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EDITORIAL

This issue of EC Tax Journal contains articles from the 5th Annual EU Tax Students' Conference held at the Institute of Advanced Legal Studies, London. This year's conference featured the EU tax students from the MA in Tax Programme at the IALS, University of London and the LLM EC Tax Law students from Queen Mary University of London. The conference was jointly chaired by Dr. Philip Baker QC and Professor Gerard Meussen. The theme of this year's conference was "ECJ: Judicial Activism vs. Judicial Protection".

The first two articles are written by students on the MA in Tax Programme at the IALS. Rachael Arning examines this year's theme by looking at the cross-border loss relief jurisprudence of the ECJ in an article entitled '*Tax Sovereignty and Cross-border Loss Relief: The Dichotomy of the ECJ.*' Rachel concludes that in certain instances the ECJ is being judicially active and cites *Marks and Spencer v David Halsey (Inspector of Taxes)* as an example.

Julie Bath continues on a similar path but comes to the opposite conclusion with her analysis of the Court's thin capitalisation and transfer pricing jurisprudence in an article entitled '*Thin Capitalisation, Transfer Pricing and the ECJ.*' Julie's contribution includes a discussion of the ECJ's recent landmark judgment in *SGI*. Next Gauthier Cruysmans, a Queen Mary LLM (Tax) student, deliberates on the ECJ's 'third country' jurisprudence in a piece entitled '*The Third Country Rights and the ECJ "Prevailing Freedom" Principle Implications in Direct Tax Matters.*' Gauthier concludes that the ECJ must, in the absence of political clarification, fill the gaps in the EU legal framework.

Finally, in our peer-reviewed section, Dr. Tom O'Shea, in the first of two articles on double tax conventions and European Union law, provides an analysis of the competence issues arising from the interaction between double tax conventions and EU law. Part II, covering compliance issues, will appear in the next issue of this Journal.

Dr. Tom O'Shea
Editor
April 2010