Arrangements independent of the main benefit criterion

Information must be provided on the following cross-border arrangements that are independent of the main benefit criterion:

1. an arrangement involving cross-border payments between related parties, treated as business expenses, where the payee is not a resident in any country or jurisdiction or is a resident in such a country or jurisdiction which is entered in the European Union list of jurisdictions not involved in cooperation in taxation or who has been assessed by the Organization for Economic Co-operation and Development as non-cooperative;

2. an arrangement that takes into account the cost of depreciation of one and the same asset in more than one country or jurisdiction;

EXAMPLE

- In one jurisdiction, the economic owner of assets has the right to depreciate assets, and in another jurisdiction the legal owner of the assets has the right to depreciate assets, so that depreciation is deducted from the taxable income of two different jurisdictions.

3. an arrangement by which elimination of double taxation in respect of the same income or the same property is applied for in more than one country or jurisdiction, which may result in the complete tax avoidance;

4. an arrangement that includes the transfer of assets, and where the cost of the transferred asset is reflected, to a significant extent, differently in different countries or jurisdictions.

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