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Steuerliche Organschaft Ulrich Prinz

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Rechtsfragen bei der tatsächlichen Durchführung des Gewinnabführungsvertrags unter besonderer Berücksichtigung der aktuellen BFH-Rechtsprechung zur Organschaft Magnus Dürer, 2024 Die tatsächliche Durchführung des Gewinnabführungsvertrags bildet das zentrale Anerkennungsmerkmal der ertragsteuerlichen Organschaft Trotz der langen Historie und einer Vielzahl von Reformbestrebungen ist § 14 KStG bis heute unbeantwortet was unter dem abstrakten Rechtsbegriff zu verstehen ist Der Autor nimmt dies zum Anlass bestehende Rechtsfragen um das Erfordernis der tatsächlichen Durchführung im Kontext der aktuellen Entwicklungen in Rechtsprechung und Literatur einzuordnen Die jüngste BFH Rechtsprechung zur Organschaft findet aufgrund der aktuellen Relevanz besondere Berücksichtigung **Die ertragssteuerrechtliche Organschaft. Voraussetzungen, Folgen und Reformvorschlag** Lauren Schneider, 2022-09-27 Studienarbeit aus dem Jahr 2022 im Fachbereich Jura Steuerrecht Note 14 Johann Wolfgang Goethe Universität Frankfurt am Main Veranstaltung Körperschaftssteuerseminar Sprache Deutsch Abstract Die Arbeit befasst sich mit den Brennpunkten der ertragsteuerrechtlichen Organschaft Die ertragsteuerrechtliche Organschaft ist in den §§ 14-20 KStG geregelt Ausgangspunkt der Organschaft sind zwei zivilrechtlich getrennte Unternehmen der Organträger und die Organgesellschaft Die Organschaft ermöglicht eine Zurechnung des Einkommens der Organgesellschaft an den Organträger mit der Folge dass sowohl das Einkommen des Organträgers als auch das zugerechnete Einkommen der Organgesellschaft bei dem Organträger im Organkreis besteuert wird Dies stellt eine Abweichung von dem im Steuerrecht geltenden Steuersubjektsprinzip dar Grundsätzlich ist das Besteuerungssubjekt nicht der Konzern sondern der individuelle Rechtsträger Außerdem aufgrund des Trennungsprinzips zwischen der Kapitalgesellschaft und dem Gesellschafter keine Verrechnung von Gewinnen oder Verlusten Das Bedürfnis der Besteuerung im Organkreis ergibt sich aus der engen wirtschaftlichen Verflechtung von Gesellschaften innerhalb eines Konzerns Wirtschaftlich gesehen stellen die zivilrechtlich selbständigen Rechtsträger eine Einheit dar Sinn und Zweck der Organschaft ist es das Spannungsverhältnis zwischen der wirtschaftlichen Realität und der zivilrechtlichen Individualität des Rechtsträgers durch die Besteuerung im Organkreis zu lösen Konzern und Organschaft in der Insolvenz Lara Schwarz, 2024-03-21 Die Auswirkungen der Insolvenz konzernverbundener Unternehmen auf das zugrundeliegende Konzernverhältnis und auf eine etwaige steuerliche Organschaft sind bis auf den heutigen Tag ungeklärt Zur Lösung dieses Problems verfolgt Lara Schwarz einen rechtsgebietsübergreifenden Ansatz der das Konzern Steuer und Insolvenzrecht miteinander harmonisiert Lara Schwarz zeigt auf dass die bislang angestellten Überlegungen in der rechtsgebietsübergreifenden Gesamtschau zu widersprüchlichen Ergebnissen führen und zu einem zu späten Zeitpunkt ansetzen Sie knüpfen für die Frage ob ein Konzernverhältnis aufgelöst ist an den Zeitpunkt der Eröffnung des Insolvenzverfahrens an In der steuerlichen Organschaft dreht sich die Diskussion um den Zeitpunkt der Bestellung eines vorläufigen Insolvenzverwalters Die Frage ob ein Konzern weiterbetrieben werden darf und ob die Organschaft endet stellt

sich jedoch bereits im Stadium blosser Insolvenzreife spätestens ab Verletzung der Insolvenzantragspflicht **Der Betriebsbegriff im Ertragsteuerrecht** Sven Leber ,2024-10-11 Die Erfassung des Betriebsbegriffs innerhalb des Ertragsteuerrechts beschränkt sich bisher auf Einzelprobleme Es fehlt an einer einheitlichen Dogmatik sodass grundlegende Fragen offenbleiben Wieso kann ein Einzelunternehmer gleichzeitig mehrere Betriebe hingegen eine Handelsgesellschaft nur einen einzigen Betrieb führen Wieso gelten bei der Abgrenzung von aufeinander folgenden betrieblichen Betätigungen wiederum unterschiedliche Grundsätze Sven Leber begreift den Betriebsbegriff als ertragsteuerliches Gesamtphänomen welches er anhand übergeordneter steuerrechtlicher Prinzipien und der Gesetzeshistorie entfaltet Vergleichend nimmt er die Betriebs bzw Unternehmensbegriffe aus anderen Rechtsgebieten in den Blick und bündelt weitere betriebsbezogene Fragestellungen konsequent in seine Untersuchung ein Die körperschaftsteuerliche Organschaft: Voraussetzungen und Rechtsfolgen Lisa Landerer,2015-02-01 Grundsätzlich gilt im Steuerrecht dass jede natürliche und juristische Person einzeln steuerpflichtig ist Dieser Grundsatz wird durch eine steuerliche Organschaft ausgehebelt Das Steuerrecht kennt die gewerbesteuerliche körperschaftsteuerliche und die umsatzsteuerliche Organschaft Diese Bachelorarbeit gibt einen Einblick in die körperschaftsteuerliche Organschaft Die wirtschaftlichen Abhängigkeitsverhältnisse von Unternehmen waren für den Gesetzgeber Anlass für betroffene Unternehmen eine einheitliche Besteuerung zu schaffen Deshalb ist ein Grund eine solche Organschaft einzugehen die Einkommensverrechnung rechtlich selbstständiger Unternehmen In dieser Arbeit werden die Voraussetzungen zum Rechtstand Mitte 2011 für eine körperschaftsteuerliche Organschaft dargestellt und die Rechtsfolgen beim erfolgreichen Eingehen dieser aufgezeigt Des Weiteren werden die Sondersachverhalte der verunglückten Organschaft sowie die verdeckte Gewinnausschüttung angesprochen Das Beschriebene wird anhand von Beispielen verdeutlicht

Möglichkeiten der Verlustverrechnung bei Gruppenbesteuerungssystemen unter der Bedingung der wirtschaftlichen Verlusttragung Katrin Hamacher,2017-02-09 Das deutsche Steuerrecht beschränkt durch die Organschaftsregelungen eine gemeinschaftliche Besteuerung von Unternehmen auf inländische Vertragskonzerne Für Beteiligungskonzerne bedingt sich hierdurch aufgrund der mangelnden Verlustverrechnung ein wirtschaftlicher Nachteil in Form einer erhöhten Steuerlast der gesamten Unternehmensgruppe In grenzüberschreitenden Konstellationen verstärken sich diese Umstände da die deutschen Regelungen eine grenzüberschreitende Gruppenbesteuerung nicht vorsehen In der Folge werden die tatsächlich vorliegenden wirtschaftlichen Verknüpfungen zwischen den Gesellschaften steuerlich unzureichend berücksichtigt Die vorliegende Arbeit analysiert vor dem Hintergrund der verfassungsrechtlichen Vorgaben die notwendige Ausgestaltung der Verlustverrechnung auf Ebene eines Einzelsteuerpflichtigen bevor diese Ergebnisse auf grenzüberschreitende Unternehmensgruppen transferiert werden Das Leistungsfähigkeitsprinzip steht hierbei neben der wirtschaftlichen Verlusttragung im Vordergrund Aus den hieraus resultierenden Rahmenbedingungen wird eine Bewertung der nationalen Reformansätze der Organschaft sowie des europäischen Modells der GKKB vorgenommen Im Mittelpunkt der Arbeit stehen die entwickelten Leistungsbelegungen für die

Reform einer Gruppenbesteuerung im deutschen Steuerrecht um de lege ferenda den verfassungsrechtlichen europäischen und abkommensrechtlichen Vorgaben an eine Verlustverrechnung entsprechen zu können *Steuerlatenzen in der deutschen Bilanzierungspraxis* Jonas Max Bense, 2022-11-23 Der Grundgedanke der Untersuchung ist einfach Latente Steuern sind ein extrem vielschichtiges und anspruchsvolles Bilanzierungsfeld Die Aufarbeitung des Forschungsstands zeigt dass die Bilanzierung latenter Steuern bislang einerseits in empirisch quantitativen Untersuchungen und andererseits in Form von normativen Ausarbeitungen behandelt wurde Beide Blickrichtungen der Rechnungslegungsforschung können die realen Anwendungsprobleme der Steuerabgrenzung zwar schemenhaft benennen aber nicht im hermeneutischen Sinne verstehen Die vorgelegte Analyse soll in diesem Sinne zur wissenschaftlichen Erschließung der bestehenden Umsetzungsprobleme beitragen Der Datenfluss im Automobilkonzern Stephan Kristl, 2022 Geschäftsmodelle in der digitalen Konomie die darauf angelegt sind Gewinne aus der Nutzung von Daten zu erzielen stellen die herrschenden Regeln der Gewinnbesteuerung vor besondere und neuartige Herausforderungen Das findet bereits bei der rechtlichen Zuordnung der Daten an die wiederum für die Einordnung als steuerbilanzrechtliches Wirtschaftsgut von Bedeutung ist Im internationalen Kontext ist entscheidend wo die Wertschöpfung zu verorten ist und welchem Staat das Besteuerungsrecht deshalb zusteht Hier setzt die Arbeit von Stephan Kristl an indem der Datenfluss im Automobilkonzern steuerlich gewürdigt wird Die kooperative Hochschule unter besonderer Betrachtung umsatzsteuerlicher Aspekte Jana Keller, 2022 Der Veränderungsdruck durch gesellschaftspolitische Entwicklungen führt in der Hochschullandschaft zu einem Zuwachs an Kooperationen Dieser Wandel hin zur kooperativen Hochschule fällt zusammen mit der Einführung des 2b UStG und der Ausweitung der Unternehmereigenschaft der öffentlichen Hand Bestehende und künftige Kooperationen sind rechtlich neu zu würdigen und anzupassen Die Arbeit untersucht die Auswirkung des 2b UStG für Hochschulen und gibt einen systematischen Überblick über wichtige umsatzsteuerliche Fragen und Gestaltungsmöglichkeiten *Organschaft und Steuerrecht* Hans-Jürgen Schirmer, 2016-01-01 Die Unternehmensbesteuerung in Deutschland ist geprägt von einer grundsätzlichen Besteuerung der einzelnen Unternehmung bzw des einzelnen Rechtsträgers Jedoch gibt es bereits seit Jahrzehnten als Ausnahme unter engen Voraussetzungen die Besteuerung von Unternehmenszusammenschlüssen die sog Organschaft die im Ertrag und Umsatzsteuerrecht vorliegen kann Das Gesetz zur Änderung und Vereinfachung der Unternehmensbesteuerung und des steuerlichen Reisekostenrechts hat mit der sog kleinen Organschaftsreform erhebliche Veränderungen bei der ertragsteuerlichen Organschaft bewirkt ohne zu einer echten geschlossenen Konzernbesteuerung zu führen Das Gesetz hat außerdem in Teilbereichen neue Fragen aufgeworfen Auch das BilMoG mit Änderungen im Bereich der Rechnungslegung hat zu teilweise neuen Fragestellungen geführt Das vorliegende Buch nimmt die Änderungen zum Anlass die Grundzüge der ertragsteuerlichen und umsatzsteuerlichen Organschaft zusammengefasst darzustellen Der Schwerpunkt der Darstellung liegt im Bereich der ertragsteuerlichen Organschaft Es werden die Voraussetzungen und Folgen erläutert Dabei werden

insbesondere auch noch nicht endgültig geklärte Zweifelsfragen die sich durch die kleine Organschaftsreform ergeben haben angesprochen Insbesondere bei organschaftlichen Verbindungen im öffentlich rechtlichen und gemeinnützigen Bereich können sich durch die Änderungen u.U. erhebliche Auswirkungen ergeben Dies gilt ebenso für Holdingstrukturen Dieses Werk weist auf mögliche Konsequenzen hin Das Buch richtet sich vor allem an Praktiker in den Unternehmen und deren Berater sowie an Mitarbeiter von Behörden und Verwaltung die sich mit organschaftlichen Fragestellungen befassen müssen

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