**JOPU429XA0 Taxation in the European Union**

Course description

Code: JOPU429XA0

Name: Taxation in the European Union

Original subject name:

Credit: 6

Requirement type: Report (three-scale)

**Notes:**

Responsible lecturer: Dr. Békés Balázs

Organizational unit: JÁK Pénzügyi Jogi Tanszék

Classes per week Practical: 2

Final requirement:

**Description:**

Scope of the Course: The Taxation in the European Union course aims at providing students with an introduction of the basic principles of taxation in the Member States and in European Union. The Course would focus on selected topics and would require an intensive participation from the students. These blocks of the course are as follows:

***Principles of European Tax Laws***

A fundamental aspect of the European Union is the single market, an economic space within which goods, services, people and capital can move freely. Tax barriers constitute a formidable obstacle to the ability of people to do business or simply carry on their lives across borders. The Course will discuss the various instruments of primary and secondary law which serve to break down those barriers, the way in which they have been interpreted by the ECJ, and their effect on the realization of the single market, with particular emphasis on the Treaty freedoms.

***ECJ Case Law***

Due to the unanimity requirement in the Treaty on the Functioning of the European Union (TFEU), the harmonization of the national rules on direct taxation is still in an undeveloped state. The role of the European Court of Justice is not to replace the legislator but to provide an interpretation of the Treaty rules which, on the one hand, takes into account the particularities of national taxation and, on the other, ensures the effectiveness of the provisions of EU law. The Course gives an overview of the various ways in which the fundamental freedoms impact on national legislators’ choices in matters of taxation. The course focuses on the presentation of the recent case law in the field of direct taxation. The aim is to explain the reasoning of the Court as well as to identify common lines in its decisions.

***Exchange of information***

In a globalized tax world, the national means of the tax authorities are limited and are not sufficient to realize the tax claims. An increasing number of legal sources exist to overcome the gap between the worldwide taxation and the limited territorial power of the national tax authorities: e.g. the EU Council Directives concerning mutual assistance in the field of direct taxation and for the recovery of claims, the EU Council Regulation on administrative cooperation in the field of VAT, Arts. 26, 27 OECD Model Convention as patterns for bilateral agreements of information exchange and mutual assistance in tax collection, the OECD Model 2002 for a specific bilateral Tax Information Exchange Agreement (TIEA) which has recently been used for agreements with tax haven countries, the Convention of the Council of Europe/OECD on mutual administrative assistance in tax matters of January 25, 1988, and unilateral legal sources. The OECD and EU are forcing the Automatic Exchange of Information (AEOI). The course aims to provide a systematic understanding of the content, scope and relationship of these legal sources.

**Course of the Methodology**: The course requires an intensive collaboration from the students. Case law and legal norms will be discussed in the seminars. Advance reading, presentation of cases and analysing of norms will be standard on each seminar.

In order to get the credits for the course, the student has

* to attend the seminars and cannot miss more then 2 occasions,
* to give presentations on different subjects which are distributed in advance,
* to write and submit an essay of 5 pages in a related topic.

**Books, recommended Readings**: European Tax Law; Ben J.M. Terra, Peter J. Wattel

EU Tax Law – Direct Taxation; Marjaana Helminen

Respective EU Legal norms