

Academic Year: (2023 / 2024)

Review date: 08-03-2023

Department assigned to the subject: Public State Law Department

Coordinating teacher: BAEZ MORENO, ANDRES

Type: Compulsory ECTS Credits : 4.0

Year : 1 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

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OBJECTIVES

SKILLS THAT THE STUDENT ACQUIRES WITH THIS SUBJECT

Acquiring knowledge that provides a solid theoretical basis and enhances originality when developing and/or applying ideas.

That the students know how to apply the knowledge acquired in the resolution of problems in little known or multidisciplinary environments.

That students are able to integrate knowledge and face the complexity of formulating critical judgments from information that, being incomplete or limited, includes reflections on social and ethical responsibilities linked to the application of their knowledge and judgments.

Students should be able to communicate both their conclusions and the arguments behind them to specialized and non-specialized audiences in a clear and unambiguous manner.

Students should possess the learning skills to enable them to continue studying in a largely self-directed or autonomous manner.

Acquisition of a complete knowledge of the essential principles that govern the Spanish tax system.

Ability to identify, interpret, apply and critically analyze legal and doctrinal texts referring to tax matters.

Ability to relate the national regulation on taxation and the international norms referred to such matter.

Ability to solve highly complex legal problems related to tax matters.

Capacity to prepare legal reports on tax-related problems, with an orderly structure and solid legal arguments.

Acquisition and/or consolidation of learning skills that will allow the student to continue in the future with the study of regulation in tax matters.

Justification of the planning of complex realities that require legal arguments and solutions in application of tax regulations.

Obtaining and managing information on tax matters, through the use and management of specialized databases and other telematic tools.

Active intervention in interdisciplinary teams to achieve common objectives.

Capacity to interrelate and solve the problems posed in a real practical scenario that allows simulating and identifying the critical points that exist in the application of tax regulations to the different cases in which several taxes or tax obligations converge.

Capacity to carry out analysis based on international and comparative law, especially with respect to the Double Taxation Conventions, the European Union acquis in the tax field and the relevance of the United States regulations in this area.

STUDENT LEARNING OUTCOMES

Capacity to interrelate and solve the problems raised in a real practical case that allows the simulation and identification of the critical points that exist in the application of tax regulations to the different cases in which several taxes or tax obligations converge. Ability to understand and solve problems related to the application of U.S. regulations on international tax law.

All the teaching is given in a practical way, through the resolution of practical cases during the class in a joint way between the students and the professor. To achieve the greatest practical perspective, students must have worked on and solved the cases prior to the class.

In addition, in order to enhance the eminently practical nature of this Master's, one and a half hours will be devoted to seminars for each credit assigned to the subject, in which cases will be analysed and discussed in order to analyse the tax consequences of cross-border economic operations in the various

countries involved. In this way, outstanding professionals from the world of law, the judiciary and tax inspection will work on the capacity to carry out an analysis based on international and comparative law, especially with regard to the Conventions for the avoidance of double taxation, the European Union's *acquis* in the field of taxation and the relevance of US regulations in this area. In this course, the total number of hours dedicated to practice in Seminars will be 13.5 hours.

DESCRIPTION OF CONTENTS: PROGRAMME

Themes common to the subjects: The cross-border element is the common link to all the subjects that make up this subject. That is, the interaction in the application of legal-tax systems of different States at the same time, or with supra-national norms.

Subject-specific issues:

- Tax on the income of non-residents: the legal regime of the tax is analyzed, as well as the formal obligations that derive from it.
- Double Taxation Conventions: the structure, content and functioning of the OECD Model Convention is analyzed as a reference for the study of any bilateral convention in force, as well as the content of the multilateral convention and the interaction between both instruments.
- EU: fundamental freedoms and State aid: analysis of the impact of the European Union's primary law in the area of direct taxation through the analysis of the case law of the European Court of Justice on freedom of movement, non-discrimination and the prohibition of State aid.
- FATCA, CRS and other international information exchange mechanisms: analysis of the main instruments for information exchange following the appearance of FATCA in the United States and the signing of automatic exchange agreements at global level.
- International tax planning: analysis of the most common operations and business models from a tax planning and savings perspective.
- US taxation: analysis of the most relevant US regulations with a cross-border scope.

Seminars will be held where students will analyze real problems with leading professionals from the world of law, the judiciary and tax inspection.

LEARNING ACTIVITIES AND METHODOLOGY

1. Critical reading of texts recommended by the subject teacher
2. Solving case studies, problems, etc. raised by the teacher individually or in a group
3. Presentation and discussion in class, under the moderation of the teacher, of topics related to the content of the subject, as well as practical cases

ASSESSMENT SYSTEM

Continuous evaluation (class participation, assignments and others) 40%
Final exam 60%

The format of continuous evaluation will be set by the coordinator at the beginning of the course. In case the continuous evaluation is carried out through case deliveries made in groups, it is required that every student obtains at least a grade of 4 out of 10 in the final exam of the course. If this requirement is not met, the maximum grade for the course as a whole will be 4 out of 10.

These rules also apply to the extraordinary exams.

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| % end-of-term-examination: | 60 |
| % of continuous assessment (assignments, laboratory, practicals...): | 40 |

BASIC BIBLIOGRAPHY

- OECD OECD Model Tax Convention 2017, OECD, 2017