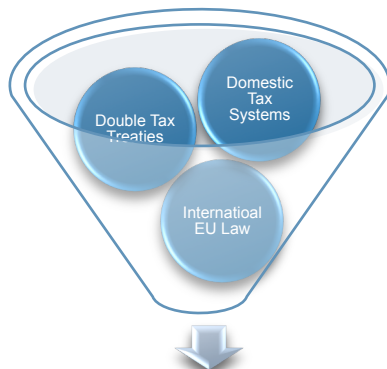


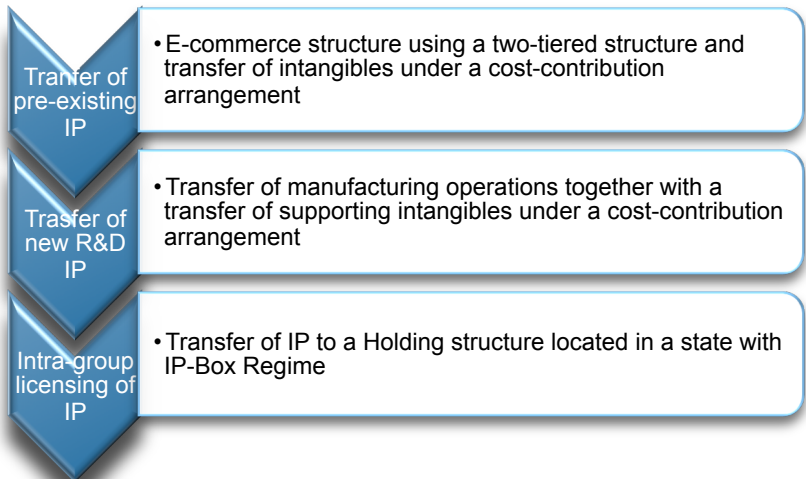
Tackling multilateral non-taxation in IP tax structures. A new approach taxing multinationals firms

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The issue



Multilateral non-taxation scenarios
BEPS opportunities



Minimisation of taxation in a foreign operating source

- by shifting gross profits via trading structures
- by reducing net profits by maximising deductions at level of the payer

Low or no WHT at source

- by application of EU Interest and Royalties Directives
- Exemption of WHT by domestic law
- Treaty shopping

Low or no taxation at the level of the recipient

- via low tax jurisdictions
- preferential regimes

Introduction

Aggressive international tax planning by multinational corporations has lately fallen under intense international debate. Some multinationals, including Apple, Amazon, Starbucks and Google, have been accused for relocating profits abroad to avoid paying taxes. This thesis deals with arrangements for IP-based profit shifting used by the companies, which base their tax planning strategies in the loopholes in aroused in the interaction of domestic tax systems and international law. It is aim of this research to analyse these structures and suggest solutions to tackle multilateral non-taxation in multilateral scenarios.

Research Topics

- Reconceptualization of the jurisdiction to tax by means of place of value creation and place of effective exploitation
- New approach: development of the “Bridge State Rule” (hereafter: BSR) which pursues to relocate taxing rights to the correct jurisdiction in multilateral scenarios
- Introduction the new approach of the jurisdiction to tax into multilateral provisions to address directly double and multilateral non-taxation cases.

Methodology

- Analysis of connecting factors from the jurisdiction to tax to ascertain the
 - Place of value creation (R&D)
 - Place of exploitation
- Description tax planning strategies
- Description of structural features of domestic tax system, EU Law and Double Tax Treaties that allow them to work effectively
- Identification and Analysis of proposed measures to counteract the problem of aggressive international tax planning corporations