



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

Erik Ros



Tax And Legal Aspects Of Ec Harmonization:

EU Fiscal Federalism Alicia Hinarejos, Robert Schütze, 2023-10-03 Fiscal federalism refers to the division of fiscal powers powers to tax and spend between different levels of government The European Union EU is often seen as a legislative giant on clay feet and one of the principal reasons for this feebleness is the lack of a significant fiscal capacity at the Union level EU Fiscal Federalism Past Present Future explores ten aspects of the EU s fiscal constitution relating both to the fiscal limits it imposes on Member States and the evolution of its own fiscal policy Bringing together an international and distinguished group of scholars this volume analyses the different legal dimensions of fiscal federalism within the EU from the various aspects of the single market free movement banking union state aid tax harmonization to the EU s budget and Economic and Monetary Union The essays provide a fascinating overview of the topic as well as a detailed analysis of where EU fiscal federalism stands today and how it might develop in the future Sweeping and thorough EU Fiscal Federalism will appeal to academics and students of European Union law as well as to European policymakers

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, Emiliia 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 Emiliia Dmytrenko Yurii 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 Ochkurenko 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

Research Handbook on European Union Taxation Law Christiana HJI Panayi, Werner Haslehner, 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

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

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 infringement

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 **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 '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. *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 the 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

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