

TAXATION – SOUTH AFRICA

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8TH **BRICS** LEGAL FORUM

8 – 9 December 2023 | Emperors Palace,
Johannesburg | South Africa





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NEW DEVELOPMENTS IMPACTING TAXATION

- ❖ **The United Nations General Assembly voted to reform the global tax system. The resolution, passed by consensus, would see authority for global tax rules passed from the Organisation for Economic Co-operation and Development (OECD) to the UN. At the UN meeting it was estimated that the continent loses about \$ 480 billion annually, as per the Alliance for Tax Justice]**
- ❖ **This will be continuously challenged by wealthy Nations [North]**





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UNFINISHED BUSINESS – CRITICAL OBJECTIVES

- ❖ **Streamlining the Tax Treaty Mutual Agreement (MAP) Procedure between BRICS Member States.**
- ❖ **Agreement between member states on Excise duty.**
- ❖ **Bilateral tax treaties between BRICS Member States**





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LEGISLATIVE REGIME

- ❖ Section 233 of the SA Constitution:
- ❖ *Legal interpretation – SA Courts to ensure consistency with international law*



LAW SOCIETY
OF SOUTH AFRICA



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LEGISLATIVE REGIME

- ❖ **Rule of Law in SA – Absolute Power is restricted by subordinating it to well-defined and well-established laws**
- ❖ **SA Constitution – Supreme Law: covers Common law, Customary law, and Statutory law.**
- ❖ **Formal International Treaties/agreements become part of SA domestic law**
- ❖ **International Treaties prevail if in conflict SA Income Tax Act.**





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KEY DELIVERABLES

- ❖ **FINALISED MAP- Mutual Agreement Procedure**
- ❖ **SA Constitution – Supreme Law: covers Common law, Customary law, and Statutory law.**
- ❖ **Formal International Treaties/agreements become part of SA domestic law**
- ❖ **International Treaties prevail if in conflict SA Income Tax Act.**





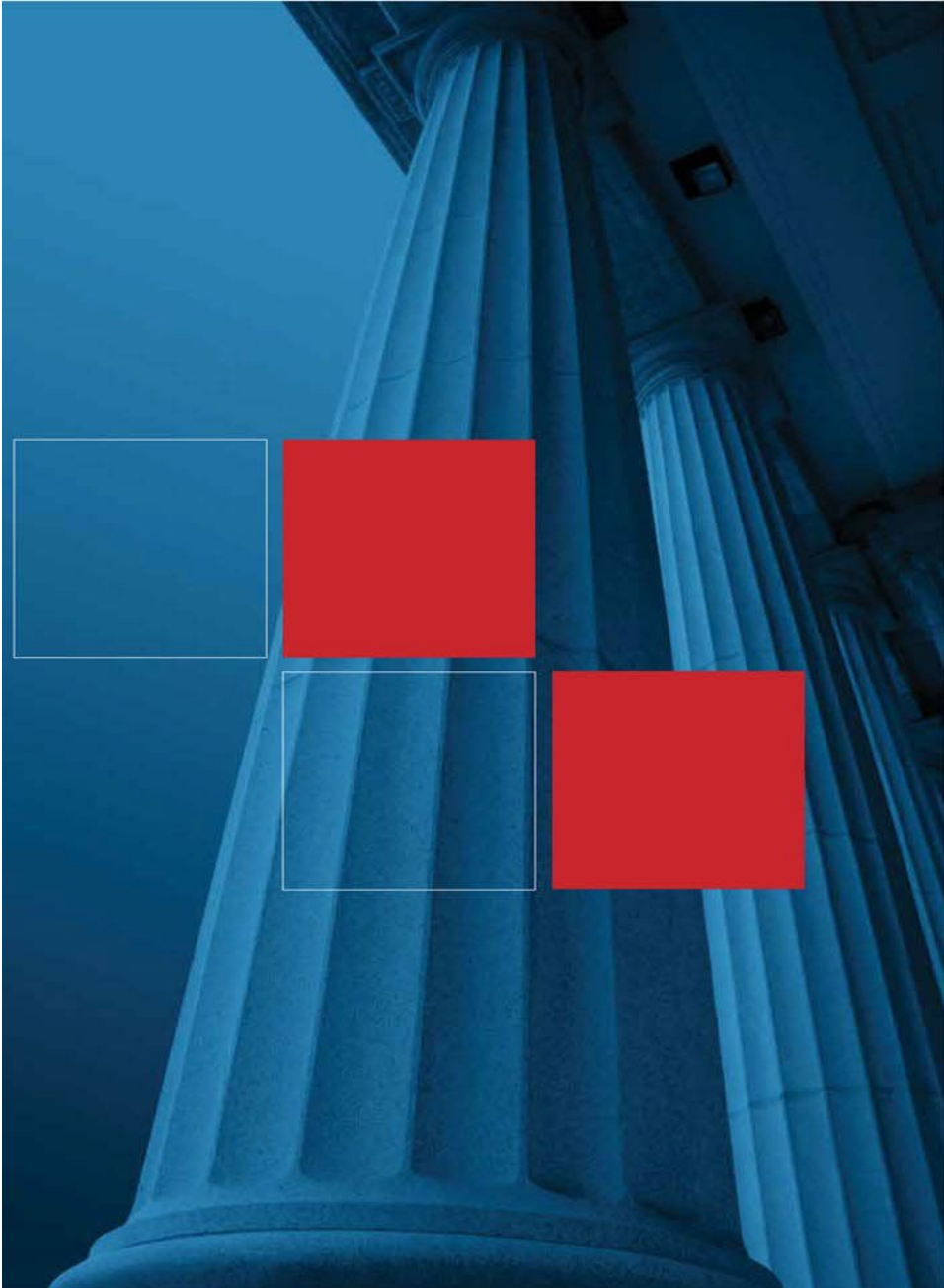
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BUSINESS TO BUSINESS –B2B

❖ Taxation agreements:

- Increase certainty in trade between BRICS countries.**
- Investment by SA business in other member States**
- Governs and reduces delays in contractual conflicts.**





THANK YOU

Questions and Answers

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