Four days of high-level learning on key aspects the OECD Model Double Taxation Convention and of tax treaty interpretation. The treaty attribution rules are analyzed with regard to business and professional income (Art. 7), dividends (Art. 10), interest (Art. 11), royalties (Art. 12), and personal service income, including employment and pension income (Art. 15 through 20).

Instructor: Prof. Kees van Raad

Kees van Raad is professor of International Tax Law at the Leiden University law school, chairman of the International Tax Center Leiden, and director of its Adv LLM Program in International Tax Law. After obtaining his law degree from Leiden, and a postgraduate degree from Georgetown University (Washington DC, USA) he worked for several years at International Department of the Netherlands Ministry of Finance. In 1986 he obtained at Leiden University a doctorate in law (dissertation: Nondiscrimination in International Tax Law [Kluwer, 1986]) and was appointed to the newly created chair in International Tax Law at that university. In addition to his teaching, researching, and supervising doctoral dissertations at Leiden University, he serves as a deputy judge in the tax chamber of a Dutch Court f Appeal , specializing in international cases, and acts as a consultant (`of counsel´) to Loyens & Loeff, a leading Dutch (tax) law firm. Since 2006 he is the chairman of the board of the European Association of Tax Law Professors. In addition to his Leiden chair, he holds professorial appointments at the New York University Law School (USA) as a member of its Global Law Faculty, and at Peking University Law School (China) as a permanent Visiting Professor.

Wednesday, 21 November 2007 (18.00 – 22.00)

Introduction to tax treaties

The interaction between the distributive articles and the double taxation relief provisions will be examined and explained, along with the key concepts of residence and source.

Thursday, 22 November 2007 (18.00 – 22.00)

Business profits taxation

The main topics that will be visited of this comprehensive subject include the contents and application of the distributive rules of OECD Model Article 7: the main rule and the exception if business is conducted through a `permanent establishment´ (PE) in the other state. Further, the concept of PE will be examined in some detail (physical PE, project PE, Agency PE; other non-OECD types of PE).

Friday, 23 November 2007 (18.00 – 22.00)

Dividends, interest & royalties

The tax treaty rules on investment income vary with the nature of the investment. Immovable property income is typically subject to ordinary taxation in the source country whereas income from intangible rights (shares, debts, intellectual property rights) is usually subject to flat-rate gross-basis taxation in the source country with the residence country taxing it again with a tax credit provided for the source country tax. The taxation of investment income gives rise to numerous theoretical and practical issues the most important ones of which will be touched upon.

Monday, 26 November 2007 (18.00 – 22.00)

Income from employment, directors, artistes and sportsmen, pensions, government service & students

The grown mobility of labor has greatly increased the importance of OECD Articles 15 through 20, each of which dealing with a particular type of service income. The main rules are laid down in Article 15 which gives rise to a variety of important issues in international tax practice. In addition to an analysis of some of these issues, other points arising under the rules on the remuneration of directors, pensions, and the income of artistes and sportsmen will be discussed.

IMPORTANT: Recording lectures is not permitted unless before the start of the lecture you have asked and obtained permission from the teacher.