



Model Tax Convention on Income and on Capital

CONDENSED VERSION
(as it read on 15 July 2014)

Model Tax Convention On Income And On Capital Condensed Version 2014 Edition 2014 Volume 2014

Tiago Gonçalves Marques



Model Tax Convention On Income And On Capital Condensed Version 2014 Edition 2014 Volume 2014:

Access to Treaty Benefits Desiree Auer, Christina Dimitropoulou, 2021-09-21 A rigorous analysis of various aspects related to treaty access Tax treaty access is an ongoing challenge for both taxpayers and tax authorities This volume provides a rigorous analysis of various aspects related to treaty access Schematically the volume is divided into four parts The first part deals with general interpretative issues and principles the second and third parts cover a wide range of sub aspects relating to the subjective and objective scope of tax treaties and the recent challenges posed to tax treaty access while the fourth part focuses on the knotty issues of treaty shopping and abuse The structure of the volume reflects the necessity to approach access to treaty benefits in a holistic way and view the recent trends through a wide lens All chapters contain a complete examination of the relevant topics starting from a historical perspective and continuing with tax treaty law principles and tax practice analysis Where appropriate a domestic law and domestic courts jurisprudence perspective was added as well as a comparative analysis of several jurisdictions thus complementing the examination of each topic Finally special attention is given to treaty abuse and the new GAAR introduced in the 2017 OECD Model together with its interrelation with other treaty and domestic anti abuse provisions and the impact of these provisions on tax treaty access and tax policy in general

Model Tax Convention on Income and on Capital, 2014 This is the ninth edition of the condensed version of the publication entitled Model Tax Convention on Income and on Capital first published in 1992 and periodically updated since then This condensed version includes the text of the Model Tax Convention as it read on 15 July 2014 after the adoption of the ninth update by the Council of the OECD Historical notes included in Volume I of the full version as well as the detailed list of tax conventions between OECD Member countries and the background reports that are included in Volume II of the full version have not been reproduced in this version

Model Tax Convention on Income and on Capital: Condensed Version 2017 OECD, 2017-12-18 This is the tenth edition of the condensed version of the OECD Model Tax Convention on Income and on Capital It contains the full text of the Model Tax Convention on Income and Capital as it read on 21 November 2017 but without the historical notes and the background reports included

Limiting Base Erosion Erik Pinetz, Erich Schaffer, 2017-08-30 Limiting base erosion from different viewpoints Hybrid mismatch arrangements CFC rules transfer pricing rules Limiting Base Erosion the general topic for the master theses of the part time LL M program 2015 2017 has been one of the most controversial topics in international tax law ever since the initiation of the OECD BEPS Project in 2013 Even though the final reports of the 15 BEPS Actions were released by the OECD in as early as October 2015 the question how to effectively target base erosion practices still has not lost any of its topicality Following the efforts of the OECD in developing a new international tax environment the focus of attention has now partly shifted to the OECD Member countries that have to properly implement the OECD recommendations in their domestic laws as well as in their tax treaty practice In this respect a comprehensive analysis in the literature of all the issues related to base erosion

proves to be of the utmost importance in order to provide practical guidance to the Member countries during that the process of implementation This book deals especially with four key areas of interest Limiting base erosion by neutralizing the effects of hybrid mismatch arrangements Limiting base erosion by strengthening CFC rules Measures against base erosion via interest deductions and other financial payments Limiting base erosion by improving transfer pricing rules On that basis 27 concrete topics were chosen in order to address the four key areas of interest from different viewpoints Base erosion and the challenges they present read more in Limiting Base Erosion Model Tax Convention on Income and on Capital 2017 (Full Version) OECD, 2019-04-25 This publication is the tenth edition of the full version of the OECD Model Tax Convention on Income and on Capital This full version contains the full text of the Model Tax Convention as it read on 21 November 2017 including the Articles Commentaries non member economies positions **OECD/G20 Base Erosion and Profit Shifting Project Neutralising the Effects of Hybrid Mismatch Arrangements, Action 2 - 2015 Final Report** OECD, 2015-10-05 Addressing base erosion and profit shifting BEPS is a key priority of governments In 2013 OECD and G20 countries working together on an equal footing adopted a 15 point Action Plan to address BEPS This publication is the final report for Action 2

Essays on International Taxation Dhruv Sanghavi, 2020-05-06 Fiscally transparent entities and tax treaty eligibility Shefali Goradia Triangular cases the neglected problem in tax treaty law Michael Lang Can tax treaty entitlement provisions for hybrid entities be refined Dhruv Sanghavi Non discrimination provisions in tax treaties Ajay Vohra Two to tango a dance of substance and form Bijal Ajinkya Deconstructing Principal Purpose Test under Article 7 of MLI Mukesh Butani Preventing treaty abuse in the context of multilateral instrument Dinesh Kanabar and Saurabh Shah Taxation of digital economy the journey India and across the world Daksha Baxi Digitalisation of the economy Our perspective on the OECD s Unified Approach Vikram Chand Reflections on the 2019 OECD proposal on Pillar One Guglielmo Maisto Implementation of BEPS and Amendments to Section 9 Radhakishan Rawal Public international law object and purpose MLI BEPS and the OECD Model Tax Convention Clive M Baxter Tax laws through a constitutional prism Arvind P Datar Tax policy as a tool to enable impact investment and improve CSR targeting Meyyappan Nagappan and Nehal Binani Tax system design an analysis of some design choices made by the Indian Income Tax Act 1961 Shreya Rao Through the looking glass resolving tax disputes by arbitration under a bilateral investment treaty H David Rosenbloom OECD Arbitration in Tax Treaty Law Alicja Majdanska, Laura Turcan, 2018-09-14 Arbitration the solution to tackle cross border tax disputes From the increasing integration of the world economy and the lack of rules to govern the taxation of multinational enterprises to cross border tax disputes arbitration is one potential solution Arbitration is not a new development in the international tax arena but it has not yet been widely implemented in practice In the last few years the concept of arbitration in tax matters was revived mainly following the OECD G20 BEPS Project as well as the EU Action Plan on Corporate Taxation Now arbitration is expected to play a more significant role and enhance the existing framework of cross border tax dispute resolution OECD Arbitration in

Tax Treaty Law constitutes a comprehensive compendium on international tax arbitration and provides in depth analysis of all relevant aspects of the topic The introductory chapters provide background information on tax arbitration and comparisons with other areas of law The book also takes stock of the recent developments in this area within the OECD the EU the UN and the United States It addresses the main concerns that have been raised with regard to arbitration and compares and contrasts the design of various arbitration clauses It also considers potential future developments This compendium on international tax arbitration shows one way how to tackle the rising tide of cross border tax disputes The New Permanent Establishment Tiago Gonçalves Marques,2023-04-21 This work is the result of an extensive research into the permanent establishment concept a concept that plays a vital role within the international taxation system through the fair allocation of taxing rights over cross border business profits in the context of the tenuous balance between the residence and source principles as a threshold for source taxation Our research sought to explore and explain the evolution of this concept in the context of recent changes resulting from the joint work of the G20 and the OECD namely under the aegis of the BEPS Project Action 7 and later with the enactment of the Multilateral Instrument and the update to the OECD Model Convention We also address the Portuguese permanent establishment concept and finally the future of the permanent establishment concept within the international taxation system **Tax Treaty Case Law around the Globe 2017** Michael Lang,Alexander Rust,Jeffrey Owens,Pasquale Pistone,Josef Schuch,Claus Staringer,Alfred Storck,Peter ESSERS,Daniel Smit,Eric Kemmeren,2018-02-20 This book is a unique publication that gives a global overview of international tax disputes on double tax conventions and thereby fills a gap in the area of tax treaty case law It covers the forty one most important tax treaty cases which were decided in 2016 around the world **Tax Treaty Case Law around the Globe 2021** Georg Kofler,Michael Lang,Alexander Rust,Jeffrey Owens,Pasquale Pistone,Josef Schuch,Karoline Spies,Claus Staringer,Alfred Storck,Peter Essers,Eric Kemmeren,Cihat Öner,Daniel Smit,2022-07-19 A Global Overview of International Tax Disputes on DTC This book is a unique publication that gives a global overview of international tax disputes on double tax conventions and thereby fills a gap in the area of tax treaty case law It covers the thirty most important tax treaty cases that were decided around the world in 2020 The systematic structure of each chapter allows for the easy and efficient study and comparison of the various methods adopted for applying and interpreting tax treaties in different cases With the continuously increasing importance of tax treaties Tax Treaty Case Law around the Globe 2021 is a valuable reference tool for anyone interested in tax treaty case law This book is of interest to tax practitioners multinational businesses policymakers tax administrators judges and academics **Tax Treaty Case Law around the Globe 2020** Eric Kemmeren,Peter Essers,Daniel Smit,Öner Cihat,Michael Lang,Jeffrey Owens,Pasquale Pistone,Alexander Rust,Josef Schuch,Claus Staringer,Alfred Storck,Georg Kofler,Karoline Spies,2021-08-04 A Global Overview of International Tax Disputes on DTC This book is a unique publication that gives a global overview of international tax disputes in respect of double tax conventions and thereby fills a gap in the

area of tax treaty case law It covers the 32 most important tax treaty cases that were decided around the world in 2019 The systematic structure of each chapter allows for the easy and efficient study and comparison of the various methods adopted for applying and interpreting tax treaties in different cases With the continuously increasing importance of tax treaties Tax Treaty Case Law around the Globe 2020 is a valuable reference tool for anyone interested in tax treaty case law including tax practitioners multinational businesses policymakers tax administrators judges and academics

Preventing Treaty Abuse
Daniel Blum, Markus Seiler, 2016-09-19 Analysis of notion roots und measures of treaty abuse The OECD initiative on Base Erosion and Profit Shifting has put the issue of treaty abuse and the means to counter it on top of the global political agenda Preventing treaty abuse is therefore currently one of the most debated topics in international tax law Diverging national legal traditions in combatting abuse both under domestic and tax treaty law have led to a globally diversified legal framework in this respect and make the OECD s agenda to harmonize these attempts even more challenging The aim of this book is to analyze the notion of treaty abuse its historical roots and the measures to counter it The book s topics cover a wide range of both policy and legal issues The contributions main focus lies on analyzing the proposals put forward by the OECD in BEPS action items 6 and 7 In addition this book analyzes the lessons which can be learnt from the US tax treaty policy and elaborates on the effects the intensified fight against treaty abuse will have from a Non OECD member state perspective Also EU law is taken into account and the question raised which impact the fundamental freedoms might have on the development of new anti avoidance rules Finally the relation between domestic and treaty based anti avoidance is analyzed in great detail identifying the methodical problems of ensuring a sound and abuse safe legal framework With this book the authors and editors hope to contribute to the discussion on selected issues of preventing treaty abuse and the challenges they present to policy makers judges tax administrations and tax advisers

Tax Treaty Case Law around the Globe 2016 Eric

Kemmeren, Smit Daniel, Essers, Peter, Lang, Michael, Pistone Pasquale, Josef Schuch, Claus Staringer, Alfred Storck, Jeffrey Owens, Alexander Rust, 2017-01-05 A Global Overview of International Tax Disputes on DTC This book provides a unique and comprehensive global overview of international tax disputes on double tax conventions thereby filling a gap in the area of tax treaty case law It covers the 37 most important tax treaty cases which were decided in 2015 around the world The systematic structure of each case allows easy and efficient comparison of the varying application and interpretation of tax treaties in different regimes With the continuously increasing importance of tax treaties Tax Treaty Case Law around the Globe 2016 is a valuable reference tool for anyone interested in tax treaty case law This book is of interest to tax practitioners multinational enterprises policymakers tax administrators judges and academics

Non-discrimination and Trade in Services
Catherine A. Brown, 2017-05-02 This book argues that the proliferation of global trade and the increasing power of free trade arrangements leave income taxes as one of the few remaining measures that can potentially be used for protectionist purposes It analyzes the interaction between the non discrimination principles in tax treaties and trade related agreements

including multilateral WTO regional NAFTA AANZTA and bilateral free trade agreements The absence of a non discrimination obligation with respect to tax measures that apply to non resident service providers and to non resident services may therefore significantly undermine trade obligations The book clearly reveals how these tax barriers to trade may unfairly or unnecessarily restrict trade in services and puts forward a new more effective non discrimination obligation in tax matters to be included in tax treaties one that would more closely parallel the non discrimination obligations in trade agreements The book examines the concept of non discrimination in tax matters from several perspectives specifically a North American and Australian perspective as well as a perspective based on EU and UK law focusing on the interaction between these legal systems bilateral tax treaties regional trade agreements and where relevant the General Agreement on Trade in Services GATS The book explores the possibility of a reciprocal influence between tax treaties and trade agreements and poses the question as to whether tax treaties might do more in providing a non discrimination principle in the cross border trade in services div

Multilateral Cooperation in Tax Law Martin Klok, Katharina Moldaschl, 2023-10-03 An in depth analysis of various aspects of multilateral cooperation in tax law Tax evasion and aggressive tax planning causing base erosion and profit shifting BEPS has been a widely discussed topic among academics and tax policy makers over the past decades Increasing globalization and digitalization have contributed to the intensification of this issue in recent years At the same time states continue to largely insist on their sovereignty in the area of tax law However due to their cross border nature issues related to BEPS are shared problems among the states and can typically not be solved by a single nation Therefore multilateral cooperation represents an option to build a bridge between the states demand for sovereignty and the problems caused by BEPS In this regard the OECD the UN and the EU play an important role in introducing international tax standards in an attempt to effectively address tax evasion and aggressive tax planning in many ways The interaction and cooperation between different international supranational EU and regional organizations is an ongoing process In this context the topic *Multilateral Cooperation in Tax Law* was selected as the general topic for the master s theses of the part time 2021/23 class of the postgraduate LL M programme in International Tax Law at WU Vienna University of Economics and Business This volume aims to develop academic insights provide practical guidance and enable an in depth analysis of various aspects of this topic The book is divided into four parts The first part deals with a general overview of the understanding of multilateral cooperation the background that led to the need for multilateral cooperation and the different stakeholders that play a relevant role in it While the chapters included in the second part focus on the most important developments on an international level OECD and UN the chapters encompassed in the third part analyse the multilateral cooperation initiatives of the EU Finally the chapters included in part four deal with selected issues related to multilateral cooperation in tax law including mutual assistance and exchange of information dispute resolution mechanisms and measures in digitalized businesses

A Global Analysis of Tax Treaty Disputes Eduardo Baistrocchi, 2017-08-17 This two volume

set offers an in depth analysis of the leading tax treaty disputes in the G20 and beyond within the first century of international tax law Including country by country and thematic analyses the study is structured around a novel global taxonomy of tax treaty disputes and includes an unprecedented dataset with over 1500 leading tax treaty cases By adopting a contextual approach the local expertise of the contributors allows for a thorough and transparent analysis This set is an important reference tool for anyone implementing or studying international tax regulations and will facilitate the work of courts tax administrations and practitioners around the world It is designed to complement model conventions such as the OECD Model Tax Convention on Income and on Capital Together with Resolving Transfer Pricing Disputes 2012 it is a comprehensive addition to current debate on the international tax law regime *Cryptoassets* Chris Brummer,2019

Cryptoassets represent one of the most high profile financial products in the world and fastest growing financial products in history From Bitcoin Ethereum and Ripple s XRP so called utility tokens used to access financial services to initial coin offerings that in 2017 rivalled venture capital in money raised for startups with an estimated 5 6 billion USD raised worldwide across 435 ICOs All the while technologists have hailed the underlying blockchain technology for these assets as potentially game changing applications for financial payments and record keeping At the same time cryptoassets have produced considerable controversy Many have turned out to be lacklustre investments for investors Others especially ICOs have also attracted noticeable fraud failing firms and alarming lapses in information sharing with investors Consequently many commentators around the world have pressed that ICO tokens be considered securities and that concomitant registration and disclosure requirements attach to their sales to the public This volume assembles an impressive group of scholars businesspersons and regulators to collectively write on cryptoassets This volume represents perspectives from across the regulatory ecosystem and includes technologists venture capitalists scholars and practitioners in securities law and central banking Justice, Equality and Tax Law Nevla Čičin-Šain,Mario Riedl,2022-10-05 An in depth analysis of the specific aspects of justice equality and tax law Justice Equality and Tax Law is a topic that is both old and new at the same time Even if the society changes the demands that tax needs to be just and equal seem to be immutable What changes of course is the perception of the content of those demands International taxation post BEPS has been fraught with new challenges that warranted urgent responses These challenges were mainly provoked by the unprecedented rise of the digital economy which truly marked a change in the way business is conducted how value is created and how goods and services are produced and consumed Digitalization in turn had repercussions on all aspects of taxation direct taxation indirect taxation and even tax procedures For instance the quest for more justice and equality in profit taxes was the reason why in October 2021 a historical deal based on a two pillar solution to address the tax challenges arising from the digitalization of the economy was negotiated within the OECD G20 Inclusive Framework on Base Erosion and Profit Shifting and agreed upon by 137 member countries It was also the motive behind the shift from a typical vendor collection model to an intermediary

collection model supported by centralized registration points in indirect taxes notably the VAT GST Abundant data from the European Union or the OECD signalized an ever increasing gap between expected VAT revenues and VAT actually collected making it obvious that the classical system of VAT GST collection was unable to respond to challenges posed by the digital economy Therefore new solutions based on the participation of digital platforms as intermediaries had been introduced Finally new technologies such as blockchain paved new avenues in enhancing tax compliance In this context this volume entitled Justice Equality and Tax Law contains not only a selection of the best master s theses of the full time LL M programme in 2021 2022 but also represents an in depth analysis of various aspects of this evergreen topic

Studies in the History of Tax Law, Volume 11 Peter Harris, Dominic de Cogan, 2023-09-21 This book is a continuation of the prestigious series which is drawn from the papers of the biennial Cambridge Tax Law History Conference The authors are a mix of academics and senior tax professionals from the judiciary and practice with representatives from 9 countries The series continues to investigate current tax policy debates in an historical context The papers fall within 3 basic categories 1 UK and Irish tax looking at a variety of topics such as tax administration cases and judges Whitney Singer Viscount Radcliffe the taxation of royal forests the taxation of spirits and income tax transition in the Irish Free State 2 International taxation with chapters on the role of international organisations OECD League of Nations and on South Africa s early attempts to address double taxation tax treaties and 3 Non UK tax systems including chapters on the legacy of colonial influence Dutch East Indies early developments in China New Zealand and the USA an influential Canadian report Carter Commission development of the GAAR in Scandanavia and the receipt of Roman tax law in Europe

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