

Ectax

Yicheng Fang

EC Tax Review ,1992

Limitation on Benefits Clauses in Double Taxation Conventions Félix Alberto

Vega Borrego, 2016-04-24 Upfront planning for international structures is crucial to ensure coverage under bilateral tax treaties. However, because treaty shopping – whereby a third-party national or a corporation sets up a shell company in order to minimize or eliminate income tax – can potentially be facilitated by taking advantage of double taxation conventions, companies must carefully scrutinize and comply with requirements found in the limitation on benefits (LOB) clauses in tax treaties. This second edition of the only publication directly analysing the legal framework and application of LOB clauses in double taxation conventions adds detailed coverage of such major recent developments as the recent tax treaties concluded between the United States (US) and European Union (EU) Member States, the last version of the US Model Tax Convention (2016), the OECD/G20 project on Base Erosion and Profit Shifting (BEPS), and relevant new rulings handed down by the European Court of Justice. Among the subjects and topics covered are the following:

- definition of the concepts of person and residence provided in the OECD model;
- concept of beneficial owner;
- application of domestic anti-avoidance rules;
- adoption of specific provisions to counter the phenomenon of treaty shopping;
- determination of sufficient nexus with the state of residence or a real business purpose; and
- possible consequences of the incompatibility of LOB clauses with EU law.

This new edition will continue to provide tax attorneys, tax professionals, and government officials with the perspective needed for effective decision-making in this realm of international taxation. Academics and researchers

in taxation will also appreciate the in-depth and up-to-date coverage of this important subject.

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.

CO2 Abatement and Economic Structural Change in the European Internal Market Frank Hoster, Heinz Welsch, Christoph Böhringer, 2012-12-06 European environmental and energy policies are currently challenged by two mutually dependent issues: CO2 abatement and the completion of the Internal Market for energy. Both will lead to substantial structural changes in the energy supply industry and in the wider economy. The purpose of this book is to analyze the interaction between CO2 abatement, economic structural change and the completion of the European Internal Market. This involves not only significant general equilibrium effects, but also technological changes, especially in the electricity supply sector. The simulation results indicate that the effects of measures to reduce European CO2 emissions depend considerably on the structure of the electricity supply system.

Governança Fiscal Global - 2o Edição Ana Paula Dourado, 2019-10-01 Neste livro discute-se a emergencia de um novo Direito Fiscal Internacional e Europeu, através da análise dos dois grandes projetos do G20/OCDE e da União Europeia em curso: o combate a erosão de bases fiscais através da transferência interestadual de lucros - Base Erosion and Profit Shifting (BEPS) - e a troca de informações para efeitos fiscais. A troca de informações foi relancada em 2009 e atingiu o patamar da troca automática e multilateral. O projeto BEPS teve início em 2012 e desembocou na assinatura da Convenção Multilateral assinada em 7 de junho de 2017 por 68 Estados. Na União Europeia, o projeto BEPS inspirou diversas

medidas de coordenação regional. Embora se reconheça o método e a complementaridade dos dois projetos, é duvidoso que eles atinjam a curto prazo os objetivos anunciados de coordenação fiscal global. Nesta segunda edição, o leitor encontra os últimos desenvolvimentos nas matérias aqui tratadas.

Taxing Consumption in the Digital Age Katharina Artinger, 2020-10-16 Die Digitalisierung hat enorme Auswirkungen auf die Grundidee der Mehrwertsteuer: den Austausch von Leistungen für Konsumzwecke. Die Dissertation konzentriert sich auf den Austausch von scheinbar kostenlosen Online-Dienstleistungen und die Zustimmung der Kunden zur Verwertung ihrer persönlichen Daten. Diese können der Mehrwertsteuer unterliegen, wobei die Bemessungsgrundlage auf Grundlage der Anbieterkosten berechnet werden muss. Die Ergebnisse basieren auf einer Analyse der EU-Mehrwertsteuer als Verbrauchsteuer im Vergleich zu anderen theoretischen Konsummodellen. Auch andere digitale Geschäftsmodelle, wie die Sharing Economy oder Bitcoins, können unter die Idee der EU-Mehrwertsteuer als Verbrauchsteuer subsumiert werden. Dissertationspreis der Nürnberger Steuergespräche e.V. 2020

Die Anwendung des EU-Beihilferechts auf das internationale Steuerrecht Šime Jozipović, 2018-05-18 Šime Jozipović untersucht die bisherige Beihilferechtspraxis des EuGH und der EU-Kommission zum internationalen Steuerrecht und erstellt ein umfassendes Prüfungsschema für Steuervorteile, welche aus DBA, Rulings, Außensteuerrecht oder EU-Sekundärrecht resultieren. Hierfür definiert der Autor allgemeingültige Prinzipien der Beihilfeprüfung im Bereich des internationalen Steuerrechts, insbesondere bezüglich der grenzüberschreitenden Zurechnung von Maßnahmen, der Bestimmung des geographischen

Ausgangssystem und der wesentlichen Charakteristika der im internationalen Rahmen selektiv begünstigten Gruppen.

PLANEJAMENTO TRIBUTÁRIO E LIMITES PARA A DESCONSIDERAÇÃO DOS NEGÓCIOS JURÍDICOS LIVIA DE CARLI GERMANO, 2017-10-06 O planejamento tributário é a programação feita por empresas com o objetivo de economizar tributos. A princípio, tal planejamento não é ilícito, uma vez que as pessoas jurídicas têm autonomia para, por exemplo, escolher a forma em que a sociedade irá se estruturar e em que base será tributada. Em sua dissertação de mestrado, a autora apresenta o seguinte problema: há atos que, apesar de formalmente legais, contrariam o ordenamento indiretamente. Assim, há casos em que determinada empresa se vale de artifícios dolosos não proibidos para pagar menos tributos e acaba por corromper todo o sistema de regras. Entre a legítima economia de tributos elisão e a prática de atos em frontal descumprimento das normas evasão, há uma zona cinzenta, uma indefinição do que pode ser considerado legítimo ou ilegítimo para fins fiscais.

Körperschaft- und gewerbesteuerliche Wirkungen von Dividenden und ihnen gleichgestellten Bezügen bei in Deutschland ansässigen Kapitalgesellschaften

David Eberhardt, 2016-09-12 David Eberhardt analysiert die Steuerwirkungen von Dividenden und ihnen gleichgestellten Bezügen bei im Inland ansässigen Kapitalgesellschaften anhand ökonomischer, europa- und verfassungsrechtlicher Kriterien. Dabei betrachtet er fünf Investitionsmöglichkeiten, aus denen periodische Beteiligungserträge zufließen können. Aufbauend auf den identifizierten Wirkungen werden Gestaltungsüberlegungen angestellt und Vorschläge für eine angemessene

Dividendenbesteuerung entwickelt.

Conceitos de direito europeu em matéria societária e fiscal (N.º 17 da Coleção) Ana Gabriela Rocha, 2015-11-01 A monografia que agora sai a estampa visa analisar a atual situação de mobilidade das sociedades na União Europeia, indagando sobre a existência dos conceitos de Direito Europeu e analisando como tem vindo a ser progressivamente elaborados pela jurisprudência constante do Tribunal de Justiça da União Europeia. Trata-se de uma abordagem multidisciplinar que pretende demonstrar a crescente e insidiosa autonomia dos conceitos de Direito Europeu, que ao mesmo tempo derivam do Direito nacional (i.e. dos Estados Membros). O objetivo último da metodologia adotada é o de demonstrar que a construção da União Europeia é mais profícua se se basear no pluralismo jurídico vertical, em que há influências recíprocas dos diferentes Direitos nacionais e do Direito Europeu, do que se essa construção se basear no princípio do primado. (Ana Paula Dourado, Do Prefácio)

Environmental Taxation Law Mr Jeremy de Souza, Mr John Snape, 2013-01-28 This excellent volume examines the legal implications of introducing environmental taxes and other economic instruments into the regulatory framework of UK law. In doing so, it analyzes and explains the difficulties of grafting environmental taxes onto the complexities of existing regulatory structures, not all of which, of course, were originally devised with environmental considerations in mind.

Dealing with the Fragmented International Legal Environment Turki Althunayan, 2009-12-02 Taxes are sometimes so fundamental to domestic systems that they are almost impossible to change, as when the tax system is part of a nation's majority

religion or is linked to another value deeply rooted in local communities, such as housing or farming. There is a danger in the WTO, a Geneva-based entity, making decisions for people living in distant locations with regard to tax issues related to their local needs and wants. The Saudi Arabian tax system exemplifies the tension between religion, tax and trade, because tax has a role in the country's religion and is an essential part of its laws. Therefore, there is a need for maintaining a delicate balance between local needs and international commitments with respect to taxation. This book aims to show directions in which legal order can be preserved as much as possible from within each country, and yet not imposed upon them, and which will help build a peaceful bridge between local and international factors that are important to shaping the global order.

The Reasonable Robot Ryan Abbott, 2020-06-25 AI and people do not compete on a level-playing field. Self-driving vehicles may be safer than human drivers, but laws often penalize such technology. People may provide superior customer service, but businesses are automating to reduce their taxes. AI may innovate more effectively, but an antiquated legal framework constrains inventive AI. In *The Reasonable Robot*, Ryan Abbott argues that the law should not discriminate between AI and human behavior and proposes a new legal principle that will ultimately improve human well-being. This work should be read by anyone interested in the rapidly evolving relationship between AI and the law.

Free Movement of Persons Within the European Community Anne Pieter van der Mei, 2003-02-24 This book explores the extent to which European Community law confers upon individuals the right to gain access to public services in other Member States. Are European citizens and third country nationals who have moved to other Member States

entitled to claim minimum subsistence benefits, to receive medical care or to be admitted to education? Does Community law provide for a freedom of movement for patients, students and persons in need of social welfare benefits? If so, to what extent does Community law have regard for the Member States' fears for, and concerns about, welfare tourism? Besides addressing numerous detailed questions on the precise degree to which Community law allows for cross-border access to public services, the author analyses how Community law, and the Court of Justice in particular, have sought to reconcile the Community's objectives of realising freedom of movement and ensuring equality of treatment with the need to develop and maintain adequate social services within the Community. In addition, the book contains a detailed analysis of United States constitutional law on cross-border access to public services, exploring the question whether the European Community can possibly learn from the American experience.

The Journal of Hellenic Studies ,1922

Global Perspectives on E-Commerce Taxation Law Dr Subhajit Basu, 2013-01-28 In its most advanced form, e-commerce allows unidentified purchasers to pay obscure vendors in 'electronic cash' for products that are often goods, services and licenses all rolled into one. This book considers the implications for the domestic and international tax systems of the growth of e-commerce. It covers a wide variety of activities, from discussion of the principles governing direct and indirect taxation, to explanation of the implementation and use of e-commerce on the part of businesses as well as the application of existing tax principles in this field. With its focus on the broader issues surrounding the expansion of e-commerce and its attention to the problems arising internationally in this field, Global

Perspectives in E-Commerce Taxation Law will appeal to scholars worldwide.

European Union Law Damian Chalmers,Gareth Davies,Giorgio Monti,2014-06-19 As the preferred choice of both teachers and students, this textbook offers an unrivalled combination of expertise, accessibility and comprehensive coverage. The new edition reflects the way the economic crisis has impacted the shape and nature of European Union law. Materials from case law, legislation and academic literature are integrated throughout to expose the student to the broadest range of views. Additional online material on the application of EU law in non member states and on rulings on the Fiscal Compact ensures the material is completely current. The new edition includes a timeline which charts the evolution of the EU project. Written in a way which encourages sophisticated analysis, the book ensures the student's full engagement with sometimes complex material. More importantly, it offers the clarity which is essential to understanding. A required text for all interested in European Union law.

Theory of Suboptimal Decisions A.A. Pervozvanskii,V.G. Gaitsgori,2013-06-29 Approach your problems from the right end It isn't that they can't see the solution. It is and begin with the answers. Then one day, that they can't see the problem. perhaps you will find the final question. G. K. Chesterton. The Scandal of Father 'The Hermit Clad in Crane Feathers' in R. Brown 'The point of a Pin'. van Gulik's The Chinese Maze Murders. Growing specialization and diversification have brought a host of monographs and textbooks on increasingly specialized topics. However, the tree of knowledge of mathematics and related fields does not grow only by putting forth new branches. It also happens, quite often in fact, that branches which were. thought to be completely disparate are suddenly seen to be

related. Further, the kind and level of sophistication of mathematics applied in various sciences has changed drastically in recent years: measure theory is used (non trivially) in regional and theoretical economics; algebraic geom. theory interacts with physics; the Minkowsky lemma, coding theory and the structure of water meet one another in packing and covering theory; quantum fields, crystal defects and mathematical programming profit from homotopy theory; Lie algebras are relevant to filtering; and prediction and electrical engineering can use Stein spaces. And in addition to this there are such new emerging subdisciplines as experimental mathematics, CFD, completely integrable systems, chaos, synergetics and large-scale order, which are almost impossible to fit into the existing classification schemes. They draw upon widely different sections of mathematics.

Niagara Index ,1919

Distribution in States and Counties of Waterfowl Species Harvested During 1961-70 Hunting Seasons Samuel M. Carney,Michael F. Sorenson,Elwood Martin,1975

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