

EDITORIAL

In the first article, Gauthier Cruysmans analyses the compatibility with EU law of Belgian tax rules which grant a deduction for risk capital. Cruysmans concludes that certain aspects of these rules constitute a restriction on the freedom of establishment or free movement of capital.

In a thought-provoking article, Grahame Turner examines the UK's rules for the taxation of foreign dividends and the way credit relief is calculated for the purposes of Corporation tax and analyses, in particular, the decision of the Court of Appeal in the FII GLO case. Turner concludes that it is for the Member States to decide how they mitigate against economic double taxation but, whatever scheme or method they choose to apply for domestic profits and sources of income, they must also apply to foreign profits or sources of income.

Next, Antonio Pedro Braga discusses third country rights in an article entitled "The ECJ's jurisprudence on third countries' movement of capital rights: is a conspiracy in place?" Braga argues that the Court's case law is consistent but that many questions remain unanswered.

Finally, Dr. Tom O'Shea of Queen Mary, University of London looks at double tax conventions and explores their interaction with EU law. O'Shea provides a detailed analysis of the compliance issues that arise when EU law and double tax conventions intersect.

Dr. Tom O'Shea
Editor
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