



# *in brief*

## *Newsletter*

July - September 2018

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Konrad  
Adenauer  
Stiftung



## ROUND-TABLE: The future of the European Union

CIEEL, in cooperation with the Konrad-Adenauer-Stiftung Greece Office, organized on Friday 8 June 2018, at the Hotel 'Grande Bretagne' in Athens, a round-table about the future of the European Union

The EU is nowadays facing multiple political, economic and societal challenges. Many voices call for a reorientation of the Union towards the acceleration and further deepening of the integration process, the strengthening of the EU's presence in the world, but also a return to its core values and principles. Various issues call for an immediate answer and for measures to be taken in order to safeguard and develop the foundations and heritage of the European Union on both legal and political level.

Professor Vassilios Skouris, Director of CIEEL, Professor Martin Nettesheim, University of Tübingen, Mrs. Dora Bakoyianni, Member of the Hellenic Parliament for ND and former Minister of Foreign Affairs, and Mr. Georgios Markopouliotis, Head of the Representation of the European Commission to Greece, participated in the round table and exchanged views

The discussion was moderated by Mr. Henri Bohnet, Director of the Konrad-Adenauer-Stiftung in Greece and Cyprus Office.





## CONFERENCE

# Freedom of Contract and non-Discrimination Law

On Monday, September 17, 2018, the Center for International and European Economic Law (CIEEL) successfully organized, with the donation of Stavros Niarchos Foundation, a conference on freedom of contract and non-discrimination law.

During the first session, chaired by Professor Dimitrios Zerdelis, Professor Achim Seifert from the University of Jena, Germany, elaborated on the relationship between the freedom of contract and the non-discrimination law. Afterwards, Professor Philippos Doris analyzed the impact of the constitutional principle of equality on private law. Associate Professor Aspasia Tsaoussi, from the Law School of the Aristotle University of Thessaloniki, focused on issues, which are raised in the context of the economic analysis of non-discrimination law and which have been extensively discussed in the legal literature.

The second session of the conference, chaired by the Director of CIEEL, Professor Christina Deliyanni-







## CONFERENCE

# Freedom of Contract and non-Discrimination Law



Dimitrakou, highlighted specific aspects of the conference's topic. Dr Athina Papikinou, lawyer, presented her views about the prohibition of discrimination in the field of providing financial and insurance products and services. Afterwards, Dr. Dimitris Goulas, post-doctoral researcher at CIEEL, encountered on the effect of the preferences of third parties (customers, employees, shareholders, etc.) in the application of the non-discrimination law.

The conference was attended by academics, judges, lawyers and students and offered them a comprehensive overview of the framework governing the relationship between freedom of contract and the law of non-discrimination at national and European level. After each of the two sessions, a long and interesting discussion took place.

The records of the conference will be published shortly.





## TWINNING PROJECT

«Support to the Ministry of Taxes of the Republic of Azerbaijan in Transfer Pricing and developing Anti-Tax Avoidance measures»

### Practical insight of the application of TP Guidelines through a study visit to the Independent Authority for Public Revenue, Greece

Representatives of the Ministry of Taxes of the Republic of Azerbaijan participated in a 5-day study visit to the Independent Authority for Public Revenue (IAPR) of the Hellenic Republic in Athens.

The Governor of the Independent Authority for Public Revenue welcomed the representatives and pointed out that this study visit will provide practical insight of the application of Transfer Pricing ('TP') guidelines developed in the first activity, by allowing the Beneficiary Country ('BC') tax officials to:

- gain familiarity with the MS transfer pricing guidelines
- exchange views on the various risk-analysis approaches
- identify the most important challenges that tax administrations face in transfer pricing audits.

During the study visit, tax officials of IAPR presented power-point reports on the definition of 'linked enterprises', the 'Arm's Length Principle', the transfer pricing documentation requirements, as well as on the risk indicators for transfer pricing purposes and on the risk assessment procedure using software for TP issues. They also gave information on the 'APA' ['Guidelines for Advance Pricing Agreements -- within the EU' - APA] and their practical application in Greece.





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The participants:

- observed an APA meeting with a taxpayer and followed the discussions and evaluation process of the next steps;
- visited the Audit Center for Large Enterprises and had the chance to examine real TP audit files and discuss the audit differences;
- visited the specialized TP unit and reviewed actual TP audits performed;
- discussed benchmark analysis issues by using database tools;
- examined a real Mutual Agreement Procedure ('MAP') case request and had the opportunity to discuss the case with the auditor performing the audit by asking questions and analyzing the case data;
- visited the E-governance Directorate where they discussed practical aspects of automatic exchange of information regarding Common Reporting System('CRS') and Country by Country System('CbC').

At the end of the study visit, the Governor of IAPR held a closing meeting with the tax officials of the Ministry of Taxes of the Republic of Azerbaijan and highlighted the importance of a follow-up visit in the future.



# Brexit

## The future EU-UK relations and the 'backstop' solution for the border between Ireland and Northern Ireland

The General Affairs Council of July 20, 2018, in EU-27 format, was briefed by the EU's chief Brexit negotiator Michel Barnier on the state of play in the Brexit negotiations. The chief negotiator informed the ministers about where the negotiations stand regarding a) the work to finalise the withdrawal agreement, including the 'backstop' solution for the border between Ireland and Northern Ireland and b) the discussions on future EU-UK relations.

As Gernot Blümel, Austrian minister and chair of the meeting, has declared, “We will only have a Withdrawal Agreement, if the legal text is agreed on all issues. This includes the 'backstop' solution for Northern Ireland. In this context we need to recall that all commitments undertaken so far must be respected in full. The Withdrawal Agreement needs to be concluded as soon as possible. Work must also be accelerated with a view to preparing a political declaration on the framework for the future relationship. Furthermore we have to step up our work on preparedness in case we don't find a deal. The unity of the EU 27 remains crucial”.

On the future relations, the Council discussed how the policy paper published by the UK government on 12 July 2018 can feed into the discussions. Under the above document, it is proposed that the UK leaves the customs union, while introducing a 'privileged customs regime' under which the UK will adopt a combined customs policy: it will apply tariff and trade EU policy on products destined for the EU and its own tariff and trade policy on products intended for consumption within its borders. In the light of the principles set by the European Council, the chief negotiator will explore common ground between the EU and the UK positions regarding the framework for future relations. The aim is to agree on a joint political declaration that will accompany the withdrawal agreement and be referred to in it. The EU negotiator will report back on this issue at the next meeting of the General Affairs Council in September 2018.







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The chief negotiator also presented to the ministers the recent Commission communication on preparedness. Ministers reiterated that the work on preparedness must be stepped up at all levels for the EU-27 to be ready for any possible outcome.

At his statement at the press conference following his meeting with Dominic Raab, UK Secretary of State for Exiting the EU, Michel Barnier noted that the EU cannot - and will not - delegate the application of its customs policy and rules, VAT and excise duty collection to a non-member, who would not be subject to the EU's governance structures, while he recalled that the single market and the four fundamental freedoms, the free movement of goods, capital, services and workers, are indivisible and non-negotiable, underlining that the EU will not delegate control of money, legislation and borders to the United Kingdom, if it is not committed to the Union

During August, discussions continued between the negotiating teams of the European Union and Michel Barnier has asked Dominic Raab to urgently present a detailed British proposal on the issue of the Irish border, one of the thorniest issues of the negotiations. Prime Minister Theresa May has committed to this, as have all EU Member States and institutions. As Michel Barnier said "It is urgent to work on the text of an operational backstop. For that, I asked Dominic Raab and his team to provide us with the data necessary for the technical work which we need to do now on the nature, location and modality of the controls that will be necessary. This 'backstop' solution is critical to conclude the negotiations, because without a backstop, there is no agreement. "

