

European Taxation

Prof. Dr. Alexander Rust, LL.M. (UF)

Spring 2025 — Syllabus

Course number: LAW 26448 and 26449.

Number of credits: 2.

Course contents: This course covers the core elements of European Union (EU) direct tax law and policy, i.e., primary and secondary Union legislation and the impact on Member States' domestic tax laws. Following a detailed introduction to the legal and political structure of the European Union and its impact on direct taxation, we will cover

- the non-discrimination rules of the four fundamental freedoms of the Treaty on the Functioning of the European Union (TFEU), i.e., the free movement of workers, the freedom of establishment, the freedom to provide services, and the free movement of capital, and the EU Court's landmark decisions in that area;
- the EU state aid rules that prohibit Member States from granting selective (tax) benefits to enterprises;
- the direct tax directives, e.g., in the area of anti-tax avoidance, global minimum taxation, cross-border profit distributions and payments of interest and royalties, and dispute resolution, and their impact on tax planning and EU group structures;
- the EU Charter of Fundamental Rights and its impact on taxation; and
- recent EU proposals and initiatives.

Learning outcomes: At the end of this course, students will be able to demonstrate a deep comprehension of EU law and its impact on direct taxation, apply EU rules to concrete cross-border tax issues, identify risks under EU state aid provisions, and understand sources, impact, and trends in EU tax policy.

Course materials: The course will be accompanied by a detailed set of slides that should lead you through all the materials covered. In addition, you will find reading assignments and recommendations in the schedule below. The chapters in the reading recommendations refer to M. Lang, P. Pistone, J. Schuch, C. Staringer, A. Rust, G. Kofler & K. Spies (eds.), *Introduction to European Tax Law on Direct Taxation*, 8th edn., Linde Vienna 2024. However, there are a number of other recent textbooks available on EU direct tax law, and you are free to use any of them instead.

Office hours: Thursdays after class or any other day/time by appointment (either in-person or online). Please just e-mail me at Alexander.Rust@wu.ac.at.

Workload: Students should expect to spend, on average, approximately two hours preparing for every hour of class.

Grading: Grading is based on the final exam (100%).

Attendance: Regular and punctual attendance at classes is required. I do take attendance by recording it on the seating chart. Any student with more than two unexcused absences will be excluded from the examination. Please e-mail me at Alexander.Rust@wu.ac.at to request an excused absence.

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

	Date	Day, Time, Room	Topics
1	Feb. 10	Monday, 9.30-11.30 a.m., HH – 180	<p>Introduction</p> <p>Recommended reading: Chapters 1 and 2 in the textbook on the “The Sources of EU Law Relevant for Direct Taxation” and on “The Coordination of Tax Policies in the EU”</p> <p>The Treaty on the Functioning on the European Union (TFEU) be found here.</p>
2	Feb. 13	Thursday, 9.30-11.30 a.m., MLAC 106	<p>Parent-Subsidiary-Directive (PSD)</p> <p>Recommended reading: Chapter 5 in the textbook on “The Parent-Subsidiary Directive”</p> <p>Also skim through the Directive, available here.</p>
3	Feb. 17	Monday, 9.30-11.30 a.m., HH – 180	<p>Interest-Royalties-Directive (IRD)</p> <p>Recommended reading: Chapter 7 in the textbook on “The Interest and Royalty Directive”</p> <p>Also skim through the Directive, available here.</p> <p>Merger Directive</p> <p>Recommended reading: Chapter 6 in the textbook on “The Merger Directive”</p> <p>Also skim through the Directive, available here.</p>
4	Feb. 20	Thursday, 9.30-11.30 a.m., HH – 180	<p>Anti-Tax-Avoidance Directive (ATAD)</p> <p>Recommended reading: Chapter 8 in the textbook on the “The Anti-Tax Avoidance Directive”.</p> <p>Please skim through the ATAD, available here.</p>
5	Feb. 24	Monday, 9.30-11.30 a.m., HH – 180	<p>Taxation of the Digitalized Economy and Global Minimum Taxation (“Pillar Two Directive”)</p> <p>Recommended reading: Chapter 9 in the textbook on the “The Global Minimum Taxation Directive”.</p> <p>Please have a look at the Directive Proposals for a Digital Services Tax and a Significant Digital Presence as well as at the Pillar 2 Directive available here, and the underlying OECD Model rules, available here.</p>
6	Feb. 27	Thursday, 9.30-11.30 a.m., HH – 180	<p>Dispute Resolution (TDRD)</p> <p>Recommended reading: Chapter 11 in the textbook on “The EU Arbitration Convention and Dispute Resolution Directive”.</p> <p>Please skim through the Directive, available here.</p>
7	Mar. 3	Monday, 9.30-11.30 a.m., HH – 180	<p>Fundamental Freedoms</p> <p>Recommended reading: Chapter 3 in the textbook on the “The Relevance of the Fundamental Freedoms for Direct Taxation”.</p> <p>Please read the Court’s decisions on</p> <ul style="list-style-type: none"> ▪ Personal and family benefits: Schumacker and X (and ECJ-TF 4/2017) ▪ Business expenses: Gerritse and Scorpio (and ECJ-TF 2/2016)
8	Mar. 6	Thursday, 9.30-11.30 a.m., HH – 180	
9	Mar. 10	Monday, 9.30-11.30 a.m., HH – 180	

			<ul style="list-style-type: none"> ▪ Permanent establishments: Avoir Fiscal and Saint-Gobain ▪ Cross-border dividends: Haribo and Salinen and Miljoen (and ECJ-TF 1/2016 and ECJ-TF 1/2017) ▪ Foreign losses: Marks & Spencer, Timac Agro, Bevola and W AG (and ECJ-TF 2/2015, ECJ-TF 3/2018, and ECJ-TF 4/2022) ▪ Exit taxation: Lasteyrie de Saillant, N, National Grid Indus, and DMC (and ECJ-TF 3/2014) ▪ Horizontal discrimination: D and Sopora (and ECJ-TF 3/2015) ▪ Double taxation: Kerckhaert-Morres
10	Mar. 13	Thursday, 9.30-11.30 a.m., HH – 180	<p>EU Charter of Fundamental Rights</p> <p>Please skim through the Charter, available here.</p> <p>Please read the Court’s decision in Berlioz (and ECJ-TF 3/2017) and Orde van Vlaamse Balies</p>
11	Mar. 17	No class	Spring Break
12	Mar. 20	No class	Spring Break
13	Mar. 24	Monday, 9.30-11.30 a.m., HH – 180	<p>EU State Aid</p> <p>Recommended reading: Chapter 4 in the textbook on the “The State Aid Provisions of the TFEU in Tax Matters”.</p> <p>Please read the Court’s decisions in World Duty Free (and ECJ-TF 2/2017), Aer Lingus, Fiat, Engie, Amazon and Apple</p> <p>Skim through the EU Commission’s Notice on Article 107 TFEU, available here</p>
14	Mar. 27	Thursday, 9.30-11.30 a.m., HH – 180	Recent EU Proposals and Developments
15	Mar. 31	Monday, 9.30-11.30 a.m., HH – 180	Make-up class