

CANADA

CANADIAN TAX FOUNDATION

P. Samtani et J. Kutyay, « [GAAR Revisited: From Instinctive Reaction to Intellectual Rigour](#) », *Revue fiscale canadienne*, vol. 62, no 2, 28 pages.

RGAÉ : Une approche trop influencée par une réaction instinctive?

Au cours des 25 ans qui se sont écoulés depuis l'entrée en vigueur de la règle générale anti-évitement (RGAE), les possibilités et les dangers de l'évitement fiscal ont suscité bien des débats. On traite beaucoup moins ouvertement des considérations subjectives qui touchent la résolution des cas sur la RGAE et de l'incertitude que créent de telles influences. Le présent article examine les aspects plus importants, mais moins concrets, de l'analyse de la RGAE. Il cherche à déterminer si les cas décidés jusqu'à présent peuvent être rationalisés de façon à révéler certains thèmes juridiques récurrents, bien que les décisions aient été prises dans des circonstances factuelles diverses. Les auteurs examinent la portée de la RGAE relativement aux principaux facteurs, objectifs et autres, qui ont façonné son application. En particulier, ils explorent une approche interprétative à la RGAE qui demeure ancrée dans la rigueur intellectuelle, même lorsqu'elle est influencée par une réaction instinctive.

CANADIAN TAX FOUNDATION

J. Nitikman, « [More on Services PEs—What Is a Connected Project?](#) », *Revue fiscale canadienne*, vol. 62, no 2, 66 pages.

Lors de l'application du concept d'« établissement stable », qu'entend-on par le terme « projet connexe »?

Depuis les premiers jours des conventions fiscales, on admettait généralement que les bénéfices d'entreprise gagnés par un résident d'un État dans un autre État seraient imposés dans l'État source seulement si le résident gagnait ces bénéfices par l'intermédiaire d'un « établissement stable » (ES) dans cet État source. Jusqu'aux années 70, on entendait généralement par ES un établissement physique réel. Depuis 1969, les Nations Unies ont commencé à envisager d'étendre le concept d'« établissement stable » afin d'inclure la simple prestation de services pendant un certain temps. Dans la plupart des cas (mais non dans tous), les conventions qui sont étendues de cette façon exigent que les services soient fournis à l'égard d'un projet ou d'un « projet connexe ». Le présent article tente d'analyser l'historique et l'essence du terme « projet connexe ». L'article en vient à la conclusion qu'il répond à deux fins distinctes mais liées : limiter le droit d'un État source d'imposer les bénéfices gagnés par la prestation de services et empêcher les résidents étrangers de fractionner et de raccourcir artificiellement les contrats de service dans le but d'éviter de fournir des services pour

la durée requise par la convention pour créer un ES.

INSTITUT C.D. HOWE

A. Laurin, « *The Overlooked Option For Boosting Retirement Savings: Higher Limits For RRSPs* », E-Brief, 11 septembre 2014, 11 pages.

À qui profite le plus les contributions au REER?

Government policymakers should not overlook enhancing RRSPs as another way to boost retirement savings by Canadians. They can

easily neglect this option after considering broad data showing low uptake of the product by a majority of Canadians. Hence, it can appear that governments need to set up an obligatory retirement savings solution targeted to those not already participating in a workplace pension plan. Yet, more relevant data, focusing on those who need private saving to achieve a realistic retirement income, tell a more subtle story. They show RRSPs are mostly beneficial to \$50,000-plus income earners not covered by a workplace pension plan. Nearly one-in-two with the greatest need to participate in an RRSP made a contribution in 2013, contributing more than 10 percent of earnings on average. Further, relatively low income earners appear to be well covered with respect to their retirement savings needs. The case for remedial action, in the form of supplemental forced savings plans, is weaker than widely assumed. Likewise, the data suggest that policymakers should not dismiss the option of higher or more flexible contribution limits, since there are many Canadians who would be well placed to take advantage of them.

INSTITUT FRASER

M. Palacios et C. Lammam, *Taxes versus the Necessities of Life: The Canadian Consumer Tax Index, 2014 edition*, 12 août 2014, 11 pages.

The Canadian Consumer Tax Index tracks the total tax bill of the average Canadian family from

1961 to 2013. Including all types of taxes, that bill has increased by 1,832 percent since 1961. Taxes have grown much more rapidly than any other single expenditure for the average Canadian family: expenditures on shelter increased by 1,375 percent, clothing by 620 percent, and food

La famille canadienne moyenne dépense plus en impôts et en taxes que pour satisfaire ses besoins fondamentaux.

by 546 percent from 1961 to 2013. The 1,832 percent increase in the tax bill has also greatly outpaced the increase in the Consumer Price Index (682 percent), which measures the average price that consumers pay for food, shelter, clothing, trans-

portation, health and personal care, education, and other items. In fact, the average Canadian family now spends more of its income on taxes than it does on basic necessities such as food, shelter, and clothing. In 2013, 41.8 percent of the average family's income went to pay taxes while in 1961, only 33.5 percent of the family's income went to taxes. In 1961, the average family had an income of \$5,000 and paid a total tax bill of \$1,675 (33.5 percent). In 2013, the average Canadian family earned an income of \$77,381 and paid total taxes equaling \$32,369 (41.8 percent). The federal and most provincial governments are running budget deficits, meaning that current taxes do not cover current spending. Including deferred taxes (deficits) means the tax bill of the average Canadian family has increased by 1,975 percent since 1961.

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INSTITUT FRASER

S. Speer, M. Palacios et F. Ren, *Compétitivité fiscale du Québec : une barrière à la prospérité*, 25 septembre 2014, 56 pages.

Selon des études empiriques et l'expérience historique, des taux marginaux d'imposition élevés et des politiques fiscales non compétitives peuvent nuire à la performance économique. Cela s'explique par le fait que les particuliers et les sociétés réagissent en travaillant, en épargnant et en investissant moins au lieu d'embaucher ou d'étendre leurs activités. Des taux élevés

d'imposition des particuliers et des sociétés peuvent aussi provoquer des mouvements de main-d'oeuvre et de capitaux vers des provinces ou des États où les taux d'imposition sont plus faibles. Le régime fiscal du Québec est incontestablement

Les Québécois plus imposés que la plupart des Canadiens et des Américains, les taux d'imposition élevés nuisent à l'ensemble de l'économie québécoise.

affiché l'une des croissances du PIB réel par habitant les plus faibles ces dix dernières années. Le gouvernement du Québec a récemment créé la Commission d'examen sur la fiscalité québécoise pour évaluer le régime fiscal de la province et obtenir des recommandations sur les manières d'améliorer sa compétitivité. Ces recommandations devraient lui être remises avant le budget de 2015. Si le gouvernement veut améliorer les perspectives économiques du Québec, il doit apporter des changements à son régime fiscal afin d'améliorer sa compétitivité. Il devrait particulièrement mettre l'accent sur la modification des taux d'imposition des particuliers et des seuils de revenu auxquels ils s'appliquent.

INSTITUT ECONOMIQUE DE MONTREAL

Y. Chassin, *Des solutions pour les régimes de retraite municipaux*, Notes économiques, octobre 2014, 4 pages.

Nouvelles solutions dans le débat sur les régimes de retraite des employés municipaux.

non compétitif par rapport aux autres provinces canadiennes et aux États américains, surtout en ce qui concerne l'imposition des particuliers. Cela a contribué à une performance économique relativement mauvaise selon divers indicateurs : le Québec est notamment la province canadienne qui a

Les régimes de retraite des employés municipaux présentent des déficits qui s'élèvent à 3,9 milliards de dollars à l'échelle du Québec. Pour certaines municipalités, les versements aux régimes de retraite ont explosé au cours des dernières années. Le gouvernement du Québec a récemment présenté un projet de loi qui vise à assurer la pérennité de ces régimes, sans toutefois remettre en question leurs principes fondamentaux. Cette Note économique explore les causes des déficits des régimes de retraite municipaux et propose des solutions absentes du débat, visant à prévenir les déficits futurs et à éviter que les contribuables en assument le fardeau. NDLR : Ce projet de loi est maintenant adopté.



ÉTATS-UNIS

CENTER ON BUDGET AND POLICY PRIORITIES

E. Williams et C. Mai, *State Earned Income Tax Credits and Minimum Wages Work Best Together*, 3 septembre 2014, 11 pages.

Comment aider les familles à accroître leur revenu?

As states continue to recover from the recession, state lawmakers should look to help working families recover, too. They can do this

effectively by strengthening their states' earned income tax credits (EITCs) and minimum wages. EITCs and the minimum wage are twin pillars of making work pay for families that earn low wages. They boost income, widen the path out of poverty, and reduce income inequality. They also help to build a stronger future economy by putting children on a better path. For low-income young children, there is evidence that the lift in family income can result in improved learning and educational attainment and higher future earnings in adulthood. Strengthening either a state's minimum wage or a state EITC will boost incomes for low-wage working families, but these policy improvements are particularly effective in combination.

CENTER ON BUDGET AND POLICY PRIORITIES

E. C. McNichol, *Improving State Revenue Forecasting: Best Practices for a More Trusted and Reliable Revenue Estimate*, 4 septembre 2014, 11 pages.

Quelles sont les pratiques les plus fiables pour bien estimer les revenus de l'état?

Every state estimates how much revenue it will collect in the upcoming fiscal year. A reliable estimate is essential to building a fiscally responsible budget and

sets a benchmark for how much funding the state will be able to provide to schools and other public services. Yet some states forecast revenues using faulty processes that leave out key players and lack transparency. While there is no one right way to forecast revenues, research and experience suggest that states benefit from including both the legislature, the governor, and independent experts in the process from the start, giving the public, media, and advocates access to the deliberations and the data that go into the estimates, and regularly revisiting estimates during the budget session. These components together create a strong, reliable revenue estimate.

NATIONAL TAX JOURNAL

R. T. Greenbaum et J. Landers, « *The Tiff Over TIF: A Review of the Literature Examining the Effectiveness of Tax Increment Financing* », *National Tax Journal*, vol. 67, no 3, septembre 2014, p. 655-674. (Veuillez noter qu'il faut s'abonner aux publications du NTJ pour consulter ce document.)

Financement par des taxes foncières : revue de littérature et recommandations.

California's recent decision to discontinue its tax increment financing (TIF) after six decades of use has triggered a re-examination of its broader use. TIF typically allows the borrowing of funds for local economic development in a specified district, to be paid for by taxes collected in the future that are generated by the development. To put the findings of the previous literature into context and to make them more broadly informative, this paper reviews the empirical research, provides some descriptive national analysis of TIF adoption, and provides policy recommendations informed by the empirical findings and literature.

NATIONAL TAX JOURNAL

L. Chiou et E. Muehlegger, « *Consumer Response to Cigarette Excise Tax Changes* », *National Tax Journal*, vol. 67, no 3, septembre 2014, p. 621-650. (Veuillez noter qu'il faut s'abonner aux publications du NTJ pour consulter ce document.)

Augmentation des taxes sur le tabac : les consommateurs changent-ils leurs habitudes de consommation?

We use a rich dataset of weekly cigarette sales to examine how consumers adapt their behavior before and after excise tax increases — whether by stockpiling or substituting between quality tiers of a product. We find that

stockpiling primarily occurs for low-tier cigarettes. In the short-term, consumers shift from high-tier to low-tier cigarettes, presumably to maintain current consumption. However, in the long term, tax increases are associated with substitution toward high-tier cigarettes. In the long term, average levels of tar, nicotine, and carbon monoxide consumed per pack rises, as consumer substitute across tiers and brands, suggesting a long term negative impact on health outcomes.

JOINT COMMITTEE ON TAXATION

The Joint Committee On Taxation, *Present Law and analysis of Energy-Related Tax Expenditures*, 16 septembre 2014, 36 pages.

Les incitats fiscaux en matière énergétique entraînent-ils une affectation des ressources plus efficace?

Since 2004, the Congress has been active in enacting legislation related to energy production (including oil and gas and renewables) and conservation. Part I of this document, prepared by the staff of the Joint Committee on

Taxation, provides tables that summarize current and recently expired energy-related Federal tax incentives. Part II of this document provides a brief discussion of the economic rationale for certain government intervention in energy markets through the tax code and issues related to the proper design of such tax preferences. These tax expenditures create incentives that have the potential to affect economic decisions and allocate economic resources from other uses to the tax-favored uses. Such tax preferences may produce an allocation of resources that is more efficient for society at large if they are properly designed to overcome negative effects (such as atmospheric pollution, for example) that would otherwise result from a purely market based outcome without any government intervention. Tax expenditures for energy production and conservation have been criticized for lacking well defined objectives, and for lacking coordination among provisions having similar objectives. Some argue that the simultaneous existence of tax preferences for the fossil fuel industry and for renewable energy production represents conflicting government policy. Others have noted that the incentives for renewable energy and conservation are not themselves designed in a coordinated way to produce the most efficient or equitable subsidies for renewable energy and conservation.

TAX FOUNDATION

K. Pomerleau et A. Lundeen, *International Tax Competitiveness Index*, 15 septembre 2014, 48 pages.

Les crédits R&D sont cruciaux pour l'économie régionale.

The Tax Foundation's International Tax Competitiveness Index (ITCI) measures the degree to which the 34

OECD countries' tax systems promote competitiveness through low tax burdens on business investment and neutrality through a well-structured tax code. The ITCI considers more than forty variables across five categories: Corporate Taxes, Consumption Taxes, Property Taxes, Individual Taxes, and International Tax Rules.



INTERNATIONAL

SOCIAL SCIENCE RESEARCH NETWORK

C. H. Johnson, *Repatriation Tax: Are We Churchill or Chamberlain?*, 22 septembre 2014, 8 pages.

Comment inciter les sociétés à rapatrier leurs revenus étrangers?

Under current law, earnings of a foreign subsidiary are not subject to tax until they are repatriated. At repatriation, the U.S. parent pays 35 percent corpo-

rate tax, less foreign tax credits. A tax on repatriation has no effect on repatriations, by mathematical law, if the tax remains. If the United States reduces or forgives the tax in the foreseeable future, U.S. corporations will delay repatriation to take advantage of the reduction. This project proposes an increase in tax on repatriation after a short window during which the 35 percent tax, less foreign tax credits, will remain. The increase will induce corporations to repatriate their foreign earnings within the window to take advantage of the relatively generous 35 percent rate.

SOCIAL SCIENCE RESEARCH NETWORK

K. Finke, C. Fuest, H. Nusser et al., *Extending Taxation of Interest and Royalty Income at Source – An Option to Limit Base Erosion and Profit Shifting?*, 15 septembre 2014, 47 pages.

Quatre options pour réduire l'évitement fiscal des sociétés.

This paper discusses tax policy measures to reduce corporate tax avoidance by extending taxation in the source country without

imposing double taxation. We focus on four options: Bilaterally restricting interest and royalty deductibility, introducing an inverted tax credit system, levying withholding taxes on all interest and royalty payments and levying withholding taxes as an anti-avoidance regulation. We calculate the tax revenue effects of introducing a minimum withholding tax on royalty payments and an inverted tax credit. For the withholding tax we find that the US would suffer the greatest tax revenue losses, while some other countries would increase their tax revenue. In general, gains and losses depend not only on net balances in royalty income flows but also on withholding tax and credit rules under the status quo. The inverted tax credit would increase tax revenue in particular in high-tax countries. Revenue redistribution would only arise if withholding taxes were replaced by the inverted credit.

SOCIAL SCIENCE RESEARCH NETWORK

K. Blaufus, M. Braune, Jochen Hundsdoerfer et al., *Self-Serving Bias and Tax Morale*, 1^{er} septembre 2014, 8 pages.

Les considérations éthiques contre l'évasion fiscale.

In a real-effort laboratory experiment to manipulate evasion opportunities, we study whether the moral evaluation of tax evasion is subject to a

self-serving bias. We find that tax morale is egoistically biased: Subjects with the opportunity to evade taxes judge tax evasion as less unethical as opposed to those who cannot evade. The detection probability does not affect this result. Further, we do not find moral spillover effects, for example, on legal activities.

ORGANISATION DE COOPÉRATION ET DE DÉVELOPPEMENT ÉCONOMIQUES

R. Roy, *Environmental and Related Social Costs of the Tax Treatment of Company Cars and Commuting Expenses*, 30 septembre 2014, 51 pages. (Veuillez noter qu'il faut s'abonner aux publications de l'OCDE pour consulter ce document.)

Les conséquences environnementales du mode de taxation des avantages automobiles.

This paper builds upon a recent OECD paper on the personal tax treatment of company cars and commuting expenses in OECD member-countries and aims to arrive at a better understanding of the environmental and related social costs of the tax treatment described therein. The further analysis of the interaction of the current tax treatment of company cars and commuting expenses with the transport market yields several findings. The current under-taxation of company cars is likely to result in a disproportionately large increase in total distance driven, composed of both an increase in the number of cars in use and an increase in distance driven per car. In turn, this is likely to result in disproportionately large impacts on most relevant environmental and related social costs. And a favourable tax treatment of commuting expenses generally, and of employer-paid parking in particular, is likely to impact on the choice of transport mode in favour of the car relative to public transport and non-motorised modes. In turn, this is likely to impact on most relevant environmental and related social costs.

INSTITUTE FOR FISCAL STUDIES

N. Gemmell et J. Hasseldine, *Taxpayers' Behavioural Responses and Measures of Tax Compliance 'Gaps': A Critique and a New Measure*, 2 septembre 2014, 21 pages.

L'écart fiscal vs l'effet comportemental du contribuable.

The work of Feldstein (1995 and 1999) has stimulated substantial conceptual and empirical advances in economists' approaches to analysing taxpayers' behavioural responses to changes in tax rates. Meanwhile, a largely independent literature proposing and applying alternative measures of tax compliance has also developed in recent years, which has sought to provide tax agencies with tools to identify the extent of tax non-compliance as a first step to designing policies to improve compliance. In this context, measures of 'tax gaps' – the difference between actual tax collected and the potential tax collection under full compliance with the tax code – have become the primary measures of tax non-compliance via (legal) avoidance and/or (illegal) evasion. In this paper, we argue that the tax gap as conventionally defined is conceptually flawed because it fails to incorporate behavioural responses by taxpayers. We show that conventional tax gap measures, which ignore the presence of behavioural responses, exaggerate the degree of non-compliance. This potentially applies both to indirect taxes (such as the 'VAT gap') and direct (income) taxes. Further, where these conventional tax gap measures motivate reforms designed to increase the tax compliance rate, they will likely have a tax-base-reducing effect and hence generate a smaller increase in realised tax revenues than would be anticipated from the tax gap estimate.



DIVERS

SOCIAL SCIENCE RESEARCH NETWORK

D. C. Hensley, *Out in the Cold: The Failure of Tenant Enforcement of the Low-*

Income Housing Tax Credit, 3 septembre 2014, 43 pages.

Comment protéger les contribuables vivant dans des logements pour personnes à faible revenu?

This article seeks to start a conversation about the rights of the people who reside in Low-Income Housing Tax Credit units and how the law can be changed to better protect them; about their right not only to long-term housing at affordable rents, but to housing that is suitable for occupancy according to local or federal standards; about how they may enforce those rights; and about what policy makers can do to strengthen that enforcement.

INSTITUT DE LA STATISTIQUE DU QUÉBEC

S. Crespo et S. Rheault, *L'inégalité du revenu disponible des ménages au Québec et dans le reste du Canada : bilan de 35 années, Données sociodémographiques en bref*, vol. 19, no 1, octobre 2014, p. 1-7.

Depuis l'an 2000, l'inégalité du revenu disponible des ménages est restée relativement stable.

Mesurer l'inégalité du revenu, et plus encore, comprendre celle-ci, est relativement complexe. Des choix méthodologiques doivent être faits et les mesures existantes ne permettent pas toujours d'illustrer adéquatement ce que nous semblons percevoir. Avec cet article, nous n'avons pas la prétention de répondre à toutes les interrogations, mais à quelques-unes d'entre elles. D'abord, nous décrivons l'évolution de l'inégalité du revenu disponible entre 1976 et 2011 à l'aide de deux indices synthèses (Gini et Theil). Par la suite, nous décomposons ces indices selon les sources de revenu et selon certaines caractéristiques du ménage. La décomposition selon les sources de revenu permet

d'examiner de quelle façon les revenus privés ou du marché contribuent à l'inégalité du revenu et comment les mesures gouvernementales à l'aide de transferts ou l'impôt permettent de l'atténuer. La décomposition selon les caractéristiques du ménage nous permet, par ailleurs, d'évaluer la répartition du revenu entre des groupes, par exemple, selon le sexe du soutien du ménage, mais aussi la répartition du revenu à l'intérieur de ceux-ci, par exemple, parmi les ménages dont le soutien est une femme, ou est un homme. Enfin, pour l'ensemble des analyses, des comparaisons sont faites entre le Québec et le reste du Canada.

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