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New Perspectives on Fiscal State Aid Carla De Pietro,2019-08-14 New Perspectives on Fiscal State Aid Legitimacy and Effectiveness of Fiscal State Aid Control Edited by Carla De Pietro Based on a project co-funded by the European Commission, this book focuses on fiscal state aid – an increasingly important topic – with a number of high-profile cases ongoing and with serious implications for sustainable growth and the future of the internal market. The project, conducted by four universities, consisted in seminars, workshops and a final conference aimed at training national tax judges from the four different countries involved (Austria, Belgium, Italy and the Netherlands), with discussion and reflection by international academics and other tax professionals who participated as speakers and/or discussants. This book presents an in-depth analysis of the topics the project dealt with, taking a giant step towards defining the connection between effective state aid control, its legitimacy and a desirable functioning of the internal market for the twenty-first century. The core elements of this fundamental analysis include the following: selectivity as applied in the case law of the Court of Justice; whether and to what extent state aid law limits European Union (EU) Member States in designing anti-tax avoidance measures; protection of legitimate expectations; to what extent national judges are required to apply state aid rules ex officio; powers of national judges in connection with the national obligation of guaranteeing an immediate and effective recovery on the basis of an order issued by the European Commission; and connection between legitimacy of state aid law and effectiveness of state aid control. The book includes a thorough investigation of the notion of fiscal state aid, also by focusing on the most recent decisions of the European Commission concerning mismatches. Representing, as it does, an important and concrete contribution to the intense debate about the interpretation of the notion of fiscal state aid, with different normative views about the goals and functions of control, this book will stimulate solutions in terms of legitimacy of fiscal state aid control that also take into consideration the most desirable functioning of the internal market. It will be welcomed not only by academics in taxation and EU law but also by national tax judges, tax authorities and practitioners.

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