

22. December 2021

BFH AFFIRMS LEGAL TAX STRUCTURING FOR PARTIAL “EVASION” OF SPECULATION TAX IN THE CASE OF REAL ESTATE SALES PURSUANT TO § 23 PARA. 1 SENTENCE 1 NO. 1 GERMAN INCOME TAX ACT (ESTG)

IN ITS RULING OF 23 APRIL 2021 - IX R 8/20 - THE FEDERAL FISCAL COURT (*BUNDESFINANZHOF* - BFH) DECIDED THAT THE TRANSFER OF A RENTED RESIDENTIAL PROPERTY TO CHILDREN AS A GIFT FOR SUBSEQUENT SALE DOES NOT CONSTITUTE ABUSIVE TAX PLANNING. THIS DECISION MEANS THAT TAX-OPTIMIZED PROPERTY SALES, PARTICULARLY IN THE CONTEXT OF ANTICIPATED SUCCESSION, CAN BE STRUCTURED IN A LEGALLY SECURE MANNER IN THE FUTURE. [\(more...\)](#)