

ADDRESSING THE THREE COMMON PROBLEMS OF CROSS-BORDER INHERITANCES AND DONATIONS



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THE THREE MAIN PROBLEMS



Double or multiple taxation

- residence vs situs
- residence vs residence
- situs vs situs
- different taxable persons
- different types of taxes



Discrimination

Application of less favorable provisions to cross-border inheritances and donations



Administrative difficulties

- Burdensome duplication/multiplication of procedures
- Delays

THE OECD IHTMTC HAS CERTAIN SHORTCOMINGS...

Limited scope
Taxes covered
The tie-breaker rule
Triangular situations
Conflicts of qualification
Non-discrimination provision
Old Mutual Agreement procedure
Old and limited exchange of information provision

... AND SHOULD BE UPDATED



Updated wording



Demarcation of taxes covered



Consistency with the nature of taxes covered

ONE INHERITANCE - ONE INHERITANCE TAX?



The suggestion of the 2015 inheritance tax report



Application within the EU

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