

# Table of Contents



## [Preface](#)

## [About the Authors](#)

### [Part 1](#)

#### [Thematic Reports](#)

## [Chapter 1: Corporate Tax Residence at the Crossroads between International Competition and Convergence: Outlining the Debate](#) [Edoardo Traversa](#)

- [1.1. Functions of the residence concept for the application of corporate taxation](#)
  - [1.1.1. In domestic law](#)
  - [1.1.2. In tax treaties](#)
  - [1.1.3. The EU law dimension](#)
- [1.2. Residence and cross-border mobility under international and EU tax law](#)
- [1.3. The simultaneous reinforcement and erosion of the concept of residence in the time of BEPS](#)
- [1.4. Possible evolution of the residence concept](#)

## [Chapter 2: History and Emergence of the Corporate Residence Concept in Europe: A Comparative Approach](#) [Roland Ismer](#)

- [2.1. Introduction](#)
- [2.2. Corporate residence under civil law](#)
  - [2.2.1. Corporate residence for domestic law purposes](#)
  - [2.2.2. Corporate residence under conflict of laws rules: \*Lex societatis\*](#)
    - [2.2.2.1. Historical background](#)
    - [2.2.2.2. Connecting factors in an international context](#)
- [2.3. Corporate residence under domestic tax law](#)
  - [2.3.1. Formal criteria](#)
    - [2.3.1.1. Legal seat of a company – POI test and others](#)
    - [2.3.1.2. Incorporation test with exemptions](#)





<a href="#"><u>2.3.2.</u></a>	<a href="#"><u>Substantive criteria</u></a>
<a href="#"><u>2.3.2.1.</u></a>	<a href="#"><u>Place of (effective) management</u></a>
<a href="#"><u>2.3.2.2.</u></a>	<a href="#"><u>Central management and control (CMC)</u></a>
<a href="#"><u>2.3.2.3.</u></a>	<a href="#"><u>Open standard provision</u></a>
<a href="#"><u>2.3.2.4.</u></a>	<a href="#"><u>Other substantive criteria</u></a>
<a href="#"><u>2.3.3.</u></a>	<a href="#"><u>Coexistence of criteria vs. single criterion</u></a>
<a href="#"><u>2.3.3.1.</u></a>	<a href="#"><u>Single criterion</u></a>
<a href="#"><u>2.3.3.2.</u></a>	<a href="#"><u>Coexistence of alternative criteria</u></a>
<a href="#"><u>2.4.</u></a>	<a href="#"><u>Corporate residence under international tax law and European tax law</u></a>
<a href="#"><u>2.4.1.</u></a>	<a href="#"><u>Tax treaty residence</u></a>
<a href="#"><u>2.4.1.1.</u></a>	<a href="#"><u>Evolution of the corporate residence concept under tax treaties</u></a>
<a href="#"><u>2.4.1.2.</u></a>	<a href="#"><u>Tax treaty residence under article 4(1) of the OECD MC: Status quo of the Model and divergent country practice</u></a>
<a href="#"><u>2.4.1.3.</u></a>	<a href="#"><u>Dealing with dual-resident corporations: Tie-breaker test under article 4(3) of the OECD MC</u></a>
<a href="#"><u>2.4.2.</u></a>	<a href="#"><u>Residence under European tax law</u></a>
<a href="#"><u>2.5.</u></a>	<a href="#"><u>Conclusion</u></a>

**Chapter 3a:** **Taxpayers' Mobility in the Context of Tax Treaty Law: The Need for a Renewed Balance between Favouring the Movement of Persons and Tackling Treaty Abuse**  
*Carla De Pietro*

<a href="#"><u>3a.1.</u></a>	<a href="#"><u>Taxpayers' global mobility and the fragmentation of the notion of treaty abuse: Legal framework and critical issues</u></a>
<a href="#"><u>3a.2.</u></a>	<a href="#"><u>US anti-inversion rules and the fragmentation of the notion of treaty abuse: Effects of unilateralism on taxpayers' mobility</u></a>
<a href="#"><u>3a.3.</u></a>	<a href="#"><u>The amendments to the Commentary on Article 1 of the OECD Model Tax Convention: Towards coordination</u></a>
<a href="#"><u>3a.4.</u></a>	<a href="#"><u>Moving towards a better equilibrium between the need to effectively fight against treaty abuse and the need to avoid unnecessary obstacles to taxpayers' mobility</u></a>

**Chapter 3b:** **Corporate Tax Residence and Mobility in the European Union**  
*Borbála Kolozs*

<a href="#"><u>3b.0</u></a>	<a href="#"><u>Introduction</u></a>
<a href="#"><u>3b.1.</u></a>	<a href="#"><u>Corporation law of the reporting countries</u></a>