

URL: <http://mobile.deloitte-tax-news.de/german-tax-legal-news/minimum-shareholding-for-participation-exemption-for-capital-gains-from-the-sale-of-shares-unlikely-to-be-introduced.html>

 01.12.2015

German Tax and Legal News

Minimum shareholding for participation exemption for capital gains from the sale of shares unlikely to be introduced

Contrary to an earlier draft of Germany's new investment act, it seems likely that an announced new draft of the act will not include a 10% minimum shareholding requirement to qualify for the 95% participation exemption for capital gains from the sale of shares.

The introduction of a minimum shareholding requirement has been on the agenda of the German government for some time. Since an analogous rule was introduced to benefit from the participation exemption for dividends (for payments made after 28 February 2013), the German tax authorities have been advocating for the extension of this requirement to capital gains from the sale of shares. The government originally announced that it would introduce such a requirement as part of a broader reform of the investment taxation rules.

It now appears that there is political resistance to this approach and that the next draft of the new investment tax act will no longer include such a requirement. It can be expected that this topic will be subject to further negotiations at a political level.

www.deloitte-tax-news.de

Diese Mandanteninformation enthält ausschließlich allgemeine Informationen, die nicht geeignet sind, den besonderen Umständen eines Einzelfalles gerecht zu werden. Sie hat nicht den Sinn, Grundlage für wirtschaftliche oder sonstige Entscheidungen jedweder Art zu sein. Sie stellt keine Beratung, Auskunft oder ein rechtsverbindliches Angebot dar und ist auch nicht geeignet, eine persönliche Beratung zu ersetzen. Sollte jemand Entscheidungen jedweder Art auf Inhalte dieser Mandanteninformation oder Teile davon stützen, handelt dieser ausschließlich auf eigenes Risiko. Deloitte GmbH übernimmt keinerlei Garantie oder Gewährleistung noch haftet sie in irgendeiner anderen Weise für den Inhalt dieser Mandanteninformation. Aus diesem Grunde empfehlen wir stets, eine persönliche Beratung einzuholen.

This client information exclusively contains general information not suitable for addressing the particular circumstances of any individual case. Its purpose is not to be used as a basis for commercial decisions or decisions of any other kind. This client information does neither constitute any advice nor any legally binding information or offer and shall not be deemed suitable for substituting personal advice under any circumstances. Should you base decisions of any kind on the contents of this client information or extracts therefrom, you act solely at your own risk. Deloitte GmbH will not assume any guarantee nor warranty and will not be liable in any other form for the content of this client information. Therefore, we always recommend to obtain personal advice.

