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The Impact of a Corporate Governance System on the Place of Effective Management Concept in Spain, France, the United Kingdom, the Netherlands, Germany and Italy – Part 2

This article discusses the impact of a corporate governance system on the place of effective management concept. In Part 1, which was published in European Taxation 9 (2014), the authors outlined how six different European states determine, under their respective domestic tax laws, the place of effective management of a multinational company with either a one-tier or a two-tier board. Part 2 looks at how they interpret the term “place of effective management” as used in tax treaties based on the OECD Model under both board structures and also includes a case study. The conclusion provides for a summary and recommendations to change either the OECD Model or Commentaries.

Exit Taxation in Third-Country Situations

This article comments on the ECJ decision in DMC (Case C-164/12), wherein the Court addressed the compatibility of a domestic exit tax provision with the free movement of capital.

State Aid and Tax Lease Regimes in the Shipbuilding Industry: Lessons Learned from a Spanish Case

This article examines the recent Commission decision on Spanish State aid in relation to tax lease arrangements as a means of exploring how negative legal and economic consequences can be avoided and how the current lack of certainty can be resolved. Further, the author comments on the Spanish tax regime from the perspective of the challenges of 2020 and identifies certain concerns in respect of the current EU State aid regulation and guidelines.

Andorra, a country previously with no income taxes, has been undertaking a monumental tax reform process over the last few years, which includes the introduction of a corporate income tax and an individual income tax. This article addresses, in particular, the new tax regime, as well as the impact of the tax reform on France and Spain.

What's Going On In ...

Andorra

New Individual Income Tax Act

Since 2009, Andorra has been taking steps towards improving its tax framework and aligning it with internationally accepted standards. This note describes the individual income tax regime that is being introduced for the first time effective 1 January 2015.

Curaçao/Netherlands

Highlights of the Proposal for a New Bilateral Tax Regulation between the Netherlands and Curaçao

In June 2014, a proposal for a new bilateral tax regulation that will govern tax relations between the Netherlands and Curaçao was published. The following note discusses highlights of this regulation from a corporate income tax, personal income tax and gift and inheritance tax perspective, with a focus primarily on changes in comparison to the "old" regulation and notable deviations from the OECD Model (2010).
European Union/France/Poland
Withholding Tax on Dividends Paid to Non-EU Investment Funds: Some Interesting Details – Julien Saiac and Clement Rozant

This note discusses a decision of 10 April 2014, wherein the ECJ confirmed its decision in Santander (Case 338/11) and provided guidance as to requests for reimbursement of withholding taxes incurred by investment funds based outside the European Union.

European Union/International
Legal Research in International and EU Tax Law – Qunfang Jiang and Yifan Yuan

The authors, in this note, report on the proceedings of the symposium on Legal Research in International and EU Tax Law held on 16 May 2014 and hosted by the International Tax Center of Leiden University.

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