



# **Model Tax Convention on Income and on Capital**

**CONDENSED VERSION**



**JULY 2010**

# Model Tax Convention On Income And On Capital Condensed Version 2010

**Wolfgang Schön**



## **Model Tax Convention On Income And On Capital Condensed Version 2010:**

Model Tax Convention on Income and on Capital: Condensed Version 2010 OECD,2010-08-17 This publication is the eighth edition of the condensed version of the OECD Model Tax Convention on Income and on Capital This shorter version contains the full text of the Model Tax Convention on Income and on Capital as adopted by the OECD Council on 22 July 2010

**Model Tax Convention on Income and on Capital: Condensed Version 2014** OECD,2014-08-20 The OECD Model Tax Convention provides the basis for the negotiation and interpretation of more than 3000 tax treaties that make up a network that co ordinate the income and corporate tax systems of most countries with the objective of removing tax barriers to cross border trade and investment *Model Tax Convention on Income and on Capital 2010 (Full Version)*

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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 *Model Tax Convention on Income and on Capital: Condensed Version 2010*

OECD,2010-09-01 This publication is the eighth edition of the condensed version of the OECD Model Tax Convention on Income and on Capital This shorter version contains the full text of the Model Tax Convention on Income and on Capital as adopted by the OECD Council on 22 July 2010 **Genussrechte** Michael Lühn,2012-11-27 Mezzanine Finanzinstrumente

und insbesondere Genussrechtskapital bilden vor allem f r mittelst ndische Unternehmen eine sinnvolle Alternative zum klassischen Eigen und Fremdkapital F r den erfolgreichen Einsatz von Genussrechtskapital in der Unternehmensfinanzierung ist die rechtliche Ausgestaltung der Genussrechtsbedingungen von entscheidender Bedeutung Dadurch wird unter anderem entschieden ob das Genussrechtskapital in der Bilanz des Emittenten als Eigen oder Fremdkapital angesetzt werden kann Dar ber hinaus sind bei der optimalen Strukturierung des Genussrechtskapitals die steuerlichen Folgen zu beachten Das vorliegende Buch gibt einen berlick ber m gliche Ausgestaltungen von Genussrechten und ihre bilanziellen und steuerlichen Auswirkungen Dabei wird neben der Ebene des Emittenten auch die Ebene des Genussrechtsinhabers betrachtet

*Eigenkapital und Fremdkapital* Wolfgang Schön,2013-06-12 Das Werk befasst sich mit Eigenkapital und Fremdkapital in rechtsvergleichender rechtspolitischer und interdisziplin rer Perspektive Die Grenzziehung zwischen Gesellschaftsbeteiligung und Schuldvertrag hat erhebliche Bedeutung f r die Mitwirkungsrechte und Verm genslage eines Investors vor allem aber kn pft das Steuerrecht erhebliche Rechtsfolgen an die Grenzziehung zwischen Eigen und Fremdkapital bei der Besteuerung von Personenunternehmen und Kapitalgesellschaften aber auch bei der internationalen Zuordnung von Steuerg tern Zu diesen Themen werden umfangreiche L nderberichte pr sentiert Brasilien Deutschland

Frankreich Griechenland Niederlande sterreich Schweiz Vereinigtes K nigreich Vereinigte Staaten einzelne Sachthemen behandelt Doppelbesteuerungsrecht Quellensteuern Zinsschranke und Gesellschafterfremdfinanzierung und der konomische Hintergrund analysiert In einem systematischen Eingangskapitel werden rechtspolitische Grundz ge und Handlungsoptionen f r den Gesetzgeber aufgezeigt OECD/G20 Projekt Gewinnverkürzung und Gewinnverlagerung Neutralisierung der Effekte hybrider Gestaltungen OECD,2014-09-19 Dieser im Rahmen des OECD G20 Projekts zu Gewinnverk rzung und Gewinnverlagerung erstellte Bericht enth lt Empfehlungen f r nationale Regeln zur Neutralisierung des Effekts hybrider Gestaltungen sowie f r entsprechende nderungen des OECD Musterabkommens **Steuerliche Selbständigkeitsfiktion der Betriebsstätte und deren Auswirkung auf die Gewinnabgrenzung** Aurelia Froitzheim,2018-08-29 Die Betriebsst tte stellt im internationalen Steuerrecht einen besonderen Ankn pfungspunkt f r das Besteuerungsrecht dar Trotz fehlender Rechtspers nlichkeit rechtfertigt die Erf llung des Betriebsst ttentatbestandes ein Besteuerungsrecht f r den jeweiligen Betriebsst ttenstaat In welcher H he das Besteuerungsrecht besteht wird durch die anzuwendende Gewinnabgrenzungsmethode bestimmt Erst durch berarbeitung des OECD Musterabkommens 2010 besteht der Fokus auf Anwendung einer einzigen Gewinnabgrenzungsmethode Das deutsche Steuerrecht hat sich diesem OECD Ansatz sog AOA angeschlossen Ausgehend von dieser Neuausrichtung in der Betriebsst ttengewinnabgrenzung untersucht Aurelia Froitzheim die Umsetzung des neuen Gewinnabgrenzungskonzeptes Daf r betrachtet sie die Regelungen der OECD und des nationalen Gesetzgebers jeweils getrennt voneinander um abschlie end das Zusammenwirken beider Regelungsbereiche w rdigen zu k nnen Das vorliegende Werk richtet sich an Dozenten und Studenten der Betriebswirtschaftslehre und der Rechtswissenschaft mit Schwerpunkten Betriebswirtschaftliche Steuerlehre Steuerrecht und Wirtschaftspr fung aber auch an Steuerberater Wirtschaftspr fer sowie Mitarbeiter von Steuer und Finanzabteilungen *VAT Neutrality* Charlène Adline Herbain,2015-05-04 Most major economies use a value added tax VAT which is a derivation of the French 1954 taxe sur la valeur ajout e The initial imposition of VAT in France and its spread around the world have been driven by economic reasons This book focuses on one of these economic triggers the neutrality of VAT as regards the functioning of the economy It demonstrates that the reason VAT was chosen in France and why thereafter it spread around the world was because it offered the possibility to collect governmental revenue while allowing the economic forces of the market to interplay without being adversely affected The prerequisite conditions for the existence of VAT neutrality are therefore identified herein along with an overview of the VAT mechanism demonstrating that the concept of neutrality is built into the VAT system in a manner that allows for the preservation of the natural functioning of the market After the definition of VAT neutrality is set forth the elements that comprise VAT neutrality are tested against the realities on the ground and the issues that infringe the neutrality of VAT are identified and analysed In conclusion remedies for these issues are being sought by a review of the causes of infringement of VAT neutrality in the perspective of selected proposals for modified VAT systems These proposals

include redesignating the place where VAT is levied and improving VAT collection Ultimately the proposed solution has recourse to the roots of VAT together with the most advanced technological tools available to give back to VAT the power to levy revenue while letting the economic forces of the market interplay without instigating any adverse influence **The Uneven Offshore World** Justin Robertson, Michael Tyrala, 2022-03-24 Informed by world systems analysis this book examines the shifting patterns of accommodation and resistance to the offshore world with a particular focus on Mauritius as a critical but underappreciated offshore node mediating foreign investment into India and Africa Drawing on a large pool of financial data and elite interviews the authors present the first detailed comparative study of the Mauritius India and Mauritius Africa offshore relationships These relationships serve as indicative test cases of the contemporary global tax reform agenda and its promise to rein in offshore finance Whereas India's economic power and multilateral track record have enabled it to actively shape this agenda and implement it in a robust manner most African countries have found themselves either unable to meet its stringent criteria or unwilling to do so out of fear that it might discourage investment Its impact on offshore financial centers has likewise been limited A few of the least sophisticated ones appear to have fallen by the wayside but the rest have either remained largely unaffected or like Mauritius succeeded in consolidating their operations and surviving the current round of regulatory headwinds The findings suggest that the contemporary global tax reform agenda has thus far not only failed to make good on its promise but also actually reinforced numerous existing power hierarchies The Uneven Offshore World is written in an accessible style and aimed at readers without specialized knowledge of tax issues

Simulationsstudie zur Wirkung steuerinduzierter Lenkpreise Bettina Louise Sauer, 2018-03-15 Diese Simulationsstudie untersucht die Auswirkungen verschiedener steuerinduzierter Lenkpreismodellvarianten bei risikobehafteten Kosten und Erlskonstellationen auf die Investitions und Mengenentscheidungen sowie auf die Erfolgsgrößen eines Konzernverbunds Die Ausarbeitung liefert Entscheidungshilfen für das Management zur zukünftigen Gestaltung steuerinduzierter Lenkpreise im internationalen Konzern Steuerinduzierte Lenkpreise kombinieren die teils kontroversen Wirkungen der internen Koordination und der steuerinduzierten Erfolgsermittlung in Form eines Verrechnungspreises für konzerninterne Leistungsbeziehungen Dabei stehen sie in der Praxis aufgrund von Zielkonflikten regelmäßig im Spannungsfeld zwischen dem Controlling und der Steuerabteilung **Exploring the Nexus Doctrine In International Tax Law** Ajit Kumar

Singh, 2021-05-14 In an age when cross border business transactions are increasingly effected without the transference of physical products revenue concerns of states have led to a multitude of tax disputes based on the concept of nexus This important and timely book is the most authoritative to date to discuss one of the major tax topics of our time the question of how taxing rights on income generated from cross border activities in the digital age should be allocated among jurisdictions Demonstrating in prodigious depth that it is the economic nexus of the tax entity or activity with the state and not the physical nexus which meets the jurisdictional requirement the author a leading authority on this area who is a Senior

Commissioner of Income Tax and a Member of the Dispute Resolution Panel of the Government of India addresses such dimensions of the subject as the following whether a strict territorial nexus as a normative principle is ingrained in source rule jurisprudence detailed scrutiny of such classical doctrines as benefit theory neutrality theory and international equity comparative critique of the Organisation for Economic Co operation and Development OECD and United Nation UN model tax treaties whether international law and customary principles mandate a strict territorial link with the source state for the assumption of tax jurisdiction whether the economic nexus based tax jurisdiction and absence of a physical presence breach the constitutional doctrine of extraterritoriality or due process and whether retrospective tax legislation breaches the principle of constitutional fairness The book offers a politically informed analysis of the nexus principle and balances the dynamics of physical presence and economic nexus standards based on an in depth survey of the historical evolution of judicial pronouncements and international practices in this regard Dr Singh s book exposes an urgently needed missing link in the international source rule literature and takes a giant step towards solving the thorny question of appropriate tax apportionment It sheds brilliant light on the policies states may adopt when signing new tax treaties so that unintended results may be foreseen and avoided Tax practitioners taxation authorities and academic researchers in the field of international tax law and policy will greatly appreciate the book s forthright enhancement of the ability to defend challenges based on the nexus doctrine

#### Die Optimierung von Quellensteuerbelastungen bei Aktienindexfonds Gerd

Kommer, 2015-07-13 Gerd Kommer hat in seinen bisherigen B chern u a Souver n Investieren ein f r Privatanleger praktikables und auf den aktuellen Erkenntnissen der Forschung fu endes Konzept entwickelt wie Kapitalmarktanlagen organisiert werden m ssen um langfristig mit einem hohen Sicherheitsgrad gute Ergebnisse zu erzielen Das vorliegende Buch erweitert dieses Konzept um eine zus tzliche Perspektive die die langfristige Rendite von Kapitalmarktanlagen f r Privatanleger in hnlich hohem Ma e beeinflusst wie die laufende Kostenbelastung durch Finanzdienstleister die Steuerbelastungen Den meisten Privatanlegern in Deutschland ist nicht bewusst dass sie durch ein international diversifiziertes Aktienfondsportfolio simultan Steuerpflichten in einer Vielzahl von L ndern begr nden Beteiligt sind typischerweise 1 Deutschland als Wohnsitzland des Anlegers 2 Deutschland Luxemburg Irland oder Liechtenstein als Domizill nder der Investmentfonds 3 bis zu 50 Ziell nder in welchen Quellensteuern z B auf Dividenden einbehalten werden und 4 die L nder in denen die Anleger ihr Bankdepot unterhalten wie z B Deutschland sterreich Schweiz oder Liechtenstein Je nach Fallkonstellation erheben mehrere der hier beteiligten Staaten unabh ngig voneinander den Maximalsatz derjenigen Steuern die ihnen nach ihren nationalen Steuerrechten zustehen k nnte kumuliert kann sich durchaus eine effektive Steuerbelastung von bis zu 60% ergeben Steuererleichterungen und r ckzahlungen etwa auf der Grundlage bestehender Abkommen zur Vermeidung von Doppelbesteuerungen DBAs werden typischerweise erst dann gew hrt und vollzogen wenn die Anspruchsgrundlagen seitens des Anlegers nachgewiesen wurden und sich jemand tats chlich um die R ckholung zu viel

gezahlter erstattungsfähiger Steuern in den betreffenden Ländern gekürzt hat. Da diese Rückerstattung aus in der vorliegenden Arbeit analysierten Gründen normalerweise nicht erfolgt, zahlt der deutsche Privatanleger regelmäßig deutlich mehr Steuern auf seine internationalen Dividendeneinkünfte als er eigentlich müsste und als ihm bewusst ist. Langfristig kann dies die Anlageergebnisse erheblich beeinträchtigen. Gerd Kommer quantifiziert in dieser Arbeit diese Effekte, beschreibt ihren steuerrechtlichen Hintergrund und zeigt konkrete auch für Privatanleger praktikable Wege auf, wie die Anlagesituation deutlich verbessert werden kann.

**OECD/G20 Base Erosion and Profit Shifting Project Neutralising the Effects of Hybrid Mismatch Arrangements** OECD, 2014-09-16 This report produced by the OECD G20 Project on Base Erosion and Profit Shifting sets out recommendations for domestic rules to neutralise the effect of hybrid mismatch arrangements and includes changes to the OECD Model Tax Convention to address such arrangements.

*eCommerce and the Effects of Technology on Taxation* Anne Michèle Bardopoulos, 2015-03-31 This book focuses on the impact of technology on taxation and deals with the broad effect of technology on diverse taxation systems. It addresses the highly relevant eTax issue and argues that while VAT may not be the ultimate solution with regard to taxing electronic commerce, it can be demonstrated to be the most effective solution to date. The book analyzes the application and the effectiveness of traditional income tax principles in contradistinction to VAT principles. Taking into account rapidly ameliorating technology, the book next assesses the compatibility between electronic commerce and diverse systems of taxation. Using case studies of Amazon.com and Second Life as well as additional practical examples, the book demonstrates the effectiveness of VAT in respect of electronic commerce and ameliorating technology in the incalculable and borderless realm of cyberspace.

**OECD/G20 Base Erosion and Profit Shifting Project Mandatory Disclosure Rules, Action 12 - 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 12.

**Key Tax Features of Member Countries 2011**, 2011 [A evolução das convenções de dupla tributação do Brasil](#) Danilo Crotti, 2025-02-11 A expansão do comércio mundial após a Segunda Guerra trouxe desafios jurídicos e fiscais, em razão do aumento das relações econômicas entre Estados e pessoas de direito privado. Com o fluxo financeiro e mercantil intensificado, organismos como a ONU e a OCDE atuaram na regulamentação do Direito Fiscal internacional, essencial para o financiamento estatal e a justiça tributária. Nesse contexto, acordos para evitar a dupla tributação entre países tornaram-se fundamentais para garantir a arrecadação fiscal e estimular investimentos. Este livro examina os acordos de dupla tributação em vigor no Brasil, comparando-os com as convenções modelo da OCDE e ONU, destacando como o país equilibra a atração de investimentos e a proteção de suas receitas fiscais. Com abordagem acessível e rigor técnico, esta obra é referência indispensável para compreender o Direito Tributário Internacional e os desafios de políticas fiscais em um mundo globalizado.

[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



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