



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

**CONDENSED VERSION  
JANUARY 2003**

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# Model Tax Convention On Income And Capital Condensed Version January 2003

**Emma van Doornik**

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## **Model Tax Convention On Income And Capital Condensed Version January 2003:**

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**The OECD's Global Minimum Tax and its Implementation in the EU - A Legal Analysis of Pillar Two in the Light of Tax Treaty and EU Law** Valentin Bendlinger,2023-10-17 Rarely in the history of international tax law have there been so many evolutions in such a short space of time In a dizzying array of reports work programmes consultations and announcements the OECD with the active support of the EU has created a framework for a global minimum tax Pillar Two or GloBE In the meanwhile jurisdictions are faced with the practical difficulties of incorporating an incredibly complex set of rules into their domestic legal systems This book aims to shed light on the fundamental and technical issues surrounding the global minimum tax It seeks to unravel the complex ramifications of GloBE s technical framework and aims to explore the relationship between the OECD s soft law materials including the OECD s GloBE Model Rules and the GloBE Commentary tax treaties and the EU s recently adopted GloBE Directive The author not only analyses Pillar Two from a technical and a policy perspective but also provides for a comprehensive examination of the compatibility of Pillar Two with tax treaties and EU law To this end the analysis also includes practical examples and illustrates solutions to numerous technical and policy issues of Pillar Two Among the seminal matters covered are the following History and Background of the global minimum tax discussion Detailed technical considerations on the design of Pillar Two including its scope the determination of both the GloBE Income as well as the Adjusted Covered Taxes and the computation of the effective tax rate as well as the computation and collection of the final Top up Tax liability including the application of the QDMTT IIR and UTPR Tax policy implications and deficiencies of the final design of Pillar Two The relation of Pillar Two to the current distribution of taxing rights under bilateral tax treaties The analysis includes the compatibility of the QDMTT IIR and UTPR with existing tax treaties and the resolution of potential normative conflicts both between tax treaties and domestic implementations of Pillar Two as well as between tax treaties concluded by EU Member States and the EU s GloBE Directive The role of the GloBE Directive within

the EU's legal order including the issue of EU internal and external competence as well as the substantive compatibility of Pillar Two with primary law such as the fundamental freedoms. Detailed comparisons between the OECD's GloBE Model Rules and the EU's GloBE Directive elucidate common points and deviations. In addition to comprehensive technical considerations, the book also provides a comprehensive tax policy perspective on the global minimum tax. For its unparalleled clarification of the issues alone, this book will prove invaluable to practitioners, tax authorities, policymakers, and academics concerned with the implementation and application of Pillar Two. Valentin Bendlinger's book is an outstandingly remarkable work on a highly complex topic. The structure, clarity of thinking, and legal argumentation are excellent, and the legal and policy results throughout are profoundly argued. The book successfully ties together broad concepts of international and European tax law with highly complex and novel issues of the taxation of multinational enterprises. It should be highlighted that Valentin Bendlinger succeeded in leading the reader from the history and policy through a jungle of unprecedented rules to overarching fundamental issues of how the new taxation framework is to be placed in the international and European legal order. Prof. Dr. Georg Kofler, LL.M., NYU Vienna University of Economics and Business.

**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.

**Model Tax Convention on Income and on Capital 2010 (Full Version)** OECD, 2012-08-06. This publication is the eighth 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 on Income and on Capital as it read on 22 July 2010.

**Model Tax Convention on Income and on Capital 2014 (Full Version)** OECD, 2015-10-30. This publication is the ninth 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 on Income and on Capital as it read on 15 July 2014. *Permanent Establishments* Ekkehart Reimer, Stefan Schmid, Marianne Orell, 2018-06-07. Permanent Establishments (PEs) are a key facet of international taxation. They constitute the crucial threshold for the assignment of taxing rights to a jurisdiction in all cases of enterprises operating in more than one country. The issue of whether there is a PE and how much profit should be allocated to it is an increasingly important factor in tax planning, tax accounting, tax compliance, and related tax risk management. Groundbreaking developments have reshaped the face of the classical PE concept during the year 2017. Following action item no. 7 of the Anti-BEPS efforts of G20 and OECD, the OECD has presented the Multilateral Instrument (MLI) on Base Erosion and Profit Shifting in June 2017. Based on the MLI as well as earlier drafts, Article 5 of the OECD Model Tax Convention and the Official Commentary have been amended in November 2017. Similarly, Article 7 of the OECD Model Tax Convention on the allocation of income in PE situations is influenced by the October 2015 OECD BEPS proposals. This academically rigorous yet thoroughly practical work

provides comprehensive guidance on a variety of complex PE issues Its initial chapters analyse the latest OECD and EU developments in the context of Articles 5 and 7 of the OECD Model Tax Convention 21 country chapters cover domestic PE issues as well as country specific treaty developments from a practical perspective Contributors Fabrizio Acerbis Maret Ansperi Yumiko Arai kos Burj n Anna Berglund Peter Collins Mike Cooper David Cuellar Veronika Daurer Frank Feng Mikhail Filinov Sandra Fleurier Jose Antonio Gonzalez Herbert Greinecker S ren Jesper Hansen Lars Elleg rd Holst Mauricio Hurtado Martin Jann Renaud Jouffroy David Lerner Peter Lindblad Iren Lipre Jessica Ma Anna Mallol Dennis Matthijs Hamish McElwee Kunal Mehta Osman Mollagee Matthew Mui Ram n Mullerat Luis Felipe Mu oz Stephen Nauheim Francesco Nuzzolo Yoshiyasu Okada Marianne Orell Oren Penn Martin Poulsen Lene Munk Rasmussen Ekkehart Reimer Daniel Rinke Stefan Schmid Mathias Schreiber Vishal J Shah Smit Sheth Tom Stuer Maarten Temmerman Eszter Turcsik Hein Vermeulen Huili Wang Sonia Watson Ciska Wisman Raymond Wong Alan Yam

*Model Tax Convention on Income and on Capital*, 2008-07-17

*Are uniformity and Legal Certainty in EU Tariff Classification Really Two Sides of the Same Coin?* Emma van Doornik, 2025-03-25

Goods imported to any EU Member State are subject to tariff rates determined by a multilayered classification system that challenges both uniformity and legal certainty in the EU The thorough research undertaken in the book the first incisive in depth treatment of EU tariff classification uncovers situations where the application of the rules prioritizes uniformity at the expense of legal certainty and proposes viable measures that can be undertaken to mitigate and or effectively remedy the consequences of this imbalance in the EU Aspects of EU tariff classification such as the following are discussed the problematic nature of the EU s Binding Tariff Information BTI system financial interests of the EU Member States and traders in tariff classification difficulty of tariff classification due to the abundance of sources role of the CJEU in uniform tariff classification grounds for the revocation of a BTI post clearance recovery of duties right of access to court in case of tariff classification disputes and potential establishment of an EU tariff classification Appeal Body The author clearly describes potential improvements to EU tariff classification measures and procedures that could effectively remedy infringements of legal certainty and at the same time could increase uniformity Of value to practitioners and policymakers in tax law and customs law as well as to academics in those fields the book s comprehensive description of the layered structure of tariff classification and its extensive discussion of taxpayers rights in EU customs law will greatly assist in presenting customs related cases before national and EU courts with awareness of the legal remedies available Customs officials will benefit from its thorough guidance on EU tariff classification practices and the BTI system

*OECD Annual Report* Organisation for Economic Co-operation and Development, 2004

*OECD Annual Report 2004* OECD, 2004-05-11

A comprehensive report on OECD activities in 2003 2004

*Taxation of Investment Funds in the European Union* Tomi Viitala, 2005

The book analyses the taxation of investment funds and their investors from the standpoint of domestic tax laws tax treaties and EC law It also provides a comprehensive understanding of the tax issues arising in the cross border

transactions of investment funds and private fund investors in the European Union The viewpoints of the source state of income residence state of the investment fund as well as the residence state of the investor are all considered The book takes a comparative approach by covering five EU Member States the United Kingdom Germany France Luxembourg and Finland On the basis of the examination at the Member State level the present tax rules and practices are tested against the fundamental freedoms of the EC Treaty The conclusion is that there are still various tax measures that are likely to be in conflict with EC law The book also discusses possibilities of adopting targeted measures of positive integration at the level of the European Union with a view to enhancing the objective of the single investment fund market **OECD Annual Report**

**2003** OECD,2003-04-22 A comprehensive report on OECD activities in 2002 2003 Journal of Economic Literature ,2003

**Model Tax Convention on Income and on Capital** Organisation for Economic Co-operation and Development.

Committee on Fiscal Affairs,1992 *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 The Uneven

Offshore World Justin Robertson, Michael Tyrrel, 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 Canadian Tax Journal, 2004

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## **Table of Contents Model Tax Convention On Income And Capital Condensed Version January 2003**

1. Understanding the eBook Model Tax Convention On Income And Capital Condensed Version January 2003
  - The Rise of Digital Reading Model Tax Convention On Income And Capital Condensed Version January 2003
  - Advantages of eBooks Over Traditional Books
2. Identifying Model Tax Convention On Income And Capital Condensed Version January 2003
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Model Tax Convention On Income And Capital Condensed Version January 2003
  - User-Friendly Interface
4. Exploring eBook Recommendations from Model Tax Convention On Income And Capital Condensed Version January 2003
  - Personalized Recommendations
  - Model Tax Convention On Income And Capital Condensed Version January 2003 User Reviews and Ratings
  - Model Tax Convention On Income And Capital Condensed Version January 2003 and Bestseller Lists
5. Accessing Model Tax Convention On Income And Capital Condensed Version January 2003 Free and Paid eBooks
  - Model Tax Convention On Income And Capital Condensed Version January 2003 Public Domain eBooks
  - Model Tax Convention On Income And Capital Condensed Version January 2003 eBook Subscription Services
  - Model Tax Convention On Income And Capital Condensed Version January 2003 Budget-Friendly Options

6. Navigating Model Tax Convention On Income And Capital Condensed Version January 2003 eBook Formats
  - ePub, PDF, MOBI, and More
  - Model Tax Convention On Income And Capital Condensed Version January 2003 Compatibility with Devices
  - Model Tax Convention On Income And Capital Condensed Version January 2003 Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Model Tax Convention On Income And Capital Condensed Version January 2003
  - Highlighting and Note-Taking Model Tax Convention On Income And Capital Condensed Version January 2003
  - Interactive Elements Model Tax Convention On Income And Capital Condensed Version January 2003
8. Staying Engaged with Model Tax Convention On Income And Capital Condensed Version January 2003
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Model Tax Convention On Income And Capital Condensed Version January 2003
9. Balancing eBooks and Physical Books Model Tax Convention On Income And Capital Condensed Version January 2003
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Model Tax Convention On Income And Capital Condensed Version January 2003
10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine Model Tax Convention On Income And Capital Condensed Version January 2003
  - Setting Reading Goals Model Tax Convention On Income And Capital Condensed Version January 2003
  - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Model Tax Convention On Income And Capital Condensed Version January 2003
  - Fact-Checking eBook Content of Model Tax Convention On Income And Capital Condensed Version January 2003
  - Distinguishing Credible Sources
13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

#### 14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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