

CONTENTS

Editorial

- 2 Intertax Initiates Publication of Optional Double Blind Peer-Reviewed Articles
Prof. Dr. Ana Paula Dourado and Prof. Dr. Pasquale Pistone
-

Peer-Reviewed Articles

Before articles have been accepted for publication in Intertax' peer-reviewed section, they have been subject to double-blind peer review; that is, two academic reviewers who shall remain anonymous to the author and to each other and neither of whom are from the same country as the author have evaluated the article's academic merit. Only articles confirmed by the reviewers to show the highest standards of scholarship are accepted for publication in this section

- 4 Taxation of Cross-Border Hybrid Finance: A Legal Analysis
Eva Eberhartinger and Martin Six
-

Articles

- 19 CCCTB: Some Observations on Consolidation from a Dutch Perspective
Paul H.M. Simonis
-
- 40 Action against Capital Funds the Danish Rules on CFC Taxation and Thin Capitalization are Inadequate
Thomas Rønfeldt
-
- 51 The Role of the Italian Tax Police ('Guardia Di Finanza') in Cross-Border Audits and Cross-Border Requests for Tax Assistance
Comandante Scuola P.T. Gen.D. Saverio Capolupo
-
- 56 Australasian and South East Asian Venture Capital Tax Expenditure Programs
Stephen Barkoczy and Peter Edmundson
-
- 74 Windfall Profits Tax on Oil and Gas: US and Latin American Approach
Alvaro R. Villegas Aldazosa
-

Monthly Features

- 81 EC Tax Scene
Hans van den Hurk & Gerben Weening
-
- 83 US Tax Scene
Carlo Hassan, Paolo Ippoliti, Thomas Fuller & Mark Wanek
-

Intertax Initiates Publication of Optional Double Blind Peer-Reviewed Articles

Prof. Dr. Ana Paula Dourado and Prof. Dr. Pasquale Pistone

I. ENCOURAGING QUALITY AND INTERNATIONAL TAX DIALOGUE THROUGH A PEER-REVIEW MECHANISM

Our generation faces the challenges of building up the body of international and European tax law, including a systematic analysis of its scientific foundations.

In tax law as in other research areas, assessment of research in general and of publication in particular, often through numeric indicators, is becoming part of the academic culture all over the world. Researchers are taught rigor in order to fulfill their tasks and are used to competition and permanent more or less informal assessment, and therefore submitting their publications to formal assessment is part of the same logic.

Even if to more conservative minds it can be tempting to reject quantitative assessment of research work in law, this is a reality that has come to stay and the challenge lies in finding the right evaluation mechanisms and to avoid flawed criteria.

Evaluation mechanisms such as publication counts and download or citation counts must not be used as the sole evaluation criteria, because the former assesses productivity – which does not mean quality – and the latter likewise does in respect of impact – which is only one aspect of quality and does not necessarily mean overall quality (citation can mean criticism instead of positive appreciation).

Blind peer-review is in this context a complementary tool that allows evaluation of quality in an objective manner.

Until now, no internationally-recognized academic tax standards to assess quality of publication exist, nor are such standards to be found in the field of law, where peer review is much more the exception than the rule. This problem is becoming particularly serious in the European Union and around the world when competing for research grants with other domains of sciences that already have objective, international academic standards of evaluation.

For these reasons, the Board of Editors of Intertax has formally decided to introduce, as of January 2009, a section dedicated to articles submitted to a peer-review procedure.

It is a ground-breaking editorial policy decision that aims at publishing articles that meet the highest

international scientific standards on issues that we believe will also enrich all our readers by providing them with a deeper insight on key aspects of international and European taxation.

Peer-review procedures allow publication of outstanding articles that meet objective criteria, which equally apply to any submission regardless of their geographical origin and different legal background.

Globalization of the market economy leads to enormous repercussions in taxation. Tax lawyers and tax experts in general are eager to exchange experiences and learn best tax practices and solutions, including administrative procedures and case-law applied in a particular country or group of countries. We therefore encourage researchers, regardless of their age, native language and legal tradition, to submit their highest quality publications in English to our review, offering them an objective framework and evaluation standard, which we hope will soon contribute to building up a global scholarship on international and European tax law.

Any researcher from around the world should therefore feel confident to undergo our peer-review procedure with his/her high quality articles, thus sharing in fact our goal.

2. SOME DETAILS ON THE INTERTAX PEER-REVIEW PROCEDURE

After receiving a formal application to undergo the peer-review procedure, the Board of Editors assigns the anonymized (also in its footnotes) article to two external peer-reviewers (it is therefore indeed a double-blind mechanism), who report on whether it meets our academic standards for publication in the peer-reviewed section. In exceptional cases a third peer-reviewer is appointed to solve slightly different evaluations of articles.

Peer-reviewers of each article belong to a different country from the country of origin of the author and from the country where the author exercises his/her professional activity. Besides, no peer-reviewer may have a professional or research link to the author and the publication under assessment.

By no means will all articles to be published in Intertax have to undergo the peer-review procedure: the procedure is optional. We reached this decision because we feel that international and European tax law as such is not a domain where articles with a stronger scientific and theoretical content should be kept isolated from the ones that bring up with a likewise innovative content, but rather focus on issues of a more pragmatic nature. However, considering that peer-reviewed articles are expressions of research excellence, each of them may have a length that significantly exceeds the one allowed for any other article published in our review.

In addition to being published in the peer-reviewed section, it will be clearly stated that an article has undergone the peer review procedure.

The Editorial Board is aware that assessment criteria must themselves periodically undergo assessment and revision and the peer-reviewers will give a major contribution

to the Editorial Board in this respect. Openness and self-improvement will characterize the implementation of our procedure, especially in the first years.

In order to be a valuable mechanism, Intertax has chosen some of the most internationally recognized tax experts as peer-reviewers.

Selecting some of the best tax scholars implies however, that they are very busy. To keep the highest level of our peer-review procedure and in order to avoid that it becomes a flawed assessment mechanism, Intertax has to limit the number of accepted articles submitted to peer-review every year.

We are convinced that assessment of articles through a peer-review procedure gives an equal opportunity to the best researchers all over the world and will contribute in setting up a common objective framework for the international tax dialogue.