



## **International Tax Law**

**Lecturer: Professor Marco Greggi, Ph.D., LL.M./**guest professor  
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### **Aims of the Course**

Despite the impact of the Pandemic on the everyday's life, the economy is getting more and more globalised: in Hungary, Europe and in the rest of the world. Trade, businesses, industry develop in many states, more and more interconnected with each other. Alas, while the supply chains and the production methods are global, the law not always is. Tax law is perhaps the most remarkable example of this phenomenon, it experienced trough years and ever-increasing influence of International rules, recommendations, guidelines from different organizations (such as the OECD and the UN) and several stakeholders. The proper understanding and interpretation of these rules play a key-role in any business planning and the profitability of cross-border trades.

The aim of this course is therefore to provide an introduction on what International tax law is, how it has been developed trough years with a specific focus on corporate taxation. Institutional aspects shall be addressed, including the single tax principle, the prevention of double taxation, the source rules and the jurisdiction to tax.

After this basic approach, the course deal with the most recent development in International Taxation, such as the BEPS project (Base Erosion and Profit Shifting), the digital taxation and the OECD Pillars-based proposals (I and II).

Students will familiarize with international taxation, the possibilities of (legitimate) tax planning and the anti-avoidance provisions and to know the latest developments on International tax law and how understand it consistently with the OECD and UN guidelines.

### **Course schedule**

Sessions	Topic Covered	Speaker / Notes
1	Essentials on Taxation <ol style="list-style-type: none"><li>1. What is a Tax, anyway?</li><li>2. Taxation and the Power to Tax: conditions and limits.</li><li>3. The Role of the State in defining Taxes and taxing Corporations.</li><li>4. Supra national constraints deriving from the International legal system.</li></ol>	Professor Marco Greggi
2	Understanding International Tax law <ol style="list-style-type: none"><li>1. Source and Residence in International Taxation.</li><li>2. Tie break rules according to the OECD and UN Model Conventions.</li><li>3. International Double Taxation.</li></ol>	Professor Marco Greggi



3	<p><b>Shaping the International Tax Order: the UN and the OECD</b></p> <ol style="list-style-type: none"><li>1. The OECD and the UN as policymakers.</li><li>2. The benefit principle and the single tax principle.</li><li>3. The development of the OECD strategy: soft law vs. hard law.</li></ol>	Professor Marco Greggi
4	<p><b>The Development of International Tax law: Tax Treaties and their Interpretation (Part I).</b></p> <ol style="list-style-type: none"><li>1. Interpreting Tax Treaties: Their Scope and Their Role in Corporate Tax Planning Decisions.</li><li>2. The OECD and UN Models Conventions.</li><li>3. The Tie Break Rules for Individuals and Corporations;</li><li>4. The Notion of Permanent Establishment.</li></ol>	Professor Marco Greggi
5	<p><b>The Development of International Tax law: Tax Treaties and their Interpretation (Part II).</b></p> <ol style="list-style-type: none"><li>1. Passive Income and Taxation of Dividends, Interests and Royalties.</li><li>2. Capital Gains and Business Operations.</li><li>3. Relief from Double Taxation.</li><li>4. The Non-discrimination Clause in International Tax Law.</li></ol>	Professor Marco Greggi
6	<p><b>Base erosion and Profit Shifting</b></p> <ol style="list-style-type: none"><li>1. The BEPS project in a nutshell.</li><li>2. Understanding Base Erosion and Profit Shifting.</li><li>3. Digital Economy and International Taxation.</li><li>4. Intangibles and Tax Liability of Corporations.</li></ol>	Professor Marco Greggi
7	<p><b>OECD Pillar I and Pillar II</b></p> <ol style="list-style-type: none"><li>1. Taxation apportionment and the need to curb international tax avoidance.</li><li>2. The American proposal on a minimum effective tax rate and the possible impact on national tax systems.</li><li>3. The Pillars approach: an outline.</li></ol>	Professor Marco Greggi
8	<p><b>Transfer Pricing and Arm's length value</b></p> <ol style="list-style-type: none"><li>1. Transfer Pricing and Arm's length Value.</li><li>2. Determining Profits and Losses of a Company following the Transfer Pricing Approach.</li><li>3. Ways and Means to Assess the Market Value of an Asset.</li></ol>	Professor Marco Greggi
9	<p><b>Practical cases on Transfer pricing and tax planning</b></p> <ol style="list-style-type: none"><li>1. Transfer pricing in the case law, selection of cases.</li><li>2. The <i>Dolce and Gabbana</i> case.</li><li>3. The <i>Royal Bank of Scotland</i> case.</li><li>4. The <i>Apple</i> and the <i>Philip Morris</i> cases.</li></ol>	Professor Marco Greggi
10	<p><b>Consumption taxation in an international tax scenario</b></p> <ol style="list-style-type: none"><li>1. Consumption and taxation: the VAT case.</li><li>2. VAT in Europe and in the world: analogies and differences.</li><li>3. The issue of territoriality in B2B and B2C transactions.</li></ol>	Professor Marco Greggi



	4. Taxation importation of goods and the delivery of services.	
11	<b>Inheritance taxes and International tax law</b> <ol style="list-style-type: none"><li>1. Inheritance taxation and the taxable base.</li><li>2. Possible double taxation. In case of international assets.</li><li>3. The OECD Model convention on Inheritance taxation.</li></ol>	Professor Marco Greggi
12	<b>Tax disputes and their resolution</b> <ol style="list-style-type: none"><li>1. Unilateral measures.</li><li>2. Mutual agreement procedure and the OECD.</li><li>3. The MLI and the tax arbitration: ways and means available.</li></ol>	Professor Marco Greggi

## **Bibliography**

References will be recommended during the lessons.

## **Teaching methods**

Lectures with PowerPoint slides further short readings and cases will be made available in PDF format during the lessons where needed.

## **Evaluation**

Final written exam