

Stephan Spamer

Director



Stephan Spamer is a Director in our Tax & Exchange Control practice.

About Stephan

Before joining Cliffe Dekker Hofmeyr, Stephan headed the Tax Department at Baker McKenzie (South Africa) and prior to that was a Tax Partner at ENSafrica.

Credentials

Education

- B.Comm/LLB, University of Stellenbosch
- Registered with the Legal Practice Council

Memberships

- Registered Tax Practitioner
- Commissioner of the Small Claims Court of South Africa
- Tax Committee of the International Bar Association

Experience

- Stephan is a corporate and international tax lawyer with vast experience in advising on domestic and international tax matters, transaction structuring and mergers and acquisitions.
- Stephan's experience includes advising companies (across various industries) on the tax implications applicable to a broad range of transactions, including merger and acquisition transactions (tax due diligence investigations and tax-efficient transaction structuring advice), management share incentive schemes, Employee Share Ownership Plans (ESOP), Black Economic Empowerment (BEE) transactions, private equity transactions, financing/funding arrangements and corporate restructures.
- From a tax dispute resolution perspective, Stephan assists companies in responding to various audits/investigations from revenue authorities, preparing and lodging objections and appeals, alternative tax dispute resolution and tax court matters.

Contact Stephan

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[Stephan on LinkedIn](#)

Expertise

[Tax & Exchange Control](#)

[Pensions & Employee Benefits](#)

Location

Johannesburg

Language

English

- Stephan advises private clients, family offices, domestic and international financial institutions and trust companies, and frequently speaks on trusts, financial services and compliance issues at wealth management and trust and estate planning conferences. In this regard Stephan's practice focuses on the use of sophisticated wills, trusts, closely held entities, as well as tax exempt (charitable) entities. Stephan represents clients with worldwide assets in estate, trust, tax and tax exempt/not-for-profit organization matters.

News

[Revisions to the definition of "value-shifting arrangement" in the context of group reorganisation transactions](#)

The notion of shifting value between shareholders of a company is generally a concern of revenue authorities in that, once a value shift takes place, one shareholder receives the benefit of value in the company at no or a reduced cost, while the other shareholder relinquishes value, notwithstanding there being no disposition event for tax purposes, or the transaction being deemed neutral under the ITA.

[Amendments in relation to purported loopholes in foreign capital participation exemption](#)

Like many countries South Africa has a "participation exemption" which exempts returns in the form of both foreign dividends or foreign capital realised by South African residents, upon certain conditions being met. Under the foreign capital participation exemption, subject to certain exclusions, a person, other than a headquarter company is required to disregard any capital gain or capital loss determined in respect of the disposal of any equity share in a foreign company if certain requirements are met.

[Closing a targeted scheme abusing the tax implications inherent to contributed tax capital](#)

The "contributed tax capital" (CTC) of a company is a notional tax concept that denotes an amount derived from the value of any contribution (typically a subscription price) made to a company as consideration for the issue of a specific class of shares. CTC is reduced by any part that is allocated by the company in a subsequent transfer to one or more shareholders if the board specifically resolves that a distribution will give rise to a reduction of CTC.

[Proposals in relation to the retirement fund industry](#)

The Minister of Finance has announced various proposed amendments to the taxation regime of retirement funds which we discuss below.

[Tax and exchange control considerations for South African tax residents taking up employment in the UAE](#)

Because South Africa (SA) follows a residence-based tax system, SA residents are taxed on their worldwide income, irrespective of the jurisdictional source of their income. This means that a SA tax resident who becomes entitled to remuneration in respect of his employment services performed in the United Arab Emirates (UAE) will, as a rule, be subject to income tax in SA.

[All news by Stephan Spamer →](#)

Recognition

- Chambers Global 2019–2024 ranked Stephan Spamer in Band 3 for tax.
- The Legal 500 EMEA 2021–2023 recommended him for tax.