 8b (1) KStG	230
3.2.3.4	Non-deductible expenditures in accordance with Sec. 10 KStG	232
3.2.3.5	Non-deductible expenditures in accordance with Secs. 4 (5), (5b), 4h, 4j EStG, Secs. 8a, 8b (3) and (5) KStG	233
3.2.3.6	Donations	243
3.2.4	From the total amount of income to the remaining corporate income tax payment/refund.....	245
4	Trade tax.....	251
4.1	Basic principles.....	251
4.1.1	Characterization of trade tax	251
4.1.2	Subject of taxation.....	252
4.1.3	Personal tax liability	256

4.2	Business profit.....	256
4.2.1	Additions under Sec. 8 GewStG	258
4.2.2	Deductions under Sec. 9 GewStG	264
4.2.3	Loss carryforward.....	270
4.2.4	Tax allowance, federal tax rate, municipal rate and advance pay- ments	271
4.3	Breakdown	274
4.4	Lump-sum crediting of trade tax	275
4.5	Final question on trade tax.....	276
5	Neutrality of taxation regardless of the legal form.....	281
5.1	Principle of neutrality of taxation regardless of the legal form.....	281
5.2	Approaches for the implementation of neutrality of taxation regardless of the legal form in Germany	283
6	Final comprehensive case	289
6.1	Information regarding corporate income tax	289
6.2	Information regarding personal income tax	290
6.3	Solution notes	290
6.4	Solution	292
6.4.1	Determination of the taxable income/provision for trade tax/ provision for corporate income tax.....	292
6.4.2	Calculation of the tax liability for 2022.....	293
6.4.2.1	Application of the flat rate withholding tax within the meaning of Sec. 32d EStG	294
6.4.2.2	Application of the partial-income method within the meaning of Sec. 3 no. 40 lit. d EStG	297
	List of figures	301
	List of tables.....	304
	Translations	305
	English – German	305
	German – English	311
	Index	317