

# Table of Contents

In addition to the English-language version of the texts contained in this publication, in some instances also the French and, occasionally, the German versions have been included. In the table of contents, the italicized capitals *E* (for English), *F* (for French) and *G* (for German) indicate which language versions have been included.

## VOLUME C.1 EU TAX MATERIALS

### A. EU Treaty

- 3 **1** Treaty on European Union (extract) (*E*)  
4 Treaty on the Functioning of the European Union (*E*)  
65 Table comparing Article numbers before and after Treaty of Lisbon (in force 2009) (*E*)

### B. Directives

#### *Direct taxation:*

- 72 Parent-Subsidiary (2011, 1990-2003) (*E, F, G*)  
124 Merger (2009) (*E, F, G*), (1990-2005) (*E*)  
168 Interest and Royalty (2003-2004 and 2011 Proposal) (*E, F, G*)  
214 Savings income (EU Directive 2015/2060 of 10 November 2015 repealing the 2003 Savings income directive) (*E, F, G*)  
223 Agreement between the European Union and the Swiss Confederation (etc.) (*E*)  
230 **2** Common Corporate Tax Base ['CCTB'] (Proposal 2016) (*E, F, G*)  
334 Common Consolidated Corporate Tax Base ['CCCTB'] (Proposal 2016) (*E, F, G*)  
420 Capital duties (2008) (*E, F, G*)  
446 Anti Tax Avoidance Directive ('ATAD I and II') (2016) (*E*)  
460 Dispute resolution (Proposal 2017) (*E*)  
471 Digital economy (Proposals 2018) (*E*)

#### **3** *Mutual Assistance:*

- 530 Administrative cooperation in the field of taxation (2011-2018) (*E*)  
570 Mutual assistance for the Recovery of Claims (2010) (*E, F, G*)

#### *Value-Added Tax:*

- 602 **4** First VAT Directive (*E, F, G*)  
608 Second VAT Directive (*E*)  
616 2006 VAT Directive (28 November 2006) and 2016, 2017 and 2018 Proposals (*E*)  
798 Correlation table articles (old) Sixth VAT Directive to 2006 VAT Directive (*E*)

### C. Regulations

- 800 **5** EEIG (Nr. 2137/85) (*E, F, G*)

### D. Arbitration Convention (1990)

- 802 Text Convention (1990, 1999) (*E, F, G*)  
828 Revised Code of Conduct for the implementation of the Arbitration Convention (2009) (*E*)

### E. Recommendations

- 836 Taxation of certain items of income received by non-residents (1993) (*E, F, G*)  
846 Taxation of small and medium-sized enterprises (1994) (*E, F, G*)

# Volume C.1

## F. State Aid and Tax Competition

- 852 Resolution of the Council of 1 December 1997 on Code of conduct for business taxation (1997) (*E, F, G*)
- 860 EC Commission Notice of 11 November 1998 on the application of the State aid rules (*E*)
- 880 EC Commission Report of 9 February 2004 on the implementation of the Commission Notice on the application of the State aid rules (*E*)
- 894 Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (codification) (Text with EEA relevance) (*E*)
- 909 EC Commission Notice of the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union (2016/C 262/01) (*E*)
- 952 DG Competition Working Paper on State Aid and Tax Rulings (*E*)
- 956 Agreed guidance by the Code of Conduct Group (business taxation): 1998 - 2018 (*E*)

## G. Transfer Pricing (EU)

- 1006 **6** Resolution on Code of conduct on transfer pricing documentation (2006) (*E*)
- 1012 Communication of 26 February 2007 from the Commission to the Council [etc.] on the work of the EU Joint Transfer Pricing Forum in the field of dispute avoidance and resolution procedures and on Guidelines for Advance Pricing Agreements within the EU (*E*)
- 1025 Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/34/EU as regards disclosure of income tax information by certain undertakings and branches (2016) (*E, F, G*)

## H. Judgments EU Court of Justice (*E, F*)<sup>1</sup>

- 1059 **7** Alphabetic list of judgments included in this publication
- 1066 17 July 2014, Case C-505/13 (Levent Redzheb **Yumer** contre Direktor na Teritorialna direktsia na Nationalna agentsia za prihodite – Varna) [*F*]
- 1071 3 September 2014, Case C-127/12 (**Commission** européenne contre Royaume d'**Espagne**) [*F*]
- 1081 4 September 2014, Case C-211/13 (**Commission** européenne contre République fédérale d'**Allemagne**) [*F*]
- 1090 11 September 2014, Case C-47/12 (**Kronos International Inc.** v Finanzamt Leverkusen)
- 1100 11 September 2014, Case C-489/13 (Ronny **Verest**, Gaby **Gerards** v Belgische Staat)
- 1104 9 October 2014, Case C-326/12 (Rita **van Caster**, Patrick van Caster v. Finanzamt Essen-Süd)
- 1111 22 October 2014, Joined Cases C-344/13 and C-367/13 (Cristiano **Blanco** [C-344/13], Pier Paolo **Fabretti** [C367/13] v Agenzia delle Entrate – Direzione Provinciale 1 di Roma – Ufficio Controlli)
- 1116 13 November 2014, Case C-112/14 (European **Commission** v **United Kingdom** of Great Britain and Northern Ireland)
- 1120 11 December 2014, Case C-678/11 (European **Commission** v Kingdom of **Spain**)
- 1130 18 December 2014, Case C-87/13 (Staatssecretaris van Financiën v **X**)
- 1134 18 December 2014, Case C-133/13 (Staatssecretaris van Economische Zaken, Staatssecretaris van Financiën v **Q**)
- 1139 18 December 2014, Case C-640/13 (European **Commission** v **United Kingdom** of Great Britain and Northern Ireland)
- 1144 3 February 2015, Case C-172/13 (European **Commission** v **United Kingdom** of Great Britain and Northern Ireland)
- 1149 24 February 2015, Case C-512/13 (C.G. **Sopora** v Staatssecretaris van Financiën)
- 1153 24 February 2015, Case C-559/13 (Finanzamt Dortmund Unna v Josef **Grünwald**)
- 1159 26 February 2015, Case C-623/13 (Ministre de l'Économie et des Finances v Gérard de **Ruyter**)
- 1164 16 April 2015, Case C-591/13 (European **Commission** v Federal Republic of **Germany**)
- 1175 21 May 2015, Case C-560/13 (Finanzamt Ulm v Ingeborg **Wagner-Raith**)

1. ECJ Judgments and Conclusions of the Advocate General are given in English; in cases where the English version was not available, the French version is given.

1181	21 May 2015, Case C-657/13 ( <b>Verder LabTec GmbH &amp; Co. KG</b> v Finanzamt Hilden)	1
1187	4 June 2015, Case C-578/14 ( <b>Argenta Spaarbank NV</b> v Belgische Staat) [F]	2
1190	10 June 2015, Case C-686/13 ( <b>X AB</b> v Skatteverket)	3
1195	18 June 2015, Case C-9/14 (Staatssecretaris van Financiën v D.G. <b>Kieback</b> )	4
1200	2 September 2015, Case C-386/14 ( <b>Groupe Steria SCA</b> v Ministère des Finances et des Comptes publics)	5
1205	17 September 2015, Case C-589/13 (F.E. <b>Familienprivatstiftung Eisenstadt</b> , Intervener: Unabhängiger Finanzsenat, Außenstelle Wien)	6
1215	17 September 2015, Joined Cases C-10/14, C-14/14 and C-17/14 (J.B.G.T. <b>Miljoen</b> [C-10/14], X [C-14/14], Société Générale SA [C-17/14] v Staatssecretaris van Financiën)	7
1228	6 October 2015, Case C-66/14 ( <b>Finanzamt Linz</b> v Bundesfinanzgericht, Außenstelle Linz)	8
1235	29 October 2015, Case C-589/14 ( <b>Commission européenne</b> contre Royaume de <b>Belgique</b> ) [F]	9
1242	19 November 2015, Case C-241/14 (Roman <b>Bukovansky</b> v Finanzamt Lörrach)	10
1249	19 November 2015, Case C-632/13 (Skatteverket v Hilkka <b>Hirvonen</b> )	11
1254	17 December 2015, Case C-388/14 ( <b>Timac Agro Deutschland Gm bH</b> v Finanzamt Sankt Augustin)	
1262	8 4 February 2016, Case C-194/15 (Véronique <b>Baudinet</b> , Pauline Boyer, Adrien Boyer, Édouard Boyer contre Agenzia delle Entrate – Direzione Provinciale 1 di Torino)	
1267	14 April 2016, Case C-522/14 ( <b>Sparkasse Allgäu</b> v Finanzamt Kempten)	
1272	26 May 2016, Case C/48-15 (État belge, SPF Finances v <b>NN [L]</b> International SA, formerly ING International SA, successor to the rights and obligations of ING [L] Dynamic SA)	
1282	26 May 2016, Case C-244/15 (European <b>Commission</b> v <b>Hellenic Republic</b> )	
1288	26 May 2016, Case C-300/15 (Charles <b>Kohll</b> , Sylvia <b>Kohll-Schlessler</b> v Directeur de l'administration des contributions directes)	
1295	2 June 2016, Case C-252/14 ( <b>Pensioenfonds Metaal en Techniek</b> v Skatteverket)	
1302	8 June 2016, Case C-479/14 (Sabine <b>Hünnebeck</b> v Finanzamt Krefeld)	
1311	30 June 2016, Case C-123/15 (Max-Heinz <b>Feilen</b> v Finanzamt Fulda)	
1317	30 June 2016, Case C-176/15 (Guy <b>Riskin</b> , Geneviève <b>Timmermans</b> v État belge)	
1322	13 July 2016, Case C-18/15 ( <b>Brisal</b> – Auto Estradas do Litoral SA, KBC Finance Ireland v Fazenda Pública)	
1329	21 September 2016, Case C-478/15 (Peter <b>Radgen</b> , Lilian Radgen v Finanzamt Ettlingen)	
1336	24 November 2016, Case C-464/14 ( <b>SECIL</b> – Companhia Geral de Cal e Cimento SA v Fazenda Publica)	
1360	21 December 2016, Case C-503/13 (European <b>Commission</b> v <b>Portuguese Republic</b> )	
1373	21 December 2016, Case C-593/14 ( <b>Masco Denmark ApS</b> , <b>Damixa ApS</b> v Skatteministeriet)	
1378	21 December 2016, Joined Cases C-20/15 P and C-21/15 P (European Commission v <b>World Duty Free Group SA</b> [C-20/15 P], Banco Santander SA [C-21/15 P] and Santusa Holding SL [C-21/15 P])	
1392	9 February 2017, Case C-283/15 ( <b>X</b> v Staatssecretaris van Financiën)	
1399	15 February 2017, Case C-317/15 ( <b>X</b> v Staatssecretaris van Financiën)	
1405	8 March 2017, Case C-448/15 (Belgische Staat v <b>Wereldhave Belgium</b> Comm. VA, Wereldhave International NV, Wereldhave NV)	
1412	8 March 2017, Case C-14/16 (Euro Park Service v Ministre des Finances et des Comptes publics)	
1420	4 May 2017, Case C-98/16 ( <b>Commission européenne</b> contre <b>République hellénique</b> ) [F]	
1426	10 May 2017, Case C-690/15 (Wenceslas <b>de Lobkowicz</b> v Ministère des Finances et des Comptes publics)	
1432	16 May 2017, Case C-682/15 ( <b>Berlioz Investment Fund SA</b> v Directeur de l'administration des contributions directes)	
1446	17 May 2017, Case C-68/15 ( <b>X</b> v Ministerraad)	
1456	17 May 2017, Case C-365/16 (Association française des entreprises privées ( <b>AFEP</b> ), Axa SA, Compagnie générale des établissements MichelinSCA, Danone SA, ENGIE SA, formerly GDF Suez, Eutelsat Communications SA, LVMH Moët Hennessy-Louis Vuitton SE, Orange SA, Sanofi SA, Suez Environnement Company SA, Technip SA, Total SA, Vivendi SA, Eurazeo SA, Safran SA, Scor SE, Unibail-Rodamco SE, Zodiac Aerospace SA v Ministre des Finances et des Comptes publics)	

- 1461 **9** 8 June 2017, Case C-580/15 (Maria Eugenia **Van der Weegen**, Miguel Juan Van der Weegen, Anna **Pot**, acting as successors in title to Johannes Van der Weegen, deceased, Anna Pot v Belgische Staat)
- 1467 13 June 2017, Case C-591/15 (The Queen, on the application of The **Gibraltar Betting and Gaming Association** Limited v Commissioners for Her Majesty's Revenue and Customs, Her Majesty's Treasury)
- 1473 22 June 2017, Case C-20/16 (Wolfram **Bechtel**, Marie-Laure Bechtel v Finanzamt Offenburg)
- 1483 7 September 2017, Case C-9/16 (**Eqiom** SAS, formerly Holcim France SAS, **Enka SA** v Ministre des Finances et des Comptes publics)
- 1491 12 September 2017, Case C-648/15 (Republic of **Austria** v Federal Republic of **Germany**)
- 1497 14 September 2017, Case C-628/15 (The Trustees of the **BT Pension Scheme** v Commissioners for Her Majesty's Revenue and Customs)
- 1506 14 September 2017, Case C-646/15 (Trustees of the **P Panayi Accumulation & Maintenance Settlements** v Commissioners for Her Majesty's Revenue and Customs)
- 1514 12 October 2017, Case C-192/16 (Stephen **Fisher**, Anne Fisher, Peter Fisher v Commissioners for Her Majesty's Revenue and Customs)
- 1519 26 October 2017, Case C-398/16 (**Argenta Spaarbank** NV v Belgische Staat)
- 1527 23 November 2017, Case C-292/16 (**A Oy**)
- 1532 20 December 2017, Joined cases C-504/16 and C-613/16 (**Deister** Holding AG, formerly Traxx Investments NV [C-504/16], **Juhler** Holding A/S [C-613/16] v Bundeszentralamt für Steuern)
- 1544 22 February 2018, Case C-125/15 (Luigi **Bisignani** contre Agenzia delle Entrate – Direzione Provinciale 1 di Roma) [order] [F]
- 1548 22 February 2018, Joined cases C-398/16 and C-399/16 (**X BV** (C-398/16), **X NV** (C-399/16) v Staatssecretaris van Financiën)
- 1556 15 March 2018, Case C-355/16 (Christian **Picart** v Ministre des Finances et des Comptes publics)
- 1561 22 March 2018, Joined cases C-327/16 and C-421/16 (Marc **Jacob** v Ministre des Finances et des Comptes publics [C-327/16] and Ministre des Finances et des Comptes publics v Marc **Lassus** [C-421/16])
- 1572 12 April 2018, Case C-110/17 (European **Commission** v Kingdom **Belgium**)
- 1580 31 May 2018, Case C-382/16 (**Hornbach-Baumarkt** AG v Finanzamt Landau)
- 1588 12 June 2018, Case C-650/16 (**A/S Bevola**, Jens W. Trock ApS v Skatteministeriet)
- 1596 14 June 2018, Case C-440/17 \*(**GS** contre Bundeszentralamt für Steuern) [order] [F]
- 1607 21 June 2018, Cas C-480/16 (**Fidelity Funds**, Fidelity Investment Funds, Fidelity Institutional Funds v Skatteministeriet)
- 1616 4 July 2018, Case C-28/17 (**NN A/S** v Skatteministeriet)
- 1622 25 July 2018, Case C-553/16 (**'TTL'** EOOD v Direktor na Direktsia 'Obzhalvane i danachno-osigutitelna praktika' - Sofia)

**1630** 20 September 2018, Case C-685/16 (**EV** v Finanzamt Lippstadt)

## I. Opinions in pending cases

- 1641 **10** AG Kokott, 1 March 2018, Case C-115/16 (**N Luxembourg 1** v Skatteministeriet)
- 1658 AG Kokott, 1 March 2018, Case C-116/16 (Skatteministeriet v **T Denmark**)
- 1675 AG Kokott, 1 March 2018, Case C-117/16 (Skatteministeriet v **Y Denmark Aps**)
- 1692 AG Kokott, 1 March 2018, Case C-118/16 (**X Denmark A/S** (C 118/16) v Skatteministeriet)
- 1710 AG Kokott, 1 March 2018, Case C-119/16 (**C Denmark I** (C 119/16) v Skatteministeriet)
- 1727 AG Kokott, 1 March 2018, Case C-299/16 (**Z Denmark** v Skatteministeriet)
- 1743 AG Mengozzi, 5 June 2018, Case C 135/17 (**X-GmbH** contre Finanzamt Stuttgart - Körperschaften) [F]
- 1758 AG Campos Sánchez-Bordona, 11 July 2018, Case C-272/17 (**Zyla**) [E]
- 1768 AG Wathelet, 25 July 2018, Case C-416/17 (**Commission européenne** contre **République française**) [F]
- 1784 AG Wathelet, 7 August 2018, Case C-575/17 (**Sofina SA**, **Rebelco SA**, **Sidro SA** contre Ministre de l'Action et des Comptes publics)
- 1793** AG Wathelet, 27 September 2018, Case C-581/17 (**Martin Wächtler** contre Finanzamt Konstanz)

## J. Other decisions

11

### Selected national decisions

UK: Marks and Spencer PLC v HM Inspector of Taxes

1807 *Special Commissioners, Decision released on 17 December 2002*

1833 *High Court of Justice, Order of 16 July 2003 for ECJ preliminary ruling*

### EFTA Court decisions

1836 23 November 2004, Case E-1/04 (**Fokus Bank ASA v The Norwegian State**)

1843 7 May 2008, Case E-7/07 (**Seabrokers AS v The Norwegian State**, represented by Skattedirektoratet (the Directorate of Taxes))

1854 2 December 2013, Case E-14/13 (EFTA Surveillance Authority v **Iceland**)

1858 27 June 2014, Case E-26/13 (The Icelandic State v Atli **Gunnarsson**)

1869 9 July 2014, Joined Cases E-3/13 and E-20/13 (Fred. **Olsen** and Others and Petter Olsen and Others and The Norwegian State, represented by the Central Tax Office for Large Enterprises and the Directorate of Taxes)

1894 13 September 2017 Case E-15/16 (**Yara International ASA and The Norwegian Government**)

## K. ECHR

Convention for the Protection of Human Rights and Fundamental Freedoms

1902 *Text (excerpt) (E, F)*

1912 *First Protocol (E, F)*

1916 *Table with the principal tax cases of the European Court of Human Rights (E)*

# Volume C.1