Triangular cases: The application of bilateral tax treaties in multilateral situations

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Bibliography

Literature


Burgers, I.J.J., "Commentary on Article 7 of the OECD Model Treaty: Allocation of Profits to a Permanent Establishment" in Taxation of Permanent Establishments, IBFD online publication.


OECD, ”Double Tax Conventions and the Use of Conduit Companies” in International Tax Avoidance and Evasion. (Paris: OECD, 1987)


Case Law
Canada


Denmark


Netherlands

BNB 2002/184, 8 February 2002

ECJ

Denkavit Internationaal BV, Denkavit France SARL v. Ministre de l'Économie, des Finances et de l'Industrie, C-170/05, 14 December 2006.
Amurta SGPS v Inspecteur van de Belastingdienst, C-379/05, 8 November 2007, paras. 10 and 63
ECJ, 21 September 1999, Compagnie de Saint-Gobain v. Finanzamt Aachen-Innenstadt, C-307/97,

UK

Inland Revenue Commissioners v. Commerzbank AG, [1990] STC 285
De Beers Consolidated Mines Ltd v Howe, [1906] AC 455.
Unit Construction v Bullock, [1960] 1 AC 351.

Legislation

Australia

International Tax Agreements Act 1953
Section 160AF, Income Tax Assessment Act 1936 (repealed by the Tax Laws Amendment (2007 Measures No. 4) Act, 2007, with effect from income years starting after 1 July 2008)
Explanatory Memorandum to the Tax Laws Amendment (2007 Measures No. 4) Bill 2007, p. 18.
Canada

South Africa

Section 1 of the Income Tax Act, 58 of 1962.
United Kingdom

Section 794(1) and Section 794(2)(c), Income and Corporation Taxes Act 1988
Section 249 of the Finance Act 1994.
United States
Section 906, Internal Revenue Code.

Internal Revenue Code, Treas. Reg. § 301.7701-1 through 3.

EU Law

Model Conventions
UN Model Convention & Commentary (2001)

International Treaties
Vienna Convention on Diplomatic Relations (1961)
Treaty on the Functioning of the European Union (formerly the EC Treaty)
Convention Between the Nordic Countries for the Avoidance of Double Taxation with Respect to Taxes on Income and on Capital (the “Nordic Convention”), (1996)
Agreement Among the Member States of the Caribbean Community for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, Profits or Gains and Capital Gains and for the Encouragement of Regional Trade and Investment (the “CARICOM Convention”), (1994)
Regimen Para Evitar La Doble Tributacion Y Prevenir La Evasion Fiscal (“Andean Convention”), Decision 578 of the Commission of the Andean Community (adopted in 2004)
Australia-New Zealand (2009)
Australia-United Kingdom (2003)
Austria-United States (1996)
Belgium-Canada (2002)
Belgium-France (1964)
Belgium-United States (2006)
Bulgaria-United States (2007)
Canada-France (1975)
Canada-Lebanon (1998)
Chile-United States (2010)
Denmark-United States (1999),
Finland-United States (1989)
France-Italy (1989)
France-United States (1994)
Germany-United States (1989)
Hungary-United States (2010; not yet in force)
Iceland-United States (2007)
Ireland-United States (1997)
Luxembourg-United States (1996)
Malta-United States (2008)
Netherlands-United States (1992)
Netherlands-United Kingdom (2008)
New Zealand-United States (1982)
South Africa-United States (1997)
Sweden-United States (1994)
Switzerland-United States (1996)
Ireland-Netherlands (1969)
United Kingdom-United States (1945; terminated)