

index

2017

International Tax Review



COUNTRIES AND INTERNATIONAL ORGANIZATIONS:

Brazil	Countries' Aggressive Tax Treaty Planning: Brazil's Case.....	334
China	Prospects on the Relationship between Chinese Direct Tax Incentives and Subsidy Rules of the World Trade Organization	538
Denmark	Expansion of the Danish Tonnage Tax Scheme.....	63
	Taxation of Income in Foreign Trusts: Denmark Introduces a New Anti-avoidance Rule Targeting the Use of Foreign Trusts	185
Estonia	Exchange of Tax Information and Privacy in Estonia	279
European Court of Human Rights (ECHR)	ECHR Melo Tadeu: A Tax Case Which Should Bring on More Carefully Selected Criminal Procedures	434
European Court of Justice (ECJ)	' <i>Avoir Fiscal</i> ' and Its Legacy after Thirty Years of Direct Tax Jurisprudence of the Court of Justice	374
European Union	The Compatibility of Exit Tax Legislation Applicable to Corporate Taxpayers in France, Germany, Italy, The Netherlands, Portugal, Spain and The United Kingdom with the EU Freedom of Establishment – Part 1.....	43
	The New Common Minimum Anti-Abuse Rule in the EU Parent-Subsidiary Directive: Background, Impact, Applicability, Purpose and Effect.....	98
	The Compatibility of Exit Tax Legislation Applicable to Corporate Taxpayers in France, Germany, Italy, The Netherlands, Portugal, Spain and The United Kingdom with the EU Freedom of Establishment – Part 2.....	163
	The Concept of 'Aggressive Tax Planning' Launched by the OECD and the EU Commission in the BEPS Era: Redefining the Border between Legitimate and Illegitimate Tax Planning	206
	The Compatibility of Exit Tax Legislation Applicable to Corporate Taxpayers in France, Germany, Italy, The Netherlands, Portugal, Spain and The United Kingdom with the EU Freedom of Establishment – Part 3....	247
	Tackling VAT-Fraud in Europe: A Complicated International Puzzle	290
	The Quest for a New Corporate Taxation Model and for an Effective Fight against International Tax Avoidance within the EU	463
	Tax Considerations for the European Union's Digital Single Market Strategy	513
	Establishment and Substance of Intermediate and Other Holding Companies from an EU Law Perspective	608
	The Business Views on Base Erosion and Profit Shifting and Its Implementation in the Group of Twenty and European Union	735

	The Impact of European Union Law on the Possibilities of European Union Member States to Adapt International Tax Rules to the Business Models of Multinational Enterprises	746
	Stateless Income, State Aid and the (Which?) Arm's Length Principle	791
	Shortcomings in the European Union Merger Directive: Lessons for Future Harmonization.....	810
	Free Movement of Capital: The European Union Anti-Tax Avoidance Package and Brexit.....	870
	The Questionable Legality of the Diverted Profits Tax Under Double Taxation Conventions and European Union Law.....	903
	Convergence of Dividend and Capital Gains Taxation in the European Union from 1990 to 2015	913
	Comparing Tax Entities in a European Perspective Part I The Issue of Comparable Situations Required for Being Covered by European Union Law	938
	Comparing Tax Entities in a European Perspective, Part II.....	950
Germany	Common Interpretation as a Method for Interpreting Double Tax Conventions in Germany: Theoretical Foundation and Results of Empirical Research.....	590
	Cross-Border Financial Transactions and Arm's Length Interest Rates: A Two-Step Approach.....	802
Global	Reconsidering the Application and Interpretation of Anti-treaty Shopping Rules in the Context of Developing Countries	227
	Causality under Tax Treaties.....	392
India	Responsiveness (Buoyancy) of Union Taxes to GDP in India (1990–91 to 2015–16)	266
	Conflict of Source versus Residence-Based Taxation in India with Reference to Fees for Technical Service	525
	Financial Budget for 2016–2017: Has India Put Its BEPS Foot Forward?	550
	Issues in Reforms of Union Taxes in India.....	712
	How to Axe a Double Taxation Avoidance Agreement: Analysing Section 94A of the Indian Income Tax Act.....	838
	Equalization Levy: A New Perspective of E-Commerce Taxation	845
	Proposed Goods and Services Tax in India: A Rosy Beginning or Are There Thorns Too?	980
Italy	Jurisdiction of the Italian Tax Judge on Administrative Acts Denying Access to the Arbitration Convention on Transfer Pricing: Towards a Dispute Resolution Procedure Ever More Independent of State Control ..	180
	Transfer Pricing: An Overview of the Italian Supreme Court's Recent Rulings	564

	Italian Perspective on BEPS and Focus on Implementation of Action 13 of the BEPS Action Plan	666
Netherlands	Timing Issues under Double Tax Treaties: The Dutch Approach	29
	Challenging Prejudice to Creditors Involving Abuse of Separate Identities in Tax Matters; a Dutch Approach	324
	Recent Developments in the Dutch Loss Carry Over Restrictions for Holding and Intercompany Financing Entities	559
Qatar	Thoughts on the Qatar Financial Centre Sc. ‘Concessionary Rate’ for, Captive Insurers and Reinsurers	192
OECD	May You Live In Interesting Times	2
	Source versus Residence State Taxation of Cross-Border Pension Payments: Trouble Shared Is Trouble Halved.....	6
	Approaches towards the Application of Tax Incentives for Cross-Border Philanthropy	14
	Tax Inversions: Time to Take a Look in the Mirror Reflections on the Inversion Phenomenon	130
	Hybrid Entities: Problems Arising from the Attribution of Income Through Withholding Tax Relief – Can Specific Domestic Provisions be a Suitable Solution Concept?	146
	The Concept of ‘Aggressive Tax Planning’ Launched by the OECD and the EU Commission in the BEPS Era: Redefining the Border between Legitimate and Illegitimate Tax Planning	206
	Exchange of Information. An Analysis of the Scope of Article 26 OECD Model and Its Requirements: In Search for an Efficient but Balanced Procedure	298
	Conflicts of Qualification and Interpretation: How Should Developing Countries React?.....	307
	The Interplay between the OECD Recommendations of Actions 2 and 3 Regarding Hybrid Structures.....	316
	A BIT Too Much: Or How Best to Resolve Tax Treaty Disputes?.....	348
	The OECD International VAT/GST Guidelines: Completion of a (First) Major Step towards Global Coordination of Value-Added-Tax Systems	360
	The Key BEPS Action Items Causing Discussion in the United States....	399
	The Principal Purpose Test in Tax Treaties under BEPS 6.....	406
	BEPS Action 7: Evaluation of the Agency Permanent Establishment.....	481
	Some Reflections on the ‘Saving Clause’	574
	Cooperative Compliance: Tax Risk Management and Monitoring	642
	The Interaction of Articles 6, 7 and 21 of the 2014 OECD Model Tax Convention: A Historical Analysis	651
	Italian Perspective on BEPS and Focus on Implementation of Action 13 of the BEPS Action Plan	666

	Hybrid Entity Issues in a Tax Treaty Context: OECD Approach versus Actual Tax Treaties	684
	A Conference on the Impact of the BEPS Project on Business Models ...	726
	Base Erosion and Profit Shifting and Developing Country Tax Administrations.....	740
	Formulary Apportionment: A Revamp in the Post-Base Erosion and Profit Shifting Era?	755
	Centralized and Decentralized Business Models in a Post-Base Erosion and Profit Shifting World.....	761
	Group Structuring and Profit Repatriation	765
	Base Erosion and Profit Shifting and Business Restructurings	769
	The General Anti-Avoidance Rule: Its Expanding Role in International Taxation.....	815
	A Multilateral Instrument for Implementing Changes to Double Tax Treaties: Problems and Prospects	823
	Tax Treaty Interpretation: Interaction Between Article 3(2) Organisation for Economic Co-Operation and Development Model Convention and Article 31 Vienna Convention	960
	New Options to Restrict Article 17 for Artistes and Sportsmen.....	972
Russia	Thin Capitalization in Russia: Rules, Trends and Changes.....	853
Spain	Institutional Hybrid Financial Instruments and Double Non-taxation under Domestic Rules and Tax Treaty Law: The Example of Spain	447
	The Concept of ‘Permanent Establishment’ at the Spanish Courts: Special Reference to the Roche and Dell Cases	673
Switzerland	The Functionality of VAT: A Swedish Perspective.....	341
	Beneficial Ownership and Derivatives: An Analysis of the Decision of the Swiss Federal Supreme Court Concerning Total Return Swaps (Swiss Swaps Case).....	620
Transfer Pricing	Jurisdiction of the Italian Tax Judge on Administrative Acts Denying Access to the Arbitration Convention on Transfer Pricing: Towards a Dispute Resolution Procedure Ever More Independent of State Control ..	180
	The Modern Marketplace, the Rise of Intangibles and Transfer Pricing...	413
	Transfer Pricing: An Overview of the Italian Supreme Court’s Recent Rulings	564
	The Application of Revised Transfer Pricing Rules to Aspects of Business Models.....	730
	From Compliance to the C-Suite: Value Creation Analysed Through the Transfer Pricing Lens	774
	Transfer Pricing Aspects of Intra-Group Loans in Light of the Base Erosion and Profit Shifting Action Plan.....	885
United Kingdom	Smartphones, Research and Development and Corporation Tax: Current Treatment and Future Possibilities.....	831

	The UK Brexit Referendum: A Catalyst to Reform the European Union Institutional Architecture in Tax Matters?	878
United States	The Key BEPS Action Items Causing Discussion in the United States....	399
	Brexit: A Note from the United States.....	882
Value Added Tax	Tackling VAT-Fraud in Europe: A Complicated <i>International</i> Puzzle.....	290
	The Functionality of VAT: A Swedish Perspective.....	341
	The OECD International VAT/GST Guidelines: Completion of a (First) Major Step towards Global Coordination of Value-Added-Tax Systems...	360
	Tackling VAT Fraud in Europe: The <i>International</i> Puzzle Continues	503
	From Skandia to Larentia: National Jurisdiction to Deviate from the VAT Directive.....	657
	VAT on Arbitration	701