

EDITORIAL

This year's 8th Annual EU Tax Students' Conference at Queen Mary, University of London as usual produced some high quality discussions, papers and debates. This issue of the Journal features four of the papers delivered by the participants. This year's conference also included presentations from students attending the Radboud University, Nijmegen, in the Netherlands.

The first article is written by Frank Biemans, entitled "Dutch taxation of irrevocable discretionary private express trusts". In his article, the author examines the use of trusts for tax planning purposes, in particular the use of the irrevocable discretionary private express trust in Dutch tax planning schemes. The author concludes that the irrevocable discretionary private express should be qualified as non-transparent legal figure so that it can be taxed as a special purpose fund in the Corporate Income Tax.

In the second article, Laura Juarez, from Mexico, an LLM in Tax student at Queen Mary, University of London Tax Programme, analyses the right to deduct VAT on leases and financial leases. The author analyses in detail the judgment of the ECJ in *Eon Asset Management* and highlighted that the ECJ held in relation to financial leases that the taxpayer has a choice on how to treat the acquisition of capital goods, that is to say, for business or private use or partly for business and partly for private use. This gives three possibilities that affect the right to deduct VAT depending on how the acquisition of capital goods is treated.

The third article is based on a presentation delivered by Italian Rubina Fagioli, entitled "*Exit Taxes and Corporate Mobility: The 'DI.VI. Finanziaria' Case (C-380/11)*". In this article Fagioli discusses exit taxes in the regulatory framework for tax in the EU focusing in particular on corporate mobility in the EU and freedom of establishment. The author goes on to examine the main ECJ cases concerning exit taxes, including *Daily Mail*, *Cartesio* and *National Grid* as well as providing a comprehensive case note on the *DI.VI. Finanziaria* case.

Finally, Willem Biemans from the Radboud University, Nijmegen discusses the CCCTB, focusing in particular on the concept of "profit" in the proposed CCCTB Directive. The author points out that this concept of profit seems to be

comprehensive and solid and can be characterised as autonomous, and mainly rule-based incorporating only a few principle-based rules.

Dr Tom O'Shea

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