

Settlement of Disputes in Tax Treaty Law

Michael Langford and Martin Giger



Settlement Of Disputes In Tax Treaty Law Eucotax Series On European Taxation 6

Michael Lang, Mario Züger



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EU Tax Law and Policy in the 21st Century Werner Haslechner, Georg Kofler, Alexander Rust, 2016-04-24 Major changes in EU tax law demand an analysis of not just the current state of the field but also forthcoming EU level policy initiatives and their likely implications for taxpayers regulators and national legislatures alike This book the first in depth commentary and analysis of such developments offers exactly that Twenty EU tax and policy experts examine the impact of EU Treaty provisions and recent ECJ case law on EU tax law and provide well informed assessments of current and anticipated EU tax policy initiatives and their potential impacts Taxpayers their advisors national tax administrations and national legislators will find relevant chapters to aid their understanding of and to allow them to proactively address EU tax law issues such as non discrimination state aid rules fundamental freedoms discretionary power of national tax authorities tax competition in the internal market cross border exchange of tax information corporate tax harmonization EU and Member States external relations and the limits of judicial authority in tax policy As an authoritative detailed guide to recent and future developments in EU tax law with highly informed insights into their practical effect this book will be a welcome addition to the arsenal available to tax practitioners dealing with European tax matters as well as interested policymakers and academics

Europe-China Tax Treaties Jianwen Liu, Gongliang Tang, 2010-05-28 The book is the result of a joint research project on the tax treaties concluded between the People's Republic of China and European countries Each chapter carefully analyses the extent to which Chinese tax treaties follow the OECD Model Tax Convention on Income and Capital and the UN Income and Capital Model Convention The focus is on the different policy decisions underlying the various provisions Additionally the contributions analyse the extent to which Chinese tax treaty policy differs with respect to EU and non EU Member States They also highlight relevant policy changes over time The fact that each contribution is the product of the collaboration between European and Chinese researchers and includes the results of the International Conference on Europe China Tax Treaties Research held in March 2009 in Beijing serves to enrich its analysis Among the topics covered are the following Treaty Entitlement Articles 1 4 and 24 OECD Model Business Profits Articles 5 6 7 8 9 and 14 OECD Model Passive Income Articles 10 11 and 12 OECD Model Capital Gains Article 13 OECD Model Employment Income Articles 15 16 18 19 and 20 OECD Model Artists and Sportsmen Article 17 OECD Model Methods to Avoid Double Taxation Article 23 OECD Model Non Discrimination Article 24 OECD Model Mutual Agreement Exchange of Information and Mutual Assistance in the Collection of Taxes Articles 25 26 and 27 OECD Model

Tax Planning with Holding Companies - Repatriation of US Profits from Europe Rolf Eicke, 2009-01-01 The book deals with tax planning with holding companies located in Europe Asia of the Caribbean It analyses the problem of repatriating U S profits from Europe going far beyond the routing of income via different companies Instead the approach includes an analysis of the interdependencies between international tax competition holding company regimes and tax planning concepts in order to establish a basis for tax planning measures

regardless of the fast changing legal environment for holding companies in the different countries

The EU Common Consolidated Corporate Tax Base Dennis Weber, Jan van de Streek, 2016-04-24 In October 2016 the European Commission relaunched its plan to harmonize national income tax systems via the Common Consolidated Corporate Tax Base CCCTB perhaps the most ambitious reform of EU tax law ever attempted This timely book offers an early analysis of this important proposal and its implications covering issues such as the project's scope and main elements international considerations the relationship with OECD's base erosion and profit shifting BEPS initiative consolidation and anti abuse rules With carefully selected papers first presented at a January 2017 conference hosted by the Amsterdam Centre for Tax Law this volume focuses on such topics and issues as the following ways in which the proposed CCCTB is designed to preserve the competence of Member States to set their own tax rates reduction of the administrative burden for multinational companies incentives for research and development automatic cross border relief within the EU detailed analysis of the proposal's formula apportionment regime proposed new controlled foreign company CFC rules and interest limitation rule Because of the commitment of many Member States to keep their corporate income tax systems competitive on a stand alone basis the proposed CCCTB is enormously controversial This book provides authoritative insights into problems likely to arise and discusses the prospects of how the proposal is likely to be implemented Thus this book proves to be of immeasurable value to taxation policymakers practitioners and academics

Intermediation of Insurance and Financial Services in

European VAT Claus Bohn Jespersen, 2011-01-01 The current European VAT legislation encompassing insurance and financial services including intermediation thereof dates back to the adoption of the Sixth VAT Directive in 1977 The definitions do not however encompass the current complexity of insurance and financial transactions This has resulted in considerable confusion for fiscal authorities and for businesses when deciding upon the application of the VAT exemption As the correct VAT treatment has a significant economic impact on businesses a great number of cases have been referred to the Court of Justice of the European Union This is also the reason why the European Commission presented its proposal for the future treatment of insurance and financial services including intermediation thereof in November 2007 The political process has not yet been finalised and if the Commission's proposal is agreed upon the question of understanding the definitions still exists This book deals with the exemption for intermediation of insurance and financial services within European VAT This implies analysing the methods of interpretation applied by the Court of Justice of the European Union when interpreting the provisions regarding insurance and financial services Furthermore the current definitions for intermediation of insurance and financial services as provided for in the VAT Directive are analysed and conclusions are made in order to define a single concept of intermediation These analyses are followed by various practical scenarios from case law of the Member States concerning intermediation of insurance and financial services Finally comments based on the analyses carried out are given on the European Commission's proposal for amending the VAT Directive and the

accompanying Regulation regarding intermediation of insurance and financial services Insurance in European VAT Marta Papis-Almansa, 2016-11-30 Insurance constitutes a significant part of the financial services sector and is one of the foundations of modern economy and society In the design of tax laws however whether and how to tax insurance is a complex issue that has become particularly controversial in the area of value added tax VAT In the European Union as in most of the world insurance is exempt from VAT but New Zealand and Australia do not follow this practice Given that New Zealand's simple comprehensive goods and services tax GST called the world's purest value added tax and its modified Australian version do not appear to suffer from the shortcomings in efficiency and effectiveness that plague European VAT a comparison of the two systems is in order This book is not only the first comparative in depth study of the treatment of insurance in the two systems but also the first comprehensive legal research devoted to the treatment of insurance in EU VAT published in English Among the underlying issues and topics treated by the two systems covered are the following who has a right to deduct input VAT in relation to supplies inherent in insurance arrangements and to what extent what constitutes a supply of insurance and consideration for such a supply what transactions fall within the scope of the VAT Directive's exemption for insurance and drawing a line between insurance and saving The analysis is grounded in a methodology in which concepts of European VAT are compared with concepts performing the same function in the Australian and New Zealand GST laws The author concludes with proposals for reform in EU VAT in the light of experience in these two major non EU countries Given that it has been proven that exemptions from VAT such as insurance cause a significant number of economic distortions and inefficiencies this study represents a major contribution to a topical debate in European VAT law It will be welcomed by taxation authorities interested policymakers practitioners and scholars not only in Europe but worldwide **Comparative Fiscal Federalism** Reuven Shlomo Avi-Yonah, James R. Hines, Michael Lang, 2007 Papers from a conference held at the University of Michigan Law School in October 2005 and sponsored by the Law School the European Union Center and Harvard Law School's Fund for Tax and Fiscal Research Current Publications in Legal and Related Fields , 2003

Settlement of Disputes in Tax Treaty Law Michael Lang, Mario Züger, 2002-09 A wide variety of legal approaches and techniques are presented in detail Includes 18 country reports from 14 EU Member States plus Norway Hungary Latvia and the Czech Republic as well as additional essays on such topics as international tax arbitration social security conventions the jurisdiction of international courts and World Bank ICSID dispute settlement procedures as all of these may be applied to the resolution of tax disputes **American Book Publishing Record** , 2002 The British National Bibliography Arthur James Wells, 2005 **The Impact of Tax Treaties and EU Law on Group Taxation Regimes** Bruno da Silva, 2016-07-11 Should the income of a corporate group be taxed differently solely because the traditional structure of the income tax system considers each company individually Taxation affects business decisions including location the form in which business is carried out and the efficient allocation of company resources Disparities differences arising from the interaction of different

tax systems and obstacles distortions created by domestic legislation arising from differences between domestic and cross border situations both become more acute when a business chooses to set up or acquire other companies thus forming a group usually operating in multiple jurisdictions Responding to such ever more common developments this book is the first in depth analysis of how tax treaties and EU law influence group taxation regimes Among the issues and topics covered are the following analysis of the different tax group regimes adopted by different countries advantages and disadvantages of a variety of models application of the non discrimination provision of Article 24 of the OECD Model Tax Convention to group taxation regimes application of the fundamental freedoms of the TFEU to group taxation regimes following the three step approach adopted by the EU Court of Justice uncertainty raised by the landmark Marks interrelations between tax treaties and EU Law in the context of tax groups and per element approach The analysis considers concrete examples as well as relevant case law With its analysis of the standards required by the two sets of norms tax treaties and EU law and their interaction particularly in terms of non discrimination this book sheds clear light on ways to overcome the disparities and obstacles inherent in group taxation regimes As a thorough survey of the extent to which the interpretation of tax treaties and EU law affect group taxation regimes this book has no peers All taxation professionals whether working in EU Member States or in EU trading partners will appreciate its invaluable insights and guidance

The Impact of Community Law on Tax Treaties: Issues and Solutions Pasquale Pistone, 2002-03-11 Study on the question of harmonization of direct taxation among European Community Member States how Member States must comply with EC Law as they apply their tax treaties how EC law regulates cross border tax issues within the Community and how EC law affects tax treaties between EU Member States and third countries The book provides expert commentary on 27 leading tax cases from the European Court of Justice and gives the proposal of EC Model Tax Convention which combines existing provisions of international tax law with the principles of Community tax law

Terra/Wattel - European Tax Law Peter J. Wattel, Otto Marres, Hein Vermeulen, 2018-11-20 Peter J Wattel is Advocate General in the Supreme Court of the Netherlands State Councillor extraordinary in the Netherlands Council of State and professor of EU tax law at the Amsterdam Centre for Tax Law ACTL University of Amsterdam Otto Marres is professor at the ACTL and tax lawyer at Meijburg Co Amsterdam Hein Vermeulen is professor at the ACTL and Director of PwC's EU Direct Tax Group The seventh edition of this two volume set brings a comprehensive and systematic survey of European Tax Law up to January 2018 It provides a state of the art clarification and analysis of the implications of the EU Treaties and secondary EU law for national and bilateral tax law From the consequences of the EU free movement rights to the soft law meant to put a halt to harmful tax competition The seventh edition of European Tax Law offers a cutting edge analysis of the field surrounding tax law across Europe It puts forward a thought provoking discussion of the current EU tax rules as well as of the EU Court's case law in tax matters Previous editions were highly regarded as a staple overview of EU tax law among EU tax law practitioners policymakers the judiciary

and academics alike With its updated legislation and case law up to January 2018 this new edition maintains its unparalleled depth and clarity as the go to reference book in the field This first volume of European Tax Law extensively covers 1 The consequences of the EU free movement rights the EU State aid prohibition the EU Charter of Fundamental Rights and the general principles of EU law for national tax law tax treaties national tax procedure State liability and relations with third States as they appear from the case law of the Court of justice of the EU 2 Secondary EU law in force and proposed on direct taxes the Parent Subsidiary Directive the Tax Merger Directive the Interest and Royalties Directive cross border tax dispute settlement instruments the Anti Tax Avoidance Directive and the C C CTB proposal 3 The exchange of information and other administrative assistance in the assessment and recovery of taxes between the EU Member States 4 Soft Law on Harmful Tax Competition 5 Procedural matters and the extent of judicial protection The upcoming second volume of this set will cover harmonization of indirect taxation energy taxation and capital duty as well as administrative cooperation in the field of indirect taxation

Dispute Resolution Under Tax Treaties Zvi Daniel Altman, 2005 As the interrelationship among tax bases continues to parallel the rapid development of the global economy disputes among governments as to their right to tax international trade and investments under income tax treaties are expected to increase in number and scope Winner of the 2006 Mitchell B Carroll Prize awarded by the International Fiscal Association IFA Why this book This study takes an in depth look at the mechanisms used to resolve such disputes and how they interact with the interests of the various parties involved in the process The study presents an analysis of the available literature supplemented by statistical data from North America Europe and Asia Analysis of this data leads to interesting insights into the way the dispute resolution process functions when it is applied in different contexts The study concludes by suggesting the creation of a new mechanism for the resolution of tax treaty related disputes and advocates in part the establishment of a new international organization with links to domestic judicial networks This mechanism is then subjected to the same common framework analysis and checklist used in earlier parts of the study The analysis suggests how such a mechanism would mitigate some of the most formidable challenges associated with the current dispute resolution procedures

Alternative Dispute Resolution and Tax Disputes Werner Haslehner, Timothy Lyons, Katerina Pantazatou, Georg Kofler, Alexander Rust, 2023-01-20 Arbitration has been promoted as the future of tax dispute resolution in recent years in line with the increase in complexity of international tax law This authoritative book presents existing legal rules on the matter provides a review of the arguments in favour of tax arbitration discusses the practical and legal challenges for its wide spread adoption and compatibility with existing domestic and international norms It also answers key questions for the practical implementation of a modern tax arbitration system

Tax Treaty Override Carla De Pietro, 2014 The term treaty override has acquired a specific connotation for tax treaty purposes which requires an in depth analysis There is a tendency for domestic legislation to be passed or court cases decided which may override provisions of tax treaties Despite the many conflicts and uncertainties about what tax treaty override

exactly is and the exact point in time when tax treaty override occurs its implications have not until now been analysed in a systematic manner

Double (Non-)Taxation and EU Law Christoph Marchgraber, 2016-04-24 Everywhere new tax rules are under development to engage with the ever increasing complexity and sophistication of aggressive tax planning and to reverse the tax base erosion it leads to The most prominent initiative in this context is the Base Erosion and Profit Shifting BEPS project of the OECD Although double non taxation is among the main issues the BEPS project intends to address this book shows that this phenomenon has not yet been fully understood Focusing on the fundamental freedoms and the State aid rules of the EU this book thoroughly explains the nature of double non taxation from an EU law perspective its relation to double taxation and the impact of EU law on these phenomena Among the issues dealt with in the course of the analysis are the following locating the gaps and inconsistencies among domestic tax systems exploited by taxpayers hybrid mismatch arrangements as a prime example of double non taxation political efforts undertaken within the EU in order to address double taxation and double non taxation double non taxation in the European VAT system the convergence of the fundamental freedoms and the State aid rules the ECJ's dilemma with regard to juridical double taxation the deviating approach with regard to economic double taxation the potential impact of the ECJ's case law on the EU law compatibility of double non taxation The tax jurisprudence of the ECJ is referred to and comprehensively analysed throughout this whole book A final chapter provides an outlook on possible developments in the future By providing the first in depth analysis of EU law's impact on double non taxation and the double taxation relief standards with which it is intimately related this book takes a giant step towards greater legal certainty in this challenging area of tax law It will quickly take its place as a major practical analysis which benefits tax authorities scholars and tax practitioners across Europe and even beyond

The Compatibility of Anti-Abuse Provisions in Tax Treaties with EC Law P. Essers, 1998-10-15 This book focuses on the question of whether anti abuse provisions in tax treaties may be in conflict with EC law especially the fundamental freedoms contained in the EC Treaty This issue is dealt with from the perspective of Austria France Germany Italy the Netherlands Spain and the United Kingdom

Procedural Rules in Tax Law in the Context of European Union and Domestic Law Michael Lang, 2010-01-01 EUCOTAX European Universities Cooperating on TAXes is a network of tax institutes currently consisting of eleven universities WU Vienna University of Economics and Business in Austria Katholieke Universiteit Leuven in Belgium Corvinus University of Budapest Hungary Universite Paris I Pantheon Sorbonne in France Universitat Osnabruck in Germany Libera Università Internazionale di Studi Sociali in Rome and Università degli Studi di Bologna for the research part in Italy Fiscaal Instituut Tilburg at Tilburg University in the Netherlands Universidad de Barcelona in Spain Uppsala University in Sweden Queen Mary and Westfield College at the University of London in the United Kingdom and Georgetown University in Washington DC United States of America This network aims at initiating and coordinating both comparative education in taxation through the organisation of activities such as winter courses and guest lectures and comparative research in the

field by means of joint research projects international conferences and exchange of researchers between various countries European Union law barely deals with procedural questions even though they are essential for proper implementation of European Union law The European Court of Justice has developed procedural principles in its rulings which also affect proceedings before national authorities This is due to the fact that the principle of procedural autonomy of the Member States finds its limits where European Union law might be infringed Therefore domestic procedural principles and rules of the EU countries need to be interpreted in the context of European Union law requirements This timely work seeks to identify the differences between the domestic procedural rules and principles of an array of EU and non EU countries and analyse them in the context of European Union law requirements Specific attention is paid to the impact of State aid rules on procedural law in tax matters on constitutional law requirements as well as tax treaty law issues Since customs law is already harmonized in the form of the Community Customs Code it serves as a starting point to examine the extent to which harmonized procedural law is possible Harmonized procedural law is also discussed in the context of a possible future Common Consolidated Corporate Tax Base as well as an EU tax levied at the European Union level

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