### Tax sovereignty, territorial integrity and European integration

#### a. The principle of territoriality: the origin and the conceptual evolution in the International scenario

- Is there a conceptual definition? Theories on the principle of territoriality / sovereignty and their evolution
- The consequences of these theories in the field of taxation: is there any limit to the State authority to tax?

---

**Material sense** (or jurisdiction to prescribe): it limits the connection of the tax duty of objective or subjective elements extraneous to the State

**Formal sense** (or jurisdiction to enforce): it limits the enforcement of the taxing rights of a State outside its own territory

- Territoriality and neutrality: Capital Export Neutrality (CEN) / Capital Import Neutrality (CIN); Capital and Labour Import Neutrality (CLIN) / Capital and Labour Export Neutrality (CLEN)

#### b. The relationship between the principle of territoriality and fundamental freedoms / Internal Market (EU Treaties)

- The aims of the EU Treaties Source and allocation of tax jurisdiction of Member State in the EU Treaties
- The principle of territoriality Indirect (excise and VAT) levy
  - Direct (income tax) levy

#### c. The principle of territoriality in the ECJ case law

- The ECJ role within the context of the European Treaties
- ECJ: the prohibition on discrimination and restriction
- ECJ: the cases of discrimination and justifications of differential treatment (coherence, balanced allocation of taxing right and territoriality). ECJ role in direct taxation: is there a new concept of tax territoriality?

---

**Research questions**

1. **What is the role of the territoriality principle in the EU legal order?**
2. **Is the balanced allocation of taxing powers the specification of the principle of territoriality?**
3. **What is the role of the ECJ in the development of this concept?**