



In "Fiscal harmonization in common markets" (2: 443) Shoup explains tax harmonization. It usually implies a group of tax adjustment programs somehow associated with various types of economic integration. This is so because the term tax harmonization has been developed, in response to the practical need for a general and comprehensive term which can cover a wide range of tax adjustment programs that are as yet not being identified definitely, though likely to be necessary to help in achieving a number of broad, and often competing, political and economic objectives of an economic integration. It has come to be understood that the term is often used in a special sense, with relevance only for the EEC.

Tax And Legal Aspects Of Ec Harmonization

Rachel S Tattersall



Tax And Legal Aspects Of Ec Harmonization:

EU Fiscal Federalism Alicia Hinarejos, Robert Schütze, 2023 *EU Fiscal Federalism* examines the European Union's fiscal powers and responsibilities within the ever evolving context of European integration. A group of esteemed international scholars outline the past, present and future of EU fiscal federalism including the relationship between the European Union and its Member States in this critical area. *Comparative Fiscal Federalism* Reuven S. Avi-Yonah, Michael Lang, 2016-06-20. Judicial review of taxation in the world's two most economically significant multistate systems, the European Union and the United States, has exposed a remarkable divergence. Although there are important differences between the competences of the two tribunals, the fact remains that the European Court of Justice has been much more aggressive in striking down Member State income tax rules than has the United States Supreme Court in comparable cases. This book, the only full scale comparative analysis of the tax jurisprudence of the two judicial systems, now in an updated second edition, asks: Why this divergence? And what can the two tribunals learn from each other about adjudicating issues that arise from the interaction of tax regimes in the context of a single market? Among the contributory issues and topics covered are the following: conceptions of sovereignty and federalism; discrimination in direct tax matters as an obstacle to a meaningful single market; allocation of taxation competences; nonresident versus resident taxation; double burdens on cross border economic activity; retroactive recovery of unlawful state aid in the European Union; role of competition law; the revenue interests of states; levels of corporate taxation; the OECD Model's nondiscrimination rules; and the preliminary interpretation mechanism of the Court of Justice. An insightful and penetrating analysis of a topic of material importance to governments, tax policy makers and tax lawyers on both sides of the Atlantic, this book clearly explains how the Supreme Court and the Court of Justice continue to struggle with the conflict between generally accepted tax principles and the effective prevention of discriminatory treatment of taxpayers. All tax professionals concerned with the interaction of sovereignty, tax assignment, legislation and judicial decisions in tax law will benefit greatly from its clear-sighted and comprehensive treatment as well as from its perspectives on the practical implications of each tribunal's decision making. **PUBLIC FINANCE: LEGAL ASPECTS** Nadiia Pryshva, Nataliia Iakymchuk, Danil Getmantsev, Olena Hedziuk, Yurii Pyvovar, Liubov Kasianenko, Tamara Latkovska, Nataliia Kovalko, Yevhen Marynychak, Svitlana Nischymna, Sergii Ochkurenko, Olena Orliuk, Emilia Dmytrenko, Lesia Savchenko, Vladyslava Savenkova, 2019-04-01. Monograph *Public finance legal aspects* is a paper written by the team of leading Ukrainian scholars in the sphere of finance law and initiated by Financial Law Center and Department of Financial Law of Taras Shevchenko National University of Kyiv. All monograph's authors are representatives of Ukrainian financial law school which was founded by Lidiia Voronova. In memory of our Teacher Financial Law Center was founded to study the problems of legal regulation of public finance and this monograph was prepared. In the monograph scholars presented their vision of solving the most topical problems at legal regulation of financial relationships. The concept of public financial

activity is covered the powers of bodies carrying out public financial activity in Ukraine are investigated issues of the activities of local self government bodies under the conditions of financial decentralization are considered the concepts and features of public funds are determined the content of public interest in tax law is presented and the essence of the subject matter of financial law is studied etc The monograph includes the following topics Functions of financial law theory and practice of the implementation Emilia Dmytrenko Yuri Pyvovar Modern world a new approach to the legitimacy of public finance Danil Getmantsev Public interest and its realisation in tax law Olena Hedziuk Legal content of the concept Public fund of means Nataliia Iakymchuk Procedural norms in the financially legal regulation Liubov Kasianenko Tamara Latkovska Special aspects of legal status of state authorities that perform public financial activity key challenges and the ways to address them Nataliia Kovalko The financial nexus between an individual and a state Yevhen Marynychak General principles of financial law Svitlana Nischymna Basic theoretical problems of determining the place of financial law in the system of law Sergii Ochurenko Target determination of financial and legal instrumentarium in the development of Ukrainian innovative policy the issue of variable geometry Olena Orliuk Finance and legal regulation of self governing authorities activity under the conditions of decentralization Nadiia Pryshva Public and private financial control limits of legal regulation Lesia Savchenko The emergence of central banks and finance legal status of National Bank of Ukraine Vladyslava Savenkova The monograph will be useful to scholars students and anyone who is interested in financial law issues Recommended for publication by the Academic Council of Law Faculty of Taras Shevchenko National University of Kyiv

Corporate Tax Base in the Light of the IAS/IFRS and EU Directive 2013/34: A Comparative Approach Mario Grandinetti, 2016-06-17 The recent relaunch of the European Commission's Common Consolidated Corporate Tax Base CCCTB project promises a sorely needed leap forward in the harmonization of the rules by which companies calculate their taxable profits In particular the initiative hopes to remedy the severe barrier to cross border business caused by the the accounting Tower of Babel by which companies tax bases are determined under national law This thorough analysis and commentary covers the influence of accounting rules on tax considering both generally accepted standards international accounting standards IAS and international financial reporting standards IFRS and EU Directive 2013/34 Three introductory chapters usher in detailed comparative overviews of the effect of these rules on taxation in nine EU Member States as well as in two other major EU trading partners the United States and Brazil Fully explaining the remarkable recent improvement in the comparability of accounts that represent favourable preconditions for creating a single market for financial services within the EU this book covers every relevant detail including the following and much more criterion of evaluation of alternative fixed assets based on revaluated amounts criterion based on fair value provisions applicable to income statements notes reports and financial statements rules applicable to the publication of documents transparency in payments to governments dispositions on exemptions hierarchy of general provisions and principles balance sheet and profit and loss account simplifications for small

and medium sized enterprises SMEs system of creditors protection and protection of investors interests This book is a peerless explication of the taxation choices granted to Member States under IAS IFRS and EU Directive 2013 34 and how they will be affected by ongoing Commission initiatives Because relevant timely reliable and comparable information assumes a leading role in protecting the interests of investors creditors and other stakeholders as well as in ensuring that all operators act on a level playing field under equal conditions the analysis presented here is of immeasurable value to lawyers business persons and officials concerned with taxation not only in Europe but anywhere within the reach of international trade

Research Handbook on European Union Taxation Law Christiana HJI Panayi, Werner Haslehnner, Edoardo Traversa, 2020-01-31 Offering a comprehensive exploration of EU taxation law this engaging Research Handbook investigates the associated legal principles in the context of both direct and indirect taxation The important issues and debates arising from these general principles are expertly unpicked with leading scholars examining the status quo as well as setting out a clear agenda for future research

Abuse of EU Law and Regulation of the Internal Market Alexandre Saydé, 2014-12-01 How can the concept of abuse of European Union law which can be defined as undesirable choice of law artificially made by a private citizen generate so much disagreement among equally intelligent individuals Seeking to transcend the classical debate between its supporters and adversaries the present study submits that the concept of abuse of EU law is located on three major fault lines of EU law which accounts for the well established controversies in the field The first fault line which is common to all legal orders opposes legal congruence the tendency to yield equitable legal outcomes to legal certainty the tendency to yield predictable legal outcomes Partisans of legal congruence tend to advocate the prohibition of abuses of law whereas partisans of legal certainty tend to oppose it The second fault line is specific to EU law and divides two conceptions of the regulation of the internal market If economic integration is conceived as the promotion of cross border competition among private businesses the paradigm of regulatory neutrality choices of law must be proscribed as abusive for they distort business competition But if economic integration is intended to promote competition among Member States the paradigm of regulatory competition choices of law by EU citizens represent a desirable process of arbitrage among national laws The third and final fault line corresponds to the tension between two orientations of the economic constitution of the European Union namely the fear of private power and the fear of public power Those who fear private power most tend to endorse the prohibition of abuses of law whereas those who fear public power most tend to reject it Seen in this way the concept of abuse of EU law offers a forum in which fundamental questions about the nature and function of EU law can be confronted and examined in a new light In May 2013 the thesis that this book was based on won the First Edition of the European Law Faculties Association Award for Outstanding Doctoral Thesis

EU Corporate Law and EU Company Tax Law Luca Cerioni, 2007-01-01 With the European Union striving to become the world's most competitive economy the developments in the two closely interconnected areas of European corporate law and European

company tax law are of utmost importance This book focuses on the crucial issues raised by these developments on their far reaching implications and on the key challenges to the future legislative choices The book illustrates the key developments in EU corporate law and EU company tax law the EU planned initiatives in these areas and at a time when member states increasingly tend to use company law and company tax provisions to attract businesses and investments it suggests how future developments can contribute to the undistorted functioning of the internal market and to the strategic Lisbon objective The explanation of these legislative and case law developments is of use to students and indicates new opportunities for business expansion strategies throughout the European Community The book concludes that new optional but attractive EU company law vehicles and company tax regimes would be in these two areas the only legal and effective means towards an undistorted functioning of the internal market and towards the Lisbon objective This ultimately gives rise to a far reaching challenge for all debates on the future patterns of European integration Luca Cerioni introduces new themes for academic research and discussion subjects for decision makers and at the same time uniquely makes these accessible to a much wider international public of students businesses and practitioners *Canadian Tax Journal* ,1994

EU Citizenship and Direct Taxation Erik Ros,2016-04-24 Freedom of movement is a key principle of the European Union EU resulting in the right of every EU citizen to move and reside freely within the EU Many EU citizens work in other Member States than their Member State of origin Direct taxes are not as such covered in the treaties and therefore have much smaller bases for harmonization at EU level than indirect taxes As a result decisions of European Court of Justice ECJ on the clash between the EU principle of free movement and Member States direct tax rules have a significant effect on national direct tax systems This book focuses on the relation between free movement rights of EU citizens and the legal autonomy of Member States in the area of direct taxation and will immediately engage tax practitioners and scholars The author asks and answers the question Has the willingness at EU level to make EU citizenship a key driver behind the integration process come at the expense of national direct tax autonomy The book s incomparably thorough analysis of the distinctive evolution mainly via ECJ case law of the relation between the EU principle of free movement of persons and Member States direct tax rules includes in depth discussion of the following elements and more the concept of EU citizenship in the EU s constitutional and institutional development how the ECJ has interpreted the concept of free movement with regard to economically inactive persons how the notion of EU citizenship has widened the ECJ s view on treaty access how the ECJ has addressed the clash between free movement of persons and direct taxation in the EU s constitutional context and numerous tax policy initiatives with regard to EU citizens before and after the Treaty of Lisbon This is the first book to investigate in such detail how the ECJ has tried to reconcile specific national direct tax rules with the general EU principle of free movement of persons from the perspective of EU citizenship This book explains that the ECJ is in the process of reconceptualizing the market freedoms relating to the free movement of persons also in the area of direct taxation as part of

a broader EU citizenship right for all economically active EU citizens to pursue an economic activity in a cross border context a right beyond the aim of realization of the internal market As an extremely important analysis of the influence of EU law on the direct tax autonomy of Member States this book is sure to be itself of great influence in the practice and study of taxation in the EU Legal Aspects of Digital Preservation Thomas Hoeren, Barbara Kolany-Raiser, Silviya Yankova, Martin

Hecheltjen, 2013-10-31 This important book illustrates the implications of preservation actions on intellectual property rights and data protection These can include Potential violation of data protection laws through the storage of personal data and potential infringemen *Bulletin for International Fiscal Documentation* ,2004 **Legal Remedies in European Tax Law**

Pasquale Pistone, Group for Research on European International Taxation, 2009 Until now the topic of legal remedies in European direct tax law has been significantly underexposed within the academic tax community This book aims at filling this gap by providing the typical approaches to European tax law with a general vision on European law and puts together theory and practice but also includes contributions on selected relevant issues arising in the protection of taxpayers rights

Integration Approaches to Group Taxation in the European Internal Market Ioanna Mitroyanni, 2008-10-13 The creation of a group taxation framework to subject affiliated entities resident in more than one EC Member State to a single set of rules is an experiment without precedent Group taxation normally deals with tax liability in the context of a single jurisdiction There is no system of group taxation worldwide which embraces more than one fiscal jurisdiction under a single regulatory umbrella This thought provoking work explores the prospect for creating a group taxation system extending across national borders in the EC The objective is to specify what shape the elements of such a system should take as well as to identify the areas of complexity or probable impasse Among the topics covered The relevant jurisprudential and legislative framework of the European Internal Market A survey of the tax systems of Canada Switzerland and the US with a focus on the principles pertaining to the division of power between the federal and sub federal tiers The policies for corporate taxation in integrated markets Administrative concerns compliance enforcement dispute resolution and re assessment of tax liability Tests for entitlement to group membership Tax base integration Territorial delineation of the group and Formulary apportionment In sum this book provides valuable insights into an area of significant importance to taxpayers their advisors and policymakers as well *The Impact of Community Law on Tax Treaties: Issues and Solutions* Pasquale

Pistone, 2002-03-11 Study on the question of harmonization of direct taxation among European Community Member States how Member States must comply with EC Law as they apply their tax treaties how EC law regulates cross border tax issues within the Community and how EC law affects tax treaties between EU Member States and third countries The book provides expert commentary on 27 leading tax cases from the European Court of Justice and gives the proposal of EC Model Tax Convention which combines existing provisions of international tax law with the principles of Community tax law *Tax Planning with Holding Companies - Repatriation of US Profits from Europe* Rolf Eicke, 2009-01-01 The book deals with tax

planning with holding companies located in Europe Asia of the Caribbean It analyses the problem of repatriating U S profits from Europe going far beyond the routing of income via different companies Instead the approach includes an analysis of the interdependencies between international tax competition holding company regimes and tax planning concepts in order to establish a basis for tax planning measures regardless of the fast changing legal environment for holding companies in the different countries

European Integration in the World Economy Hans-Jürgen Vosgerau,2013-04-17 Hans Jtlrgen Vosgerau The world economy has been subjected to extreme changes during the last three years These changes affect not only trade flows financial transfers and movements of people but also the institutional framework The ongoing process of European integration has to be viewed in this global context and that is what the present volume tries to do for six important problem areas viz the field of Money Currency and International Stabilization Federal Tax Systems and the European Community the area of International Factor Mobility the International Debt Problem the Econometrics of International Trade and aspects of International Political Economy In each chapter an effort is made to direct attention to the connections between international economic transactions of various kinds and the political and legal institutions which constitute the organizational framework The 26 contributions are revised versions of papers originally presented at the Second Konstanz Symposium on International Economics and Institutions which was organized by the Long term Research Programme Sonderfor schungsbereich Internationalization of the Economy on October 1 and 2 1990 The majority of contributions are reports on research conducted in the Sonderforschungsbereich during the preceding years and in most cases supple mented by comments from invited guests In addition there are some important papers contributed by colleagues from outside most of whom have close co operative relations with members of the Sonderforschungsbereich

Legal Issues of European Integration ,1999 **Reforming Capital Income Taxation** Horst Siebert,2019-07-11 This book surveys the theoretical issues that characterize the problem of reforming capital income taxes in an open economy It explores the tax incentives and disincentives to investment in an open economy framework allowing cross border portfolio and direct investment The Road To Maastricht Kenneth Dyson,Kevin Featherstone,1999-10-28 Economic and monetary union in the European Union represents a massive change for Europe and for the world The Road to Maastricht identifies why the agreement was possible and how the agreement was made The book examines the motives that inspired European political leaders the strategies that they pursued and the institutions that were used to achieve monetary union Drawing on a wide range of sources and unprecedented research and interviews the book combines careful political analysis with new information about the way in which European Monetary Union was negotiated It delves into the complex forces at work in Europe including the cross national political interactions to produce an authoritative account of the boldest and riskiest venture in the history of European integration

European Ambitions of the National Judiciary Dagmar A.C. Koster,Reinier F.B. van Zutphen,Rosa H.M. Jansen,2025-02-03 Some years ago SSR The Dutch Training and Study Centre for the Judiciary started a

programme to reinforce and deepen knowledge of Community law among the members of the judiciary Inquiry had revealed a tendency to leave matters of Community law to specialists and interested parties only even though European law is part of the national legal system and all judges and public prosecutors should therefore be aware of their position as European magistrates With this work SSR would like to promote an increase in knowledge of European law among the members of the judiciary and in particular to heighten their consciousness of the existence and meaning of regulations of European law which are of immediate importance to the national administration of justice Community law is a matter for all European countries and uniformity and the legal protection it affords requires an univocal interpretation and application of the regulations of Community law among all member states The book investigates several themes relating to the actual application of European law by members of the judiciary in everyday practice including the development of the role of members of the national judiciaries regarding the maintenance of Community law European norms the consequences of negligence in the application and implementation of Community law and the future conception of judicial responsibilities

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