Beneficial Ownership: an adequate approach

**Thesis Structure**

The "Introductory Analysis" should cover topics such as (i) anti-treaty shopping rules; (ii) methods and rules for interpretation; (iii) relevance of the commentaries; (iv) relevance of national and case law etc.

Within the OECD chapter will address issues such as the history, wording, purpose, context etc.

The analysis of the concept’s deviations from the OECD will touch the same issues in different models and also in bilateral treaties, for a better comparative analysis.

“Case Analysis” will deal with different decisions from a varied range of courts and jurisdictions, their reasoning and doctrines used (legal form, economic substance over legal form, objective tests, abuse of law etc.) and an attempt to identify groups will be made, separating by certain shared characteristics.

This will allow for a better assessment of what the original term meaning was and how it was built to arrive at where it stands now – and where should it go.

**Doctrines**

| Economic Substance | Abuse of Law |

**Court Decisions**

| Prévoit (and Velcro): possession, use, risk and | Wood Preservation: Call for specific performance possible |

**OECD**

| Model and Commentaries, 2011/2012 Discussion Draft: Autonomous meaning? | Behind the Corporate Veil: Using Corporate Entities for Illicit Purposes:“(...) “beneficial owner” refers to ultimate beneficial owner or interest by a natural person (...)” |

- Different meanings and applications given to the term
- No satisfactory or commonly accepted definition
- Different administrative and judicial decisions

Increase in taxpayers’ uncertainty

Enterprises face greater compliance efforts

Doing business becomes costlier and/or unfeasible