

TAXATION LAW RESEARCH PROGRAMME
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Tax Treaty Benefits for the Income of Collective Investment Vehicles

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Tuesday, 12 April 2011, 1:00 – 2:00 pm
Room LG102, LG1 Floor, KK Leung Building, University of Hong Kong

The presentation will deal with the treatment of income earned by a collective investment vehicle (CIV) under tax treaty law. It will analyze the new commentary on Art. 1 of the 2010 OECD Model concerning CIVs. The recommendations made therein will be contrasted with the approach of Germany and other European jurisdictions. The presentation will ponder the following questions:

1. Can a CIV claim the benefits of tax treaties?
2. May the investors claim treaty benefits if the CIV cannot claim them?
3. How can the country of residence of the CIV provide relief for foreign withholding taxes?

The presentation will distinguish between contractual arrangements on the one hand and corporate structures on the other. It will also deal with the substantive provisions of the Model Convention and the procedural aspects arising in this context. Finally, the presentation will explore the potential of CIVs for tax treaty shopping and common anti-abuse rules.



Dr. Joachim Englisch studied law and business administration. After graduating he served as a clerk in various positions within the German judicial system. He then assumed duties as an Assistant Professor at Cologne University. In 2004, he completed his PhD on dividend taxation. After a period as Research Fellow of the Deutsche Forschungsgemeinschaft, Dr. Englisch became full Professor of Tax Law and Public Law at the University of Augsburg. Since 2010, Dr. Englisch has held a Chair in Tax Law and Public Law at the Tax Law Institute of Muenster University. He will become the institute's managing director in 2011. He has served as a Visiting Professor at several European universities.

Please register on-line via www.AIFL.com or
email Flora Leung at fkleung@hku.hk if you are interested to attend.