



Eec Vat Cases

Robert F. van Brederode



Eec Vat Cases:

Platforms in EU VAT Law Christina Pollak, 2022-10-18 Applying the provisions of the European Union Value Added Tax EU VAT Directive poses challenges when applied to the digital platform economy Recent responses to these challenges revolve around the deemed supplier regime introduced by the so called e commerce package and this regime is thus the focus of this indispensable work the first to provide an in depth analysis of the regime its background and scope its interpretation and its application in practice In its detailed examination of how digital platforms that enable supplies of goods through their interfaces are treated for VAT purposes under EU law the author elucidates such topics and issues as the following The qualification of the sale of goods through platforms supply of the platform service to the underlying supplier supply of the platform service to the customer supply of goods from the underlying supplier to the customer supplies from third countries the Organisation for Economic Co operation and Development OECD proposal s influence on the interpretation of the EU e commerce package chain transactions determination of the place of supply chargeable event and chargeability of VAT taxable amount applicable rates and exemptions platform s recordkeeping obligations accompanying customs measures return of goods and warranty cases and future of effective and efficient VAT collection The author also undertakes a detailed analysis of a potential infringement of the principle of equality neutrality and the right to conduct a business Fully taking into consideration the case law of the CJEU administrative practice and the relevant academic literature the author s research reveals the weaknesses opportunities and limits for Member States implementation of EU VAT law The upshot is an important work that promises to make the EU VAT system more fraud resistant simplify compliance obligations enforce the principle of neutrality and reduce distortion of competition The book will be of immeasurable value to any practitioner and policymaker approaching any case involving the deemed supplier regime for digital platforms with full awareness of the applicable rules European VAT Law as Interpreted by the Court of Justice Erik Stessens, 2022-11-22 Value added tax VAT is often considered the most important development in tax of the past century Although generally successful it can account for a large proportion of state revenue it has spawned its own set of complex problems that require a corresponding set of legal skills to resolve This book by systematically drawing out the rules from a thorough analysis of the VAT Directive and as good as every VAT case ever decided by the Court of Justice of the European Union CJEU 850 in all is the ideal day to day guide to European VAT law The rules and their applications for such VAT matters as the following are clearly described with examples distinction between supplies of goods and services for VAT purposes bundled supplies intra Community acquisitions when tax liability starts and ends place of supply rules and their exceptions exemptions in the real estate finance and insurance sectors import and export exemptions right to deduct VAT abuse of rights the problem of incorrect invoices refund of VAT and special schemes An extensive keyword register facilitates navigating the book Developed from the author s daily practice as a tax counsel this book will be of immeasurable value to tax consultants

lawyers in house counsel tax authority officials and taxation academics not only in Europe but beyond **Fundamentals of EU VAT Law** Frank Nellen, Ad van Doesum, Simon Cornielje, Herman van Kesteren, 2020-08-19 Parties to cross border disputes arising anywhere in the vast Portuguese speaking world a community of more than 230 million in a space that offers a wide array of investment opportunities across four continents increasingly seek Portugal as their preferred seat of arbitration A signatory to all relevant international conventions Portugal has proven to be an arbitration friendly jurisdiction This volume is the first and so far only book in English that provides a thorough in depth analysis of international arbitration law and practice in Portugal Its contributing authors are among the most highly regarded legal names in the country including scholars arbitrators and practitioners The authors describe how international arbitration proceedings are conducted in Portugal what cautions should be taken and what procedural strategies may be suitable in particular cases They provide insightful answers to questions such as the following What matters can be submitted to arbitration under Portuguese law What are the validity requirements for an arbitration agreement How do the State courts interact with arbitration proceedings and what is the attitude of such courts toward international arbitration What are the rules governing evidentiary matters in arbitration How is an arbitration tribunal constituted How are arbitrators appointed How may they be challenged How can an international arbitral award be recognized and enforced How does the Portuguese legal system address the issue of damages and what specific damages are admitted How are the costs of arbitration proceedings estimated and allocated The book includes analyses of arbitration related to specific fields of the law notably sports administrative tax intellectual property rights especially regarding reference and generic medicines and corporate disputes Each chapter provides for the topics it addresses an examination of the applicable laws rules arbitration practice and views taken by arbitral tribunals and state courts as well as those of the most highly considered scholars As a detailed examination of the legal framework and of all procedural steps of an arbitration in Portugal from the drafting of an arbitration agreement to the enforcement of an award this book constitutes an invaluable resource for parties involved in or considering an international arbitration in this country The guidance that it seeks to provide in respect of any problem likely to arise in this context can be useful to arbitrators judges academics and interested lawyers **European VAT and the Sharing Economy** Giorgio

Beretta, 2019-10-24 A breadth of new digital platforms has dramatically expanded the range of possibilities for exchanging anything required by business or personal needs from accommodation to rides In the virtual marketplaces shaped and ruled by these novel matchmakers rather than by a single centralized entity value is created through the granular interaction of many dispersed individuals By allowing instantaneous and smooth interaction among millions of individuals platforms have indeed pushed the digital frontier farther and farther so as to include within it even services once not capable of direct delivery from a remote location such as accommodation and passenger transport Legal disruption is also underway with foundational dichotomous categories such as those between suppliers and customers business and private spheres employees

and self employed no longer viable as organizational legal structures This is the essential background of the first book to relate what is synthetically captured under the umbrella definition of sharing economy to key features at the core of European Value Added Tax EU VAT and to look at the feasibility of a reformed EU VAT system capable of addressing the main challenges posed by these new models of production distribution and consumption of goods and services Specifically the study analyses five legal propositions underpinning the current EU VAT system as the following taxable persons taxable transactions composite supplies place of supply rules and liability regimes for collection and remittance of VAT Exploration of these five legal propositions is meant to assess the practical feasibility of shoehorning the main sharing economy business models notably those available in the accommodation and passenger transport sectors into the framework of existing EU VAT provisions The author further draws on the normative standards of equality neutrality simplicity flexibility and proportionality to test the reflexes of the current EU VAT system in the sharing economy domain Opportunities for reform of the current EU VAT system are in turn evaluated with each chapter including cogent proposals in the form of incremental and targeted amendments to the current EU VAT provisions As the first comprehensive analysis of the treatment of the sharing economy for VAT purposes the book provides not only a theoretical framework for future studies in the tax field but also indispensable practical guidance for VAT specialists confronting daily with the many challenges ushered in by the sharing economy Moreover the various solutions and recommendations advanced in the book offer valuable insights to international and national policymakers dealing with similar issues under other VAT systems

Fundamentals of EU VAT Law Ad van Doesum, Herman van Kesteren, Simon Cornielje, Frank Nellen, 2025-02-19 Value added tax VAT is responsible for generating almost EUR 1200 billion per year in tax revenues across the European Union revenues that play a huge role in budgetary policymaking in the Member States This extremely useful book provides not only a thorough description of the current state of EU VAT law but also a detailed explanation of the system s rationale and its legislative provisions It puts the elements of the system in perspective and shows how they are linked to each other The focus lies on the rules which can be deduced from the sources of EU VAT law and on their application in practice The systematic presentation covers such issues and topics as the following sources of EU VAT law including principles derived from CJEU case law principles underlying the EU VAT system relations among the layers of VAT law primary and secondary EU law national law how to apply the VAT legislation and case law allocation of taxing rights place of supply rules invoicing requirements and other administrative obligations exemptions the taxable amount and the new VAT rates structure the right of deduction of input VAT intra Community transactions importation and exportation e commerce distance sales rules platforms and the one stop shop mechanism immovable property holding companies and dealings in shares and how far a national court must and can go in interpreting national provisions in light of the VAT Directive and the principles underlying the VAT system The book follows the structure of the VAT Directive VAT determination scheme with additional topical chapters on immovable property intra Community

transactions importation and exportation of goods and shares and other securities With its detailed attention to the meaning and interpretation of the most prominent legislative provisions and court rulings this book serves as an incomparable guide for practitioners Its emphasis on the rationale and systematics of the EU VAT system and abundance of references to case law and literature make it an indispensable reference for all tax law professionals including legislators judges and researchers

The EU VAT System and the Internal Market Rita de La Feria, 2009 This thesis focuses upon VAT in the context of the Community's internal market Its central aim is to prove that the current EU VAT system is incompatible with the concept of internal market as set out in the EC Treaty and interpreted by the Court of Justice The study commences with an analysis of the concept of internal market the main objective of which is to establish the basic legal framework for the proposed thesis As part of this examination it is demonstrated that the EC Treaty creates a temporally unlimited obligation for the Community to approve legislation with the aim of establishing and improving the functioning of the internal market By analysis of existing EU VAT jurisprudence it is argued that obstacles cannot be overcome through incremental developments emerging from the Court of Justice but can only be resolved by fundamental and substantive legislative amendment

Insurance in European VAT Marta Papis-Almansa, 2016-11-30 Insurance constitutes a significant part of the financial services sector and is one of the foundations of modern economy and society In the design of tax laws however whether and how to tax insurance is a complex issue that has become particularly controversial in the area of value added tax VAT In the European Union as in most of the world insurance is exempt from VAT but New Zealand and Australia do not follow this practice Given that New Zealand's simple comprehensive goods and services tax GST called the world's purest value added tax and its modified Australian version do not appear to suffer from the shortcomings in efficiency and effectiveness that plague European VAT a comparison of the two systems is in order This book is not only the first comparative in depth study of the treatment of insurance in the two systems but also the first comprehensive legal research devoted to the treatment of insurance in EU VAT published in English Among the underlying issues and topics treated by the two systems covered are the following who has a right to deduct input VAT in relation to supplies inherent in insurance arrangements and to what extent what constitutes a supply of insurance and consideration for such a supply what transactions fall within the scope of the VAT Directive's exemption for insurance and drawing a line between insurance and saving The analysis is grounded in a methodology in which concepts of European VAT are compared with concepts performing the same function in the Australian and New Zealand GST laws The author concludes with proposals for reform in EU VAT in the light of experience in these two major non EU countries Given that it has been proven that exemptions from VAT such as insurance cause a significant number of economic distortions and inefficiencies this study represents a major contribution to a topical debate in European VAT law It will be welcomed by taxation authorities interested policymakers practitioners and scholars not only in Europe but worldwide

VAT in the Digital Era Yan Xu, 2023-11-29 With the growth

of the digitalized economy VAT on cross border digital supplies has emerged as an important issue Yet views and practices regarding the application of the VAT on these supplies differ significantly across different jurisdictions A lack of international VAT harmonization can cause double taxation or unintended double non taxation resulting in distortions and revenue losses VAT in the Digital Era considers unilateral and multilateral options for the creation of an internationally coordinated VAT framework Providing analysis of the status quo in key jurisdictions the book explores the implications of the digitalized economy for the VAT systems across borders It outlines possible approaches that can be taken to achieve a more consistent international VAT treatment of cross border supplies and the extent to which a multilateral solution would be preferable and achievable at the international level Bringing together contributions from leading international voices in the VAT law and policy and international taxation fields VAT in the Digital Era addresses current issues and proposes ways to coordinate VAT rules on cross border digital supplies This new book is essential reading for academics researchers governments and other financial organisations involved with the world s most important indirect tax

Virtues and Fallacies of VAT: An Evaluation after 50 Years Robert F. van Brederode, 2021-08-09 Value added tax VAT is a mainstay of revenue systems in more than 160 countries Because consumption is a more stable revenue base than other tax bases VAT is less distorting and hence more likely to encourage investment savings optimum labor supply decisions and growth VAT is not without criticism however and faces its own specific technical and policy challenges This book the first to thoroughly evaluate VAT from a global policy perspective after over 50 years of experience with its intricacies offers authoritative perspectives on VAT s full spectrum from its signal successes to the subtle ways its application can undermine revenue performance and economic neutrality The contributors leading tax practitioners and academics examine the key policy issues and topics that are crucially relevant for measuring the success of the tax in the first part of the book including revenue generation and revenue efficiency single rate versus multiple rates susceptibility to fraud exemptions and exceptions compliance cost for businesses policy and compliance gaps in revenue collection adjustment rules caused by the transactional nature of the tax transfer pricing issues treatment of vouchers permanent establishments and holding companies payment of refunds cross border digital transactions and supplies for free or below cost price The second part offers six country reports on New Zealand Japan China Colombia Ethiopia and India to demonstrate the different ways in which VAT operates in a variety of national economies Whether a government is contemplating the imposition of a general consumption tax for the first time or new rules for applying an existing one it is important for policymakers to keep central the aim to design a tax that realizes optimal efficiency and causes minimal distortions This invaluable book serves as an expert guide to VAT policy development in this area It will be welcomed not only by concerned government officials but also by tax professionals both lawyers and accountants and academics in tax law

Official Journal of the European Communities ,1991 *Reports of Cases Before the Court of Justice and the Court of First Instance* Court of Justice of the European Communities, 2008 Legal

Research and the Law of the European Communities John Jeffries, Liz Carpenter, Kate Hodgson, 1990 Reports of Cases Before the Court Court of Justice of the European Communities, 2004 Intertax; European Tax Review, la Fiscalité Du Marché Commun, Eropäische Steuer-Zeitung , 1986 *EC Tax Review* , 2000 **ELLIS** , 1985 **Reports of Cases Before the Court of Justice and the Court of First Instance** , 2010 **Annual Report** International Bureau of Fiscal Documentation, 2002 Including worldwide survey of trends and developments in taxation EEC VAT Cases from Common Market Law Reports Neville March Hunnings, 1987 Law Books in Print: Author index Nicholas Triffin, 1997

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