

The Impact of Thin-Capitalization Rules on Multinationals' Financing and Investment Decisions

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Abstract: This paper analyzes the role of Thin-Capitalization rules for capital structure choice and investment decisions of multinationals. A theoretical analysis shows that the imposition of such rules tends to affect not only the leverage and the level of investment but also their tax-sensitivity. An empirical investigation of the leverage and investment reported for affiliates of German multinationals in 24 countries in the period between 1996 and 2004 offers some support for the theoretical predictions. While Thin-Capitalization rules are found to be effective in restricting debt finance, investment is found to be more sensitive to taxes if debt finance is restricted.

Keywords: Corporate Income Tax, Multinationals, Leverage, Thin-Capitalization Rules, Firm-Level Data

JEL Classification: H25, H26, G32

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1 Introduction

While all companies can be expected to respond to taxation and capital market conditions with their financing and investment decisions, transnational or, in general, multinational corporations seem to have enhanced opportunities to do so. This includes well-known strategies of tax deferral, transfer pricing, or the use of intercompany loans in order to finance investment but extends to many more often rather complex strategies. While it is difficult to assess to which extent the transnational corporations' efforts in tax-planning activities contribute to the low turnout of corporate tax revenue in countries like the US or Germany, at least for the case of the US, tax planning by multinationals seems to be an important factor (Gravelle, 2004, Desai, 2005). The adverse revenue consequences are a temptation for tax policy to change details in the tax law or its implementation and sometimes restrict the use of certain types of tax-planning. However, the many dimensions along which the multinational corporation can structure its activities have already led to rather complex national tax policies with regard to transnational activities (Gresik, 2001). In this situation it is not obvious that an attempt to restrict tax-planning is effective. Moreover, if it is effective, it is not clear that the corporations' response to a restriction is generally beneficial for the imposing country. Since, as has been discussed in the theoretical literature, restricting certain opportunities for tax-planning might result in adverse consequences for the level of investment undertaken by multinationals in high tax countries (e.g., Keen, 2001, and Peralta, Wauthy, and van Ypersele, 2006, see also Janeba and Smart, 2003).

One particularly important element in multinational corporations' tax-planning is their ability to structure the finances in terms of debt and equity not only for the corporation as a whole but also internally (Desai, Foley and Hines, 2004). Apart from the direct revenue losses, enhanced opportunities for saving taxes may give the multinational an advantage against companies operating only at a national level. For those reasons, governments often impose restrictions on the capital structure choice. In fact, the imposition of so called Thin-Capitalization rules is widespread. The US, for instance, have enacted those rules in 1989, also referred to as Earnings-Stripping rules (Sec. 163 (j) IRC), which deny interest deductions on intercompany debt if the debt-equity ratio or interest expenses exceed certain thresholds. Despite its widespread use, however, evidence on the effects of restrictions on corporate financing and investment decisions is generally lacking.

In this paper we investigate the effects of Thin-Capitalization rules on multinationals' financing and investment decisions. A theoretical model shows the basic consequences of imposing thin-capitalization rules on the subsidiary of a foreign corporation for the debt-asset ratio as well as for the level of investment. The empirical analysis employs a comprehensive micro-level panel database of virtually all German multinationals made available for research by the German Bundesbank. As in the analysis of Desai, Foley, and Hines (2004) the panel data structure and the possibility to identify all foreign affiliates belonging to the same multinational allow us to control for the heterogeneity across companies. A further advantage of the data is that under German tax law repatriated foreign profits are almost completely exempt from corporation taxes such that taxation at the location of the affiliate is decisive for the

financing and investment decisions of affiliates.

The paper is structured as follows. A theoretical model considers the financing and investment decisions of a multinational corporation and derives empirical implications. More specifically, we model a company, active in two countries, which has the opportunity to use equity as well as debt subject to the presence of Thin-Capitalization rules. The empirical implications for borrowing and investment are then investigated using panel-data for the period from 1996 until 2004. The results show a significant positive impact of local taxes on the financial structure but also an adverse impact of Thin-Capitalization rules indicating that these rules are effective to some extent. Moreover, investment is found to be more sensitive to taxes if debt finance is restricted supporting the theoretical concerns about re-enforcing tax competition.

2 Theoretical Background

Standard theories of the capital structure (*e.g.*, Myers, 2001, Auerbach, 2002) emphasize that the corporation's capital structure decision trades off the gains from an increase in the leverage, obtained through a larger interest deduction from taxable profits, against the increase in the agency cost of debt, reflecting the inability to solve potential conflict between equity and debt claimants by means of contracts. Assuming that a corporation has more than one location, this approach could be extended also to a transnational or multinational

company. However, in this case affiliates have improved access to credit as the company might use inter-company loans rather than external credit in order to increase the leverage of affiliates in high tax countries. The financing decision of the multinational corporation, thus, may be particularly sensitive to local tax rates with adverse consequences for the local tax revenue, probably.

Facing the increased ability of multinational corporations to make use of the tax shield by debt in high tax countries, governments are tempted, however, to restrict the use of debt by means of Thin-Capitalization or Earning-Stripping rules. Those rules typically limit interest deduction up to a fixed relation between equity and debt, usually qualified as the debt which is financed by a shareholder. Then, the interest paid for an excess leverage can not be deducted from the tax base. In practice, Thin-Capitalization rules are often not limited to debt directly financed by shareholders. Tax administration or legislation will usually also prohibit what is known as back-to-back constructions, where the affiliate issues external debt which is, however, guaranteed or secured by a deposit from the parent-company.¹ Therefore, in the following we will treat the Thin-Capitalization rule simply as a restriction on debt finance without, explicitly, distinguishing between internal and external debt.

To derive the impact of Thin-Cap. rule on corporate decisions we model the decision of a multinational company with two locations 1 and 2 which is assumed to maximize the

¹An example is constituted by the US Earnings Stripping rules (Sec. 163 (j) IRC).

following profit function

$$\begin{aligned}
\pi &= (1 - \tau_1) f(k_1) + (1 - \tau_2) f(k_2) \\
&- (1 - \tau_1) [i_1 \lambda_1 k_1 + (1 - \tau_2) i_2 \lambda_2 k_2] \\
&- [(1 - \lambda_1) r k_1 + (1 - \lambda_2) r k_2] \\
&- [c_1 (\lambda_1) k_1 + c_2 (\lambda_2) k_2] \\
&- [(\lambda_1 - \bar{\lambda}_1) \varphi_1 i_1 k_1 \tau_1 + (\lambda_2 - \bar{\lambda}_2) \varphi_2 i_2 k_2 \tau_2].
\end{aligned}$$

where $f(k_i)$ denotes the output at location i where k_i units of capital are employed. τ_i is the local tax rate on capital income. The second and third lines capture the interest and opportunity cost of capital, where λ_i denote the share of capital financed with debt, i_i is the rate of interest for debt issued in country i , and r indicates the opportunity cost of equity capital. Before considering the profit function further, let us briefly discuss the tax incentive for using a higher leverage. Suppose that i_2 is not different from r . Then a shift towards debt finance at location 2 (higher λ_2) will tend to raise profits as a larger part of the earnings of capital is tax deductible. However, the corporation will not finance all capital with debt due to the agency cost of debt. The fourth line captures the agency cost of debt where $c_i(\lambda_i)$ is supposed to be convex.² The agency cost function is indexed with the host country to

²The per-unit agency cost function is defined as

$$c_j(\lambda_j), \quad c_{j,\lambda} \equiv \frac{\partial c_j}{\partial \lambda_j} > 0,$$

which is assumed to be convex,

$$c_{j,\lambda\lambda} \equiv \frac{\partial^2 c_j}{\partial \lambda_j^2} > 0.$$

reflect the potential role of this country's credit-market regulations and conditions for the underlying conflict between debtors and creditors. The imposition of a Thin-Capitalization rule is captured by the fifth line, where the profit function is extended to take account of the additional tax payments arising from an excess leverage above the limit $\bar{\lambda}_i$. In order to consider cases with and without restrictions on the tax deduction of interest, we will set $\varphi_i = 1$ if a Thin-Capitalization rule exists in country i and $\varphi_i = 0$, otherwise. For simplicity, let us assume that a restriction imposed is binding such that $\lambda_i > \bar{\lambda}_i$ if $\varphi_i = 1$.

For the optimum share of debt used by an affiliate, say firm 2, we obtain the first-order condition

$$r - (1 - \tau_2) i_2 - \varphi_2 i_2 \tau_2 - c_{2,\lambda}(\lambda_2) \stackrel{!}{=} 0. \quad (1)$$

Accordingly, the leverage is determined by the cost of equity relative to debt. If $\varphi_2 = 0$ and $r > i_2(1 - \tau_2)$, the convexity of c_2 implies that λ_2 is positive. In other words, if the after tax return to capital is below the required return on equity, there will be some borrowing. If φ_2 equals 1, the marginal cost of borrowing jump up to i_2 as the tax deduction is no longer granted. As a consequence, the leverage λ_2 is reduced. If $r > i_2$ a leverage will be chosen above $\bar{\lambda}_2$, but if $i_2 > r > i_2(1 - \tau_2)$ we have a corner solution such that the leverage is chosen to be just equal to the threshold level $\bar{\lambda}_2$.

The first order condition for the capital stock at location 2 is

$$(1 - \tau_2) f'(k_2) - (1 - \tau_2)\lambda_2 i_2 - (\lambda_2 - \bar{\lambda}_2) \varphi_2 i_2 \tau_2 - (1 - \lambda_2) r - c_2(\lambda_2) \stackrel{!}{=} 0. \quad (2)$$

Accordingly, the stock of capital is chosen such that the after tax marginal product equals the marginal cost of the investment consisting of the interest cost (second and third term), the opportunity rate of return (fourth term), and of the agency cost of debt (last term). Without restrictions on debt finance ($\varphi_2 = 0$) the borrowing costs are reduced due to the tax deduction. If a Thin-Capitalization rule is imposed ($\varphi_2 = 1$), the tax deduction is limited such that the rule is binding, borrowing is more costly, and the costs of the investment are increased. The consequence will be a lower level of investment.

With regard to empirical implications it is important to note that the imposition of restrictions on debt finance will not only affect the capital structure and the level of investment of capital but it will also affect the sensitivity of investment and leverage to the tax policy. To show this, let us derive the comparative static effects of an increase in the tax rate by differentiating the two first-order conditions while taking φ_i as parametric

$$\begin{aligned} & \begin{bmatrix} -c_{2,\lambda\lambda} & 0 \\ r - (1 - \tau_2) i_2 - \varphi_2 i_2 \tau_2 - c_{2,\lambda} & f''(k_2) (1 - \tau_2) \end{bmatrix} \begin{bmatrix} d\lambda_2 \\ dk_2 \end{bmatrix} \\ & = \begin{bmatrix} -(1 - \varphi_2) i_2 \\ f'(k_2) - i_2 \lambda_2 + (\lambda_2 - \bar{\lambda}_2) \varphi_2 i_2 \end{bmatrix} d\tau_2. \end{aligned}$$

With regard to the tax effect on the leverage we can derive

$$\frac{d\lambda_2}{d\tau_2} = \frac{(1 - \varphi_2) i_2}{c_{2,\lambda\lambda}}. \quad (3)$$

First, consider the case without a Thin-Capitalization rule ($\varphi_2 = 0$). Given the above assumptions, the term is positive and the strength of the response depends on the interest rate and on the agency cost function. If, however, there is a Thin-Capitalization rule in place and is binding ($\varphi_2 = 1$), the tax rate effect disappears.

With regard to the effect on the level of investment at location 2 we obtain

$$\frac{dk_2}{d\tau_2} = \frac{f'(k_2) - i_2\lambda_2 + \varphi_2 i_2 (\lambda_2 - \bar{\lambda}_2)}{f''(k_2) (1 - \tau_2)}. \quad (4)$$

To simplify matters let us consider the impact relative to the stock of capital

$$\frac{d \log k_2}{d\tau_2} = -\frac{1}{(1 - \tau_2) \eta_2} \left[1 - \frac{i_2\lambda_2 - \varphi_2 i_2 (\lambda_2 - \bar{\lambda}_2)}{f'(k_2)} \right], \quad (5)$$

where $\eta_2 = -\frac{f''(k_2)k_2}{f'(k_2)}$ is the absolute value of the elasticity of the marginal product. If this elasticity is non-decreasing in the level of capital k_2 ,³ we can state that the lower level of investment k_2 and the lower deduction of interest cost under conditions of a thin-capitalization

³This assumption is not particularly restrictive. With production function of Cobb-Douglas type, for instance, the elasticity of the marginal product would be constant.

rule ($\varphi_2 = 1$) will lead to a higher tax sensitivity of the capital stock.⁴

3 Empirical Implications

The first-order conditions and the corresponding comparative static effects suggest that the leverage of the affiliate in country j is a declining function of the after tax rate of interest, if no Thin-Capitalization rule is imposed. Then, a lower interest rate and a higher tax rate would lead to an increase in the leverage. If however, a Thin-Capitalization rule is imposed in the host country and is binding, the leverage will be reduced and will show less tax sensitivity.

In order to empirically test these predictions we first specify an estimation equation for the leverage of an investment in country j taken by company k in period t

$$LEV_{j,k,t} = a_0 + a_1 x_{j,k,t} + a_2 \tau_{j,t} + a_3 \log i_{j,t} + a_4 THC_{j,t} + a_5 \tau_{j,t} THC_{j,t} + a_k + a_t + \epsilon_{i,t}^{LEV}.$$

⁴To see this, note that the squared brackets on the right hand side simplify to

$$\left[1 - \frac{i_2 \lambda_2}{f'(k_2)} \right], \quad \text{if } \varphi = 0,$$

compared with

$$\left[1 - \frac{i_2 \bar{\lambda}_2}{f'(\bar{k}_2)} \right], \quad \text{if } \varphi = 1,$$

where \bar{k}_2 is the amount of capital invested under financial constraints, which, as we know from the first order condition, cannot exceed k_2 . Thus, we know that $\frac{i_2 \bar{\lambda}_2}{f'(\bar{k}_2)}$ is smaller than $\frac{i_2 \lambda_2}{f'(k_2)}$, which proves our statement.

where a_t is a time-specific and a_k is a company-specific effect. Note that the former also captures the interest rate at the parent location if we consider a set of companies which share the same parent location. The company-specific effect encompasses the company-specific opportunity cost of capital which might include elements of personal taxation at the level of the shareholder. $x_{j,k,t}$ captures further characteristics of the subsidiary which affect the use of debt or the access to credit. As the interest rate $i_{j,t}$ is more difficult to measure, instead of using the after tax rate of interest $(1 - \tau_{j,t}) i_{j,t}$, the above specification separates out interest and tax rates and make use of the fact, that the tax rate can be regarded as an approximation to the log of unity minus tax rate. In order to allow for the case where a Thin-Capitalization rule is imposed we introduce a dummy $THC_{j,t}$ indicating whether such a rule is imposed or not, where we expect a_4 to show a negative sign. To test for the reduced tax sensitivity we include a further interaction term with the tax rate where a_5 should show the opposite sign than a_2 . Note that the estimation simply introduces information about the existence of a Thin-Capitalization rule but no further information about how likely it may be that the constraints will restrict the capital structure choice of the individual corporation. Apart from the difficulty of assessing the specific rules in each country, this set-up also reflects our concern that whether or not a rule is binding is co-determined by both the government as well as by the individual company and, therefore, cannot be treated as an exogenous variable.

With regard to the stock of capital invested by the affiliate an empirical analysis is much more involved as the production function as well as the market conditions for the final

product will be different for each firm and investment - even if we have neglected those differences in the theoretical analysis. Hence, it might be useful to include further controls which capture differences in the cost of production, as, for instance, the cost of labor or the distance as an indicator of transport cost, or which capture the product market conditions, proxied, for instance, by the level of GDP. Of course, some of the details of the tax system need also to be taken into account. In fact, whereas the analysis of the leverage is essentially concerned with the statutory tax rate, the above optimality conditions suggest that in case of investment the depreciation allowances should be taken into account as well. The tax savings from depreciation are introduced by means of an interaction term of the present value of depreciation allowances ($d_{j,t}$) with the statutory tax rate, formally denoted by $d_{j,t}\tau_{j,t}$.

Following the above theoretical discussion a reasonable specification is

$$\begin{aligned} \log PPE_{k,i,t} &= b_0 + b_1 z_{j,k,t} + b_2 \tau_{j,t} + b_3 i_{j,t} \\ &+ b_4 THC_{j,t} + b_5 THC_{j,t} \tau_{j,t} + b_6 d_{j,t} \tau_{j,t} + b_k + b_t + \epsilon_{k,j,t}^{PPE}. \end{aligned} \quad (6)$$

where b_t is a time-specific and b_k is a company-specific effect. $z_{j,k,t}$ contains several controls, which may or may not be company specific. These will reflect differences in the market size, in the local production cost, or in variables which affect the capital structure choice as captured above by $x_{j,k,t}$.

As above, we might want to test the implications of Thin-Capitalization rules by introducing a dummy for the imposition of such rules in a host country. A different tax sensitivity of the

capital stock is tested for by an interaction term between the Thin-Capitalization dummy and the statutory tax rate, where b_5 should be negative if the tax sensitivity is increased.

4 Data and Descriptive Statistics

The empirical analysis employs micro-level data for multinationals (MIDI) provided by the German Bundesbank. This includes a comprehensive annual database of direct investment stocks of German enterprises held abroad. More precisely, the data provides information about each foreign subsidiary's balance sheet and some further information about the ownership and about the German investor. In its current version, firm-level panel data for foreign subsidiaries are available for the period 1996 to 2004. Data collection is enforced by German law, which determines reporting mandates for international transactions.⁵

Since our model is concerned with a multinational corporation which jointly determines the capital structure at both affiliates we focus on majority owned subsidiaries. As the model assumes a two-tier company structure, also indirectly held investment is excluded. Furthermore, as the underlying model deals with a case where production takes place at each location, holdings and financial service providers as well as observations with non-positive

⁵Sec. 26 Aussenwirtschaftsgesetz (Law on Foreign Trade and Payments) in connection with Aussenwirtschaftsverordnung (Foreign Trade and Payment Regulations). Each German multinational has to report its foreign assets including both direct FDI and indirect FDI conditional on some lower threshold level for mandatory reporting. Since 2002, FDI has to be reported, if the participation is 10% or more and the balance sheet total of the foreign object is above 3 Million euro. For details see Lipponer (2006). Though previous years showed lower threshold levels, we apply this threshold level uniformly for all years in the panel.

Table 1: Descriptive Statistics

Variable	Mean	Std.Dev.	Min.	Max.
PPE (€ 1 Mill.)	10.3	101	.0001	14,400
Turnover (€ 1 Mill.)	50.7	344	1	51,900
Leverage	.609	.249	.0002	1
Statutory tax rate	.344	.071	.1	.532
PVD (d)	.795	.054	.664	.914
Lending Rate	7.17	3.99	1.77	27.31
Loss carry-forward	.293	.455	0	1
Hourly labor cost (US \$)	16.56	.644	2.73	34.64
GDP (Mill. US \$)	1684961	2866130	17490	11734300
Distance (in km)	1962.87	3125.9	190	16431
Corr.perception	6.92	1.73	3.42	10.0
Thin-Capitalization dummy	.772	.420	0	1

43,626 observations representing 24 countries observed over the period 1996 to 2004.

capital and turnover are excluded.

In order to capture the tax incentive on the capital structure the analysis employs the statutory tax rate on corporate income modified by applicable restrictions on interest deductions, such as in the case of the Italian local business tax (IRAP). Thus, the statutory tax rate represents the tax savings from deducting one unit of interest.

Since the effective tax reduction from using debt might be zero if a subsidiary carries forward any losses for tax purposes (MacKie-Mason, 1990), we might include a dummy variable indicating whether some loss carry-forward is reported. Of course, the existence of some losses in the previous periods may capture other characteristics of the current decision problem of the company, such as the expected performance of an affiliate. Thus, the overall effect on

leverage might well be ambiguous.

As the firm-level data does not provide any information about firm-specific interest expenses, we employ the lending rates for the private sector taken from the IMF International Financial Yearbook augmented, where possible, with data from the European Central Bank. Furthermore, in order to control for company-specific variation in the lending conditions we employ the turnover, as an indicator of the size and the cash-flow of the affiliate both of which will generally be positively associated with the lending conditions of the affiliate. As agency cost may also vary across industries, we control for further heterogeneity by including dummies for 71 industries at the level of the affiliate.

With regard to the analysis of the level of capital we employ some additional controls. This includes hourly labor cost in manufacturing as available from the Bureau of Economic Analysis. We also employ a distance variable which has proven important in previous analysis of FDI. In order to capture the market size we include a GDP variable. The list of variables is further augmented by a corruption perception index as the prevalence of corruption may deter foreign direct investment. Finally, of course, we utilize a measure of the existence of Thin-Capitalization rules. While this variable is based on annual information it shows only weak variation across time. The countries considered seem to have adjusted their Thin-Capitalization rule only rarely. Table 1 provides descriptive statistics for the main variables used.

Table 2 provides some descriptive statistics on the size and geographic distribution of the

foreign subsidiaries analyzed. The list of host countries includes 24 countries, 14 of these countries are EU members in the period analyzed.

5 Results

The results for the leverage as presented in Table 3 show a significant positive impact of the tax rate: an increase in the tax rate by 10 percentage points results in an increase in the leverage by 3.4 to 4.4 percentage points depending on the specification. With a coefficient of about 0.35 the size of the coefficient in specification (2) is remarkably close to the finding of Desai, Foley, and Hines (2004) who report an impact of 0.33 in a similar specification, which also uses company level fixed effects but replace the local interest rate with several credit-market indicators. Gordon and Lee (2001) use a different approach and report a leverage effect of taxes using US firm-level data of about 0.36. Specification (2) also shows a positive impact of the turnover which is in accordance to a positive impact of liquidity on the access to credit. The lending rate of the host country does not show much significance. However, as shown by Desai et al. (2004), and confirmed in Buettner et al. (2006) the local lending rate exerts offsetting effects on external and internal debt. In column (3) the dummy for the existence of a Thin-Capitalization rule shows the expected negative effect suggesting that the leverage is about 5 percentage points lower in countries imposing such financing constraints. Column (4) reports results of a specification where, in addition, an interaction effect between the tax rate and the Thin-Capitalization dummy is included. The significant

Table 2: German Outbound FDI 1996 - 2004

Destination Country	Observations		Capital	Share of	TCR
	Number	Percent	(€ 1,000) Mean	Debt Mean	
Australia	958	2.20	17,757	.620	1
Austria	2,590	5.94	25,429	.606	0
Belgium	1,868	4.28	38,768	.631	1
Canada	782	1.79	30,501	.534	1
Czech Republic	2,534	5.81	25,781	.614	1
Denmark	757	1.74	19,145	.654	1 ^{b)}
Finland	355	0.81	24,937	.556	0
France	5,456	12.51	26,439	.643	1
Great Britain	3,710	8.50	29,535	.590	1
Greece	404	0.93	22,246	.651	0
Hungary	1,591	3.65	36,795	.561	1 ^{a)}
Ireland	363	0.83	20,856	.506	0
Italy	3,289	7.54	29,036	.720	0 ^{d)}
Japan	1,096	2.51	55,661	.670	1
Luxembourg	41	0.09	17,188	.702	1 ^{c)}
Netherlands	2,354	5.40	28,554	.576	1
Norway	370	0.85	22,843	.603	0
Poland	2,949	6.76	19,905	.602	1 ^{b)}
Portugal	573	1.31	26,079	.561	0
Slovakia	466	1.07	31,423	.569	1 ^{e)}
Spain	2,729	6.26	33,348	.607	1
Sweden	1,041	2.39	20,701	.616	0
Switzerland	2,931	6.72	19,025	.547	1
USA	4,419	10.13	55,861	.582	1
Total	43,626	100.00	30,557	.609	.772

^{a)}: Since 1997, ^{b)}: Since 1999, ^{c)}: Since 2002, ^{d)}: Since 2004, ^{e)}: abolished 2004.

negative impact indicates that the tax sensitivity is reduced in countries which impose such constraints. Summing up our findings so far, the analysis of the capital structure supports the theoretical predictions. Affiliates in countries which impose Thin-Capitalization rules do have a lower leverage and do show a lower tax-sensitivity of the leverage.

A problem with the above analysis, however, is that we have treated the tax policy both in terms of tax rates as well as in terms of the imposition of restrictions on interest deduction as being unrelated. However, one might argue that not all countries are equally likely to impose debt restrictions. Rather, high-tax countries which should be the prime focus of tax planning seem more likely to impose those rules. But if the the impact of the tax rate is non-linear, perhaps due to the convexity of the agency cost, the Thin-Capitalization dummy might simply pick up those non-linearities. However, as can be seen from column (6) employing a quadratic specification, there is no evidence for corresponding non-linearities. Note that other non-linear specifications also showed no significance.

Table 4 provides results for the size of the capital stock invested as captured by the level of Property, Plant, and Equipment (PPE). All estimation account for company-level as well as time and industry-level fixed effects. The first column employs a specification where the tax rate as well as its interaction with the depreciation allowances is considered. In accordance with theoretical predictions, a lower statutory tax rate and higher tax savings due to tax depreciation are both associated with a lower level of investment.⁶ With regard

⁶While the statutory tax rate was adjusted in order take account of special provisions for debt finance (see above) for the purpose of studying the investment decision the basic statutory tax would have to be

Table 3: Results: Determinants of the Leverage

	(1)	(2)	(3)	(4)	(5)
Tax rate	.376 ** (.044)	.347 ** (.045)	.337 ** (.039)	.434 ** (.052)	.441 ** (.198)
Tax rate square					-.010 (.266)
TCR			-.050 ** (.009)	-.002 (.025)	-.002 (.025)
TCR × Tax rate				-.141 * (.077)	-.142 * (.080)
(log)Lending rate	.005 (.006)	.011 * (.006)	.006 (.006)	.003 (.007)	.003 (.007)
Loss carry-forward	.053 ** (.004)	.056 ** (.004)	.059 ** (.004)	.059 ** (.004)	.059 ** (.004)
(log)Turnover	.002 (.002)	.009 ** (.002)	.010 ** (.002)	.010 ** (.002)	.010 ** (.002)
<i>Industry effects</i>	no	yes	yes	yes	yes
<i>R</i> ²	.0404	.0660	.0749	.0752	.0752

Dependent variable: Debt/asset ratio of foreign subsidiaries. Company level and time fixed effects included. Robust and clustered (country/year) standard errors in parentheses. A star denotes significance at 10% and two stars at 5% level. 43626 observations, 4256 firms.

Table 4: Results: Determinants of PPE

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Tax rate	-1.95 ** (.957)	-1.90 ** (.912)	-1.45 * (.862)	-1.67 ** (.709)	-1.63 ** (.681)	-1.27 * (.652)	-1.21 (1.10)
Tax rate squared							-.081 (1.17)
Tax rate \times PVD	1.62 (.999)	1.64 * (.958)	2.89 ** (.943)	1.16 (.754)	1.17 (.721)	2.21 ** (.698)	2.20 ** (.703)
TCR		.088 ** (.039)	.861 ** (.131)		.070 ** (.027)	.706 ** (.116)	.707 ** (.117)
Tax rate \times TCR			-2.22 ** (.338)			-1.83 ** (.309)	-1.83 ** (.313)
(log) Lend. rate	-.001 (.043)	.012 (.044)	-.010 (.040)	.009 (.032)	.019 (.033)	.001 (.030)	.000 (.030)
(log) GDP	.194 ** (.018)	.177 ** (.016)	.166 ** (.015)	.012 (.014)	-.001 (.013)	-.010 (.012)	-.010 (.012)
(log) Labor cost	-.191 ** (.042)	-.149 ** (.038)	-.153 ** (.036)	-.263 ** (.031)	-.229 ** (.030)	-.232 ** (.028)	-.232 ** (.028)
(log) Distance	.002 (.020)	.011 (.018)	.044 ** (.018)	.053 ** (.016)	.060 ** (.015)	.087 ** (.015)	.087 ** (.015)
(log) Corruption	.172 ** (.066)	.125 * (.068)	.233 ** (.066)	.168 ** (.055)	.131 ** (.059)	.219 ** (.056)	.218 ** (.062)
(log) Turnover				.748 ** (.013)	.748 ** (.013)	.747 ** (.013)	.747 ** (.013)
Loss carry-forw.				.096 ** (.016)	.094 ** (.016)	.100 ** (.016)	.100 ** (.016)
R^2	.2426	.2430	.2446	.4138	.4141	.4151	.4151

Dependent variable: logarithm of property, plant, and equipment (PPE) of foreign subsidiaries. Robust standard errors in parentheses, a star denotes significance at 10% level, and two stars at 5%, 43,626 observations, 4256 firms, all estimates include a full set of company-level, industry-level, and time fixed effects.

to the further control variables we may note, first, that the lending rate proves insignificant. One might have expected a negative effect, but, as noted above, if the local lending rate is, high, relatively, external debt might become substituted with internal debt. If no control for the turnover is included, the GDP shows a positive effect pointing to a positive role of the market size. Labor cost show a negative effect which is in accordance with the view that the location decisions is deterred by high labor cost provided that there is no strong capital-labor substitution in the choice of technology. While distance shows no effect in the basic estimation, the perception of corruption shows the expected adverse effect.⁷

Specification (2) includes the dummy for a Thin-Capitalization rule. Accordingly, the level of capital invested is higher in countries which impose such rules. While one can speculate whether this is attributable to the difficulties in capturing all determinants of investment decisions, we should note that this result deviates from the theoretical predictions. Specification (3) includes the interaction term with the statutory tax rate which exerts a significant negative effect. This supports the above hypothesis of a higher tax sensitivity of capital if a Thin-Capitalization rule is imposed. This specification shows a strong increase in the value of the Thin-Capitalization dummy as well, but an evaluation of this coefficient around the mean reveals that the mean difference in the level of PPE between countries imposing restrictions and those, which don't, is preserved. Columns (4) to (6) of Table 4 report results, where we include, in addition, two firm-specific controls, turnover and loss carry-forward, taken into account. The corresponding results, however, show only minor differences.

⁷Note that the index is computed such that a lower perception results in a higher value.

which have been used in the above leverage regressions. The results, however, do not change much. Also the squared tax rate does not show a significant impact, indicating, once again, that the significance of the interaction effect between Thin-Capitalization rule and the tax rate cannot simply be ascribed to some non-linearities in the impact of the tax rate.

We can summarize the results for the level of investment in terms of property, plant, and equipment by stating that the theoretical expectations are met only partly by the empirical evidence. While we could not find an adverse effect of the existence of Thin-Capitalization rules on the level of investment, the tax sensitivity is found to be increased. To some extent the failure to get stronger results may be related to the low time-series variation in the imposition of Thin-Capitalization rules which prevent the use of more robust empirical approaches as for instance the inclusion of country-specific effects.

6 Conclusions

The theoretical analysis has shown that the imposition of Thin-Capitalization rules tends to reduce the leverage and the capital stock of affiliates located in countries imposing such rules. Further comparative static effects point at a lower tax sensitivity of the debt-asset ratio in countries imposing those rules. The tax sensitivity of the capital stock invested in a country should, however, be increased.

The empirical investigation of the leverage and the value of property, plant, and equipment

of the affiliates of German multinationals in 24 countries in the period between 1996 and 2004 offers some support for the theoretical predictions. The leverage in countries with Thin-Capitalization rules is found to be reduced significantly, suggesting that these rules cannot easily be circumvented. Also the lower tax sensitivity of the leverage is confirmed in the estimations. While there is some reason to believe that thin-capitalization rules are mainly imposed by high tax countries, the results indicate that the higher tax sensitivity is not simply be caused by non-linear effects in the tax rate.

With regard to the level of property, plant, and equipment held by an affiliate, the analysis confirms the usual determinants found in previous empirical studies: lower tax rates, a higher present value of tax depreciation allowances, a higher level of GDP, and a lower level of corruption all exert positive effects. While the sensitivity to the statutory tax rate is found to be higher in countries where a Thin-Capitalization rule is imposed, the amount of capital invested is not lower in those countries, that impose a Thin-Capitalization rule. Of course, this result may be due to some omitted variable problem. But, the low variation in the imposition of Thin-Capitalization rules over time prevents us from further exploration of this point.

However, the higher tax sensitivity of investment under the condition of a Thin-Capitalization rule indicates that the adverse consequences of taxation on investment become stronger if the government imposes those restrictions. In a non-cooperative setting, therefore, tax policy faces a difficult trade-off between the real consequences of corporate taxation and the

revenue loss from the tax-planning of multinationals. As not restricting tax planning would basically mean that the tax system discriminates against locally operating firms, and, thus, also distorts the decision to operate multinationally rather than domestically (Bucovetsky and Haufler, 2005), an optimal policy will probably combine a restriction on tax-planning by means of debt finance with a reduction in the overall tax burden on corporate profits. In the end, thus, policy cannot escape the fundamental question about the justification of the corporation tax raised by the process of globalization.

Datasources and Definitions

Firm-level data are taken from the micro-level dataset of the Bundesbank, see Lipponer (2006) for an overview. The internal and external components of the leverage are determined by the level of balance-sheet liabilities in the respective category divided by total capital consisting of registered capital, capital reserves and profit reserves, as well as internal and external debt.

Corporate taxation data are taken from the IBFD, and from tax surveys provided by the tax advisory companies Ernst&Young, PwC and KPMG. The statutory tax rate variable contains statutory profit tax rates modified by applicable restrictions on interest deductions.

Thin-Capitalization information is from the same source as the tax data.

Present values of depreciation are calculated for investments in machinery, assuming a discount rate of 7.1 percent. Depreciation rules are taken from the references considered in case of corporate taxation data (see above).

Lending rates refer to credits to the private sector taken from the IMF International Financial Yearbook (2005) augmented with corresponding ECB figures.

GDP in U.S. Dollars, nominal. Source: World Economic Outlook Database.

Hourly compensation of workers: Hourly compensation costs in U.S. Dollars for production workers in manufacturing. Source: U.S. Bureau of Labor Statistics and Eurostat.

Distance is taken from “www.etn.nl/distance.htm”.

Corruption Perception Index is published annually by Transparency International which ranks countries in terms of perceived levels of corruption, as determined by expert assessments and opinion surveys. The scores used range from 10 (country perceived as virtually corruption-free), down to close to 0 (country perceived as almost totally corrupt).

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