

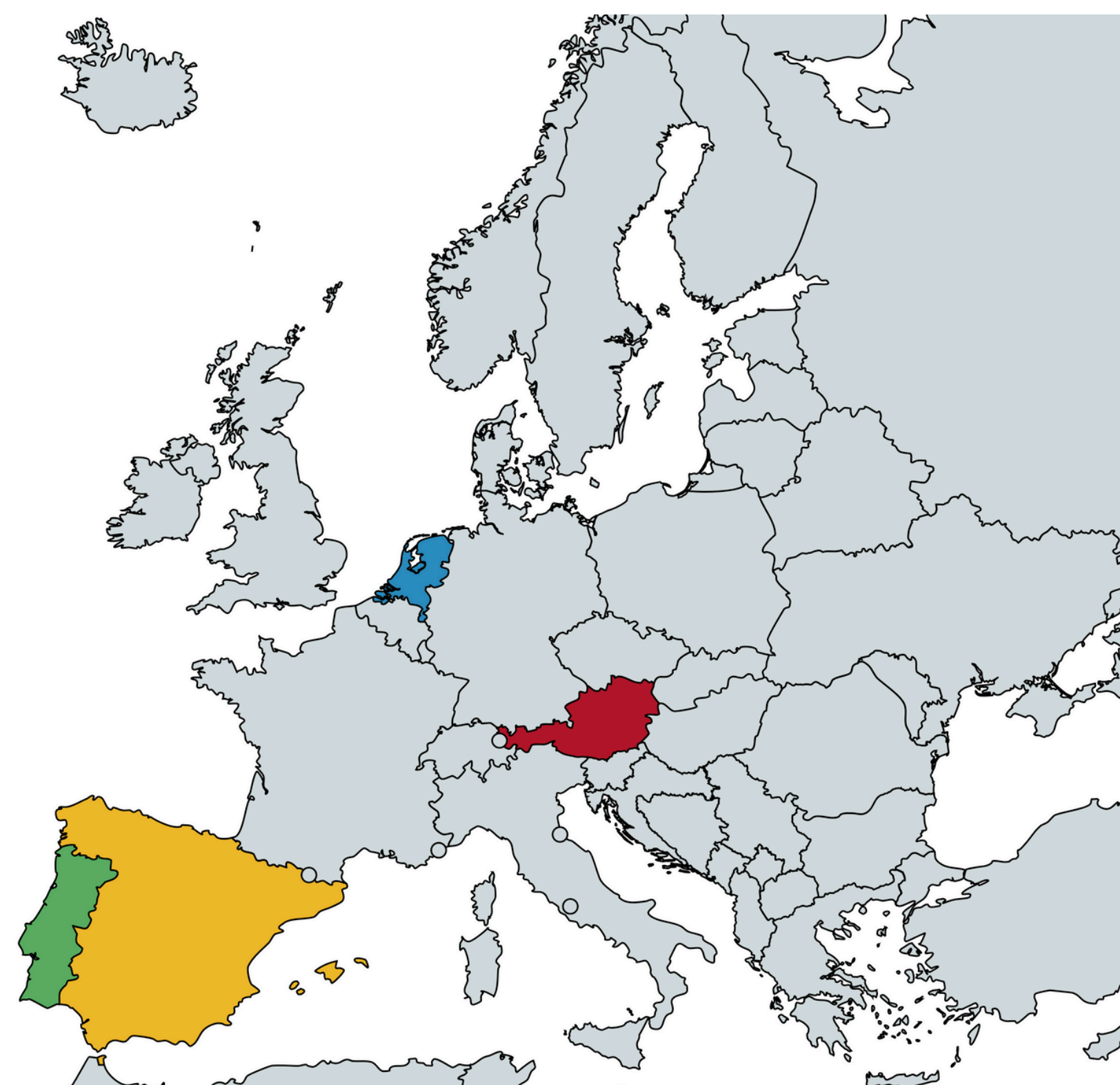


The Legality of Cross-Border Preferential Personal Income Tax Incentives

Timur Türker

Background

how Tax Incentives shape migration decisions



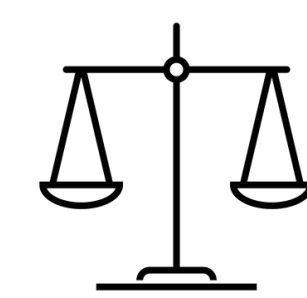
Research Hypothesis

Although the proliferation of tax incentives for non-residents may raise several issues, inter alia by clearly breaching the ability-to-pay principle, they are compatible with both domestic and European law. Hence, designing effective countermeasures within the current legal framework remains difficult.

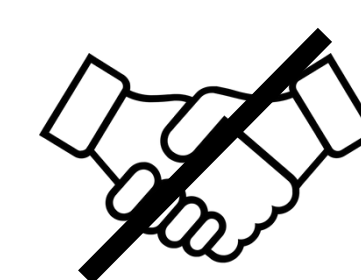
Reduced Tax Revenue and potential instances of double non-taxation

Many CBPPITs challenge the **distributive function** of taxation by providing relief exclusively to High-Net-Worth Individuals and highly skilled workers

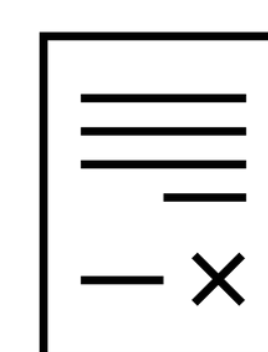
Is the situation comparable to **Tax Competition** in the field of Corporate Income Taxation?



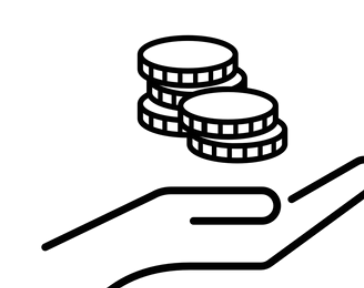
Limitations of national constitutional law, especially due to the **principle of equality**



Do some regimes constitute a form of **prohibited state aid**?



Amending **Double Tax Treaties** to create legal certainty



Exit Tax as a countermechanism

Aim of the Research

Examining if these regimes are a sign of a slow but steady departure from the ability-to-pay principle and exploring their legal limitations as well as analyzing potential measures against them.

Research Questions along the Way

How can CBPPITs be categorized based on their common features?

Why are such regimes particularly widespread in Europe?

To what extent is the ability-to-pay principle reflected in EU law?

Methodology

Philosophy

Legal
Methodology

Economics