



ACTL Full Day Conference

The Principal Purposes Test

Amsterdam | Friday 3 May 2019

The Principal Purposes Test (PPT) as incorporated in Art. 7(1) MLI and in Art. 29(9) 2017 OECD MC will cause a sea of change in the application of bilateral income tax treaties. For a number of countries that have ratified the MLI in 2018, that change has already taken effect; for those that ratify in 2019, the effective date will be

January 1, 2020.

During this full day conference, the PPT will be critically reviewed by internationally renowned experts in the field of tax treaty abuse. The PPT will be evaluated against the background of OECD developments and international case law, the Examples provided by the OECD will be discussed, the relationship between the PPT and the EU Abuse-doctrine examined - and finally the application of the PPT in practice will be discussed.

Chair

Prof. Stef van Weeghel (ACTL/PwC)

Moderators

Prof. Luc De Broe (KU Leuven/Laga)

Prof. Robert Danon (UNIL)

Prof. Adolfo Martín Jiménez (University of Cádiz)

Prof. Peter Wattel (ACTL/De Hoge Raad)

Prof. Stef van Weeghel (ACTL/PwC)

Speakers

Graham Aaronson QC (Joseph Hage Aaronson LLP)

Prof. Luc De Broe (KU Leuven/Laga)

Vikram Chand (UNIL)

Sophie Chatel/Jessica diMaria (OECD)

Prof. Robert Danon (UNIL)

Prof. Sjoerd Douma (ACTL/Lubbers Boer Douma)

Prof. David Duff (University of British Columbia)

Prof. Adolfo Martín Jiménez (University of Cádiz)

Blazej Kuzniacki (Ministry of Finance Poland)

Philippe Martin (Conseil d'État)

Prof. Dennis Weber (ACTL/Loyens & Loeff)

Prof. Stef van Weeghel (ACTL/PwC)

Organization

This conference is organized by the Amsterdam Centre for Tax Law (ACTL) of the University of Amsterdam, in cooperation with the Tax Policy Center of the University of Lausanne, the Institute of Tax Law of KU Leuven and the Finance and Tax Department of the University of Cádiz.

actl.uva.nl

unil.ch/taxpolicy

law.kuleuven.be

uca.es

Venue

University of Amsterdam
Roeterseilandcampus, Building A
Moot Court room (third floor;
room A3.15)
Nieuwe Achtergracht 166
1018 WV Amsterdam

Programme

9.00-9.15 Introduction - Prof. Stef van Weeghel

9.15-10.15 Evolution of the policy and case law with respect to tax treaty abuse

Moderator Prof. Adolfo Martín Jiménez

Speakers Prof. Robert Danon and Prof. David Duff

- Overview of evolution OECD Commentary
- Overview of international case law
- Pacta sunt servanda; object and purpose of tax treaties

10.15-10.45 Break

10.45-12.15 Structure and operation of the PPT; relationship with other instruments

Moderator Prof. Luc De Broe

Speakers Graham Aaronson QC, Prof. Robert Danon, Blazej Kuzniacki and Prof. Stef van Weeghel

- BEPS minimum standard
- PPT subjective test: burden of proof
- PPT objective test: object & purpose
- 'Nexus part' vs. 'abusive transactions part'
- PPT versus 'guiding principle' in Commentary on Article 1 2017 OECD MC
- PPT versus beneficial ownership
- PPT versus LOB and anti-conduit
- PPT and DAC 6

12.15-13.15 Lunch

13.15-14.45 The examples in the Commentary 2017 OECD MC

Moderator Prof. Robert Danon

Speakers Vikram Chand, Sophie Chatel/Jessica diMaria, Prof. Luc De Broe and Prof. Stef van Weeghel

- Examples re: PPT
- Examples re: LOB (Active conduct of a business)
- Examples re: anti-conduit
- Examples re: BEPS Actions 8-10
- Is there a principle that emerges?
- What is the position re: CIVs?

14.45-15.15 Relevance of BEPS Action 5, 8-10 and AOA?

Moderator Prof. Stef van Weeghel

Speakers Prof. Adolfo Martín Jiménez and Prof. Robert Danon

15.15-15.45 Break

15.45-17.00 The PPT vs. EU Abuse-doctrine

Moderator Prof. Peter Wattel

Speakers Prof. Sjoerd Douma and Prof. Dennis Weber

- Evolution EU Abuse-doctrine
- Recent decisions in Danish cases
- Differences & similarities
- Interpretation PPT aligned with GAAR?
- Intra EU & third countries
- Third countries towards EU

17.00-17.45 Application of the PPT in practice; best practices; the Tax Certainty Project

Moderator Prof. Adolfo Martín Jiménez

Speakers Sophie Chatel/Jessica diMaria and Philippe Martin

- Treaty protection upon application of the PPT
- Discretionary relief
- Difference between application b.o./PPT
- 'Cliff effect'/Derivative benefits
- Best practices
- PPT in the Tax Certainty Project?

17.45 Close of Conference - Prof. Stef van Weeghel

18.00 Drinks

Registration

You can register via actl.uva.nl > News & Events

The entrance fee is € 150,- p.p. for non-students

For students the entrance fee is € 35,- p.p.

NOB PE program

This conference qualifies for the NOB PE program (7 hours)