When one compares the recent line of cases decided by the European Court of Justice (ECJ) in the area of taxation to the US Supreme Court’s treatment of state taxes under the US Constitution, the difference is striking. In general, the Supreme Court has granted wide leeway to the states to adopt any tax system they wish, only striking down the most egregious cases of discrimination against out of state residents. In contrast, the ECJ interpreted the Treaty of Rome (the ‘constitution’ of the EU) aggressivly to strike down numerous Member State income tax rules on the ground that they were discriminatory. On the face of it, this contrast is surprising. After all, the ECJ is dealing with fully sovereign countries, and taxation is one of the primary attributes of sovereignty. Moreover, the authority of the ECJ to strike down Member State direct taxes is unclear. The Treaty of Rome generally reserves competence in direct taxation to the Member States, and all EU-wide changes in direct taxation have to be approved unanimously by all 25 Member States. Nevertheless, the ECJ has since the 1980s interpreted the ‘four freedoms’ embodied in the Treaty of Rome (free movement of goods, services, persons and capital) to give it the authority to strike down direct tax measures that it views as incompatible with the freedoms. The Supreme Court, on the other hand, has clear authority under the Supremacy Clause to strike down state laws that are incompatible with the Constitution. As Justice Oliver Wendell Holmes observed, the US will not be hurt if the power to review federal laws were taken away from the Court, but it could not survive if the Court lost its power over state legislation. Moreover, the states are not fully sovereign, and (unlike Member States that are represented in the EU Council), are not even directly represented in Congress, so that the Court could strike down their laws without (in most cases) expecting an outcry from the other branches of the federal government. In light of the foregoing, Comparative Fiscal Federalism: Comparing the European Court of Justice and the US Supreme Court’s Tax Jurisprudence will focus on two intriguing aspects of importance to tax practitioners as well as policy makers: What is
the explanation for the contrast? Given this divergence of political context, what can the ECJ and the Supreme Court learn from each other’s tax jurisprudence?

Value-added tax (VAT) is a tax levied on private consumption expenditures. Where VAT is levied on each transaction within the supply chain, the aim of taxing only private consumption is achieved by allowing businesses a credit to offset the VAT paid on purchases against the VAT collected on sales. This article provides a comparative study of the law and practice in the European Union and Canada regarding subsidies and VAT (in Canada, the goods and services tax). Subsidies are among the financial instruments used by governments, and sometimes private organizations, to support the realization of certain policies. This article is concerned with determining the circumstances in which subsidies may be included in the consideration paid in a transaction and may therefore be subject to VAT, and the extent to which the right to claim input tax credits can be exercised. The authors investigate these questions by discussing the nature of subsidies from the perspective of VAT principles, reviewing the statutory provisions and administrative practices in the European Union and Canada, and analyzing the relevant case law in both jurisdictions.

This is the first study of the Value-Added Tax (VAT) systems of the ten countries of Central and Eastern Europe preparing for integration into the European Union (EU).

Report in a six chapters enumerates the major types of consumption taxes, discusses different ways of calculating VAT, analyses the possible tax effects on major tax policy issues, provides a basic outline of the tax systems of some of the US major foreign competitors (the tax systems reviewed include those of Japan, Canada and the EEC), briefly discusses the major VAT tax bills that have been proposed in the USA, and finally the report offers conclusions and observations.

'Taxing Reforms is a good short book about the comparative policies of Value Added Taxation (VAT) in Australia, Canada, Japan and the United States. . . Taxing Reforms is a fine book, well worth reading, especially for specialists in the comparative political economy of taxation. . . its richly detailed case studies will make it a fruitful source of comparative hypotheses.' - Isaac W. Martin, Journal of Economic Literature
This text focuses on comparisons between the three major types of economic systems in the world today - capitalism, transition economies of the former Soviet Union, and the economies of the LDC's and developing countries. Several variants of capitalism as represented by the U.S., Germany, and Japan are explored. Also discussed are the problems involved in the transformation of the former communist countries of Russia and Eastern Europe into capitalist countries. Developing economy coverage includes comparisons between China and India, the two largest countries in the world, as well as comparisons between Nigeria and South Africa.

This is the first study of the Value-Added Tax (VAT) systems of the ten countries of Central and Eastern Europe preparing for integration into the European Union (EU). The study offers a comparative evaluation of the main features of the VAT systems between the ten countries surveyed and provides a commentary on the development of the VAT systems in line with the VAT legislation of the EU.

This book integrates legal, economic, and administrative materials about value added tax. Its principal purpose is to provide comprehensive teaching tools - laws, cases, analytical exercises, and questions drawn from the experience of countries and organizations from all areas of the world. It also serves as a resource for tax practitioners and government officials that must grapple with issues under their VAT or their prospective VAT. The comparative presentation of this volume offers an analysis of policy issues relating to tax structure and tax base as well as insights into how cases arising out of VAT disputes have been resolved. The authors have expanded the coverage to include new VAT related developments in Europe, Asia, Africa and Australia. A chapter on financial services has been added as well as an analysis of significant new cases.

Explores how the value-added tax (VAT) has risen from relative obscurity to become one of the world's most dominant revenue instruments.

This book explains the theoretical and policy issues associated with the taxation of financial services and includes a jurisdictional overview...
that illustrates alternative policy choices and the legal consequences of those choices. The book addresses the question: how can financial services in an increasingly globalized market best be taxed through VAT while avoiding economic distortions? It supports the discussion of the key practical problems that have arisen from the particular complexity of the application of VAT to financial services, and allows for the evaluation of best practice by comparing the major current reform models now being implemented.

A Global Overview of International Tax Disputes on DTC This book is a unique publication that gives a global overview of international tax disputes on double tax conventions and thereby fills a gap in the area of tax treaty case law. It covers the 35 most important tax treaty cases which were decided around the world in 2017. The systematic structure of each chapter allows for the easy and efficient study and comparison of the various methods adopted for applying and interpreting tax treaties in different cases. With the continuously increasing importance of tax treaties, Tax Treaty Case Law around the Globe 2018 is a valuable reference tool for anyone interested in tax treaty case law. This book is of interest to tax practitioners, multinational businesses, policymakers, tax administrators, judges and academics.

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.

Study aiming to identify in a practical manner interesting differences in "fiscal style" between businesses under the United Kingdom and German Federal republic tax system.

This study offers a comparative evaluation of the main features of the VAT systems between the ten countries of Central and Eastern Europe and provides a commentary on the development of the VAT systems in line with the VAT legislation of the EU.