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TAX LAW



Faculty of Business and Economics (HEC)
Faculty of Law, Criminal Justice and Public Administration
Tax Policy Center

Tax Treaty Abuse

from beneficial ownership to the principal purpose test

Lausanne, January 11, 2018



OVERVIEW

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,

Prof. Dr. Robert J. Danon
University of Lausanne

Prof. Dr. Luc de Broe
KU Leuven

Dr. Lluís M. Fargas
TEI

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

Chair: **Prof. Stef van Weeghel**, Professor of International Tax Law, University of Amsterdam, The Netherlands

10h20 – 10h55

BENEFICIAL OWNERSHIP IN THE OECD COMMENTARIES AND TREATY PRACTICE

Prof. Guglielmo Maisto, Professor of Tax Law at the Catholic University of Piacenza, Partner, Maisto e Associati, Italy

Prof. Paolo Arginelli, Professor of European Union Tax Law and Corporate Tax Law at the Catholic University of Piacenza; Adjunct Postdoctoral Research Fellow, IBFD; Of counsel, Maisto e Associati, Italy

10h55 – 11h30

FROM BENEFICIAL OWNERSHIP TO THE PPT RULE

Prof. Robert Danon

11h30 – 12h00

BENEFICIAL OWNERSHIP AND THE PPT RULE UNDER EU LAW

Prof. Luc De Broe

12h00 – 12h30

THE OECD PERSPECTIVE ON THE PPT RULE

Ms Sophie Chatel, Head of the Tax Treaty Unit, OECD

12h30 – 14h00

LUNCH BREAK

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. Lluís 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: **Mr. Hugues Salomé**, Partner, Danon & Salomé, Switzerland

Panel discussion

17h30 – 18h30

COCKTAIL RECEPTION



TAX TREATY ABUSE. FROM BENEFICIAL OWNERSHIP TO THE 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

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The logo for the University of Lausanne (UNIL) is a stylized, cursive script of the word "Unil" in black ink.

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Centre de droit public
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CH-1015 Lausanne

TAX TREATY ABUSE

JANUARY 11, 2018
IDHEAP - University of Lausanne (Switzerland)

REGISTRATION FORM

Mrs. Mr. Dr. Other

Family name First name

Function

Company

Street / Nr

PO Box

Zip code City

Phone Nr Country

E-mail

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.

Signed by Date

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