

## TAX LAW: THE CONCEPT AND SCOPE OF TAX LAW INTERNATIONAL TAX LAW AND EUROPEAN TAX LAW

### 1. Branch forming criteria

- Independence and specificity of the subject of legal regulation
- Method of legal regulation
- Systemic coherence of legal norms
- Social acceptance of the autonomy of the branch

Is tax law an independent branch of law?

### 2. Object of tax law

- social relations, the object of which, in addition to taxes *sensu stricto*, are also fees, customs duties and similar levies if they are the revenue of public funds (the state budget, budgets of local self-government units, state funds, etc.)
- relations which arise, are realised and cease in the process of formation of public funds
- the purpose of regulation is to provide a material basis for the subsequent provision of public goods, by way of filling public funds
- relationships with an economic character
- in their creation, interpretation and application, the type of economy and economic model applied in a given country, based on the economic policy of the government, also has an influence
- monetary relations *sui generis*, where the object of these relations is public funds, i.e. claims of public funds on tax subjects and other entities with similar status
- even certain relationships from the category of private finance may, by law, constitute financial facts giving rise to, modifying or extinguishing a monetary relationship falling within the category of tax-law relationships
- relationship without equivalent, without direct consideration
- performance non-refundable
- the relations in question are of a power character; the relations regulated by tax law belong to the category of public law relations, i.e. relations between subjects in an unequal position - vertical relations, and due to the method of regulation, also possibly diagonal
- property element
- public interest element

### 3. Method of tax law regulation

The administrative-legal method of regulation is based on the action of public administration authorities on the addressees of public administration, in particular by means of publicly enforceable norms contained in normative administrative acts, i.e. regulations and decrees issued by the public administration on the basis of the authorization in the law and its implementation, however within the limits set by the law, and then by means of individual administrative acts - decisions of public administration authorities authorized by law in a specific administrative matter

- It is based on the nature of the subject of legal regulation
- Public law nature of the purpose of regulation - priority of public interest
- Attributive share of public power (I can do everything, the state can only do what the law allows it to do)

# Comparative Tax Law

**Clemens Wendtner**



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## **Table of Contents Comparative Tax Law**

1. Understanding the eBook Comparative Tax Law
  - The Rise of Digital Reading Comparative Tax Law
  - Advantages of eBooks Over Traditional Books
2. Identifying Comparative Tax Law
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Comparative Tax Law
  - User-Friendly Interface
4. Exploring eBook Recommendations from Comparative Tax Law
  - Personalized Recommendations
  - Comparative Tax Law User Reviews and Ratings
  - Comparative Tax Law and Bestseller Lists
5. Accessing Comparative Tax Law Free and Paid eBooks
  - Comparative Tax Law Public Domain eBooks
  - Comparative Tax Law eBook Subscription Services
  - Comparative Tax Law Budget-Friendly Options

6. Navigating Comparative Tax Law eBook Formats
  - ePub, PDF, MOBI, and More
  - Comparative Tax Law Compatibility with Devices
  - Comparative Tax Law Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Comparative Tax Law
  - Highlighting and Note-Taking Comparative Tax Law
  - Interactive Elements Comparative Tax Law
8. Staying Engaged with Comparative Tax Law
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Comparative Tax Law
9. Balancing eBooks and Physical Books Comparative Tax Law
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Comparative Tax Law
10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine Comparative Tax Law
  - Setting Reading Goals Comparative Tax Law
  - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Comparative Tax Law
  - Fact-Checking eBook Content of Comparative Tax Law
  - Distinguishing Credible Sources
13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
14. Embracing eBook Trends
  - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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