Tax Treaty Abuse
From Beneficial Ownership to the Principal Purpose Test

Lausanne, January 11, 2018
The Tax Policy Center of the University of Lausanne (Switzerland) and the Institute of Fiscal Law of KU Leuven (Belgium), in cooperation with the Tax Executive Institute (TEI), are pleased to invite you to the Symposium of International Tax Law to be held in Lausanne on 11 January 2018. We will begin with opening speeches on latest international tax policy developments (notably the work on the taxation of the digital economy, the implementation of the BEPS project and the Multilateral Instrument, the pending US Tax Reform and other ongoing international tax policy trends and challenges).

The core of the Symposium shall then be dedicated to Tax Treaty Abuse. We will first explore the evolution of the Beneficial Ownership requirement which, in many states, represents still today the most frequent practical response to tax treaty abuse. Next, we will turn to the Principal Purpose Test (PPT rule) which the BEPS Multilateral Instrument (MLI) aims at introducing as a minimum standard. We will discuss the policy challenges raised by the PPT rule as well as its relation with EU law. Finally, we will be bridging the issue of treaty abuse with the more general problem of substance in international tax law and look at the practical impact of the BEPS era on selected business models and transactions.

On behalf of the organizing committee and our speakers, we look very much forward to welcoming you once again in Lausanne on 11 January 2018 and hope that you will find our discussions fruitful.

Yours sincerely,

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**OVERVIEW**

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**PROGRAM**

8h30 Registration and Welcome Coffee
8h50 WELCOME ADDRESS
   Prof. Robert Danon, Professor of Swiss and International Tax Law, Director of the Tax Policy Center, University of Lausanne, Switzerland
   Prof. Luc De Broe, Professor of International Tax Law, KU Leuven, Belgium

OPENING SPEECHES: RECENT INTERNATIONAL TAX POLICY DEVELOPMENTS
9h00 – 9h20 THE OECD PERSPECTIVE
   Mr. Pascal Saint-Amans, Director, Centre for Tax Policy and Administration, OECD
9h20 – 9h40 THE VIEW FROM SWITZERLAND
   Mr. Christoph Schelling, Ambassador, Head of Tax Division, State Secretariat for International Financial Matters (SIF), Switzerland
9h40 – 10h00 COFFEE BREAK
10h00 – 10h20 THE VIEW FROM THE US
   Prof. H. David Rosenbloom, James S. Eustice Visiting Professor of Practice and Taxation, Director of the International Tax Program, NYU School of Law, USA
SESSION I: BENEFICIAL OWNERSHIP AND THE PPT RULE

10h20 – 10h40 BENEFICIAL OWNERSHIP AND THE OECD COMMENTARIES
Prof. Guglielmo Maisto, Professor of Tax Law at the Catholic University of Piacenza, Partner, Maisto e Associati, Italy

10h40 – 11h10 BENEFICIAL OWNERSHIP IN TAX TREATY PRACTICE
Prof. Stef van Weeghel, Professor of International Tax Law, University of Amsterdam, The Netherlands

11h10 – 11h40 FROM BENEFICIAL OWNERSHIP TO THE PPT RULE
Prof. Robert Danon

SESSION II: TREATY ABUSE AND SUBSTANCE IN PRACTICE

In this session we shall be joined by the following representatives of MNE groups, all TEI members, to discuss key practical problems and solutions raised by treaty abuse and substance requirements in selected business models and transactions.

- Dr. Lluis M. Fargas, (Vice President Tax, Controller and Corporate Development Europe, Arconic)
- Ms Ann M. L. Theeuwes, (Tax Policy Manager, Shell)
- Mr. Clive M. Baxter, (Head of Tax Governance and Policy, Maersk)
- Mr. Giles A. Parsons, (Director - European Tax Policy, Caterpillar)

14h00 – 14h45 PANEL I: HOLDING COMPANY STRUCTURES
Chair: Prof. Robert Danon
Panel discussion

14h45 – 15h30 PANEL II: INTELLECTUAL PROPERTY STRUCTURES
Chair: Prof. Guglielmo Maisto
Panel discussion

15h30 – 16h00 COFFEE BREAK

16h00 – 16h45 PANEL III: FINANCING STRUCTURES
Chair: Prof. Luc De Broe
Panel discussion

16h45 – 17h30 PANEL IV: FINANCIAL INSTRUMENTS
Chair: Prof. Stef van Weeghel
Panel discussion

17h30 – 18h30 COCKTAIL RECEPTION
TAX TREATY ABUSE. FROM BENEFICIAL OWNERSHIP TO THE PPT RULE

JANUARY 11, 2018

SWISS GRADUATE SCHOOL OF PUBLIC ADMINISTRATION (IDHEAP)

UNIVERSITY OF LAUSANNE (SWITZERLAND)

HOW TO GET HERE?

The Geneva-Cointrin International airport is at 60 km

By train:
From Lausanne railway station take the metro m2 (direction Croisettes), change in «Lausanne-Flon» to m1 (direction Renens-Gare) and get out at «UNIL-Mouline»

By car:
On the motorway A1, direction «Lausanne» – «Lausanne Sud», exit at «Unil-EPFL»

GENERAL INFORMATION
For further information, please contact
Mrs Doriana Ferreira e-mail: droitpublic@unil.ch
Université de Lausanne
Faculté de droit, des sciences criminelles et d’administration publique
Centre de droit public
Madame Doriana Ferreira
Bâtiment Internef - Bureau 408

CH-1015 Lausanne
# REGISTRATION FORM

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I herewith agree to register [ ]

Cost CHF 650.– Early bird until 01.12.2017: CHF 550.–
(documentation included)

**Payment:**

Upon reception of your registration form, you will receive our confirmation and invoice (with payment instructions). Bank fees on payment transfers are not included in the registration rates stated above and must be paid by participants.

**Cancellation:**

In the event of cancellation, written notification should be sent to: UNIL - Centre de droit public, Mme Doriana Ferreira, Bâtiment Internef - Bureau 408, CH-1015 Lausanne. The following cancellation fees will be deducted before any refund is made: (not applicable for early bird registrations)

- Until December 15, 2017: CHF 300.–
- On and after December 15, 2017: No refund

I agree to the above mentioned conditions as well as the conditions stated in the Program.

I have read and accept the cancellation terms.

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Date [ ]

Registration form to be returned either by post to the address overleaf or by e-mail to droitpublic@unil.ch