19TH ANNUAL
U.S. AND EUROPE TAX PRACTICE TRENDS
LE MÉRIDIEN ETOILE • PARIS, FRANCE
4-5 APRIL 2019

WEALTH MANAGEMENT WORKSHOP
CMS FRANCIS LEFEVBRE AVOCATS • PARIS, FRANCE
3 APRIL 2019
CONFERENCE CO-CHAIRS
Michel Collet, CMS Francis Lefebvre Avocats, Paris, France
Olivier Dauchez, Gide Loyrette Nouel, Paris, France
Margriet Lukkien, Loyens & Loeff, Amsterdam, The Netherlands
Carol P. Tello, Eversheds Sutherland (US) LLP, Washington, DC, USA

CONFERENCE PLANNING COMMITTEE
Joan C. Arnold, Pepper Hamilton LLP, Philadelphia, PA, USA
Ewout van Asbeck, Van Doorne N.V., Amsterdam, The Netherlands
Jérôme Assouline, Sekri Valentin Zerrouk, Paris, France
Peter H. Blessing, KPMG LLP, New York, NY, USA
Thierry Boitelle, Bonnard Lawson, Geneva, Switzerland
Patrick Brown, Washington, DC, USA
Francesco Capitta, Macchi di Cellere Gangemi, Rome, Italy
Stuart Chessman, Vivendi S.A., New York, NY, USA
Eli Dicker, Tax Executives Institute, Inc., Washington, DC, USA
Torsten Engers, Flick Gocke Schaumburg, Bonn, Germany
Ana Lucía Ferreyra, Pluspetrol, Montevideo, Uruguay
Alan Granwell, Sharp & Partners, Washington, DC, USA
Anders Oreby Hansen, Bech-Bruun, Copenhagen, Denmark
Hal Hicks, Skadden, Arps, Slate, Meagher & Flom LLP, Washington, DC, USA
Michael Hirschfeld, Andersen Tax, New York, NY, USA
Sara Luder, Slaughter and May, London, England
Peter Maher, A & L Goodbody, Dublin, Ireland
Véronique Millischer, Baker McKenzie, Paris, France
Fred Murray, University of Florida College of Law, Gainesville, FL, USA
Grace Perez-Navarro, OECD, Paris, France
Thomas Perrot, Skadden, Arps, Slate, Meagher & Flom LLP, Paris, France
Dirk J.J. Suringa, Covington & Burling LLP, Washington, DC, USA
Sonia Velasco, Cuatrecasas, Barcelona, Spain

PAST LOCAL CONFERENCE CHAIRS (2014-2018)
Carola van den Bruinhorst, Loyens & Loeff N.V., Amsterdam, The Netherlands (2018)
Peter H. M. Flipsen, Simmons & Simmons LLP, Amsterdam, Netherlands (2018)
Albert Collado, Garrigues, Barcelona, Spain (2017)
Sonia Velasco, Cuatrecasas, Barcelona, Spain (2017)
Bruno Gangemi, Macchi di Cellere Gangemi, Rome, Italy (2016)
Stefano Petrecca, Macchi di Cellere Gangemi, Rome, Italy (2016)
Pia Dorfmueller, P+P Pöllath + Partners, Frankfurt am Main, Germany (2015)
Thierry Boitelle, Bonnard Lawson, Geneva, Switzerland (2014)
Jean-Blaise Eckert, Lenz & Staehelin, Geneva, Switzerland (2014)
REGISTRATION

Registration for the Workshops and Conference is available at the following website: https://www.americanbar.org/groups/taxation/events_cle/19europe_resources/. All individuals attending any part of the Workshop and Conference must register and pay the registration fee. Shared registrations are not permitted. Payment may be by check, credit card, or wire transfer. Checks should be made payable to the American Bar Association. To pay by wire transfer, email Genevieve.Lynn@americanbar.org to request banking details.

DESCRIPTION

The 19th Annual U.S. and Europe Tax Practice Trends Conference will focus on practical tax practice trends for multinational corporations and their international advisors, as well as provide insight into how government tax officials may view the international tax landscape in light of important international developments that impact corporate taxpayers. Panelists will include industry leaders, senior government and OECD officials, and leading tax practitioners from the United States and Europe.

Designed for international tax professionals from industry and private practice, sessions will cover:

- cooperative compliance between taxpayers and governments;
- the effect of U.S. Tax Reform and ATAD on mergers and acquisitions;
- the evolution of blockchain and taxation of cryptocurrency in the United States and Europe;
- the evolving view of the OECD and others on cross border financing;
- how to protect taxpayers under constitutional, EU, and international human rights laws in an era of increased regulation and heightened enforcement;
- transfer pricing cases and dispute resolution mechanisms;
- the digital economy;
- the latest EU developments on state aid in tax matters;
- the current state of criminal tax enforcement in Europe and the United States;
- the practical implications for cross-border corporate structures deriving from the MLI anti-treaty abuse provisions; and
- cross border investments in real estate by tax-exempt entities.

As in past years, the Conference will be supplemented by half-day Private Wealth Management Workshop on Wednesday, 3 April. Numerous networking opportunities will be provided and a reception will be held on Thursday evening.
### Wednesday, 3 April at CMS Francis Lefebvre Avocats

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**Friday, 5 April at Le Méridien Etoile**

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WEALTH MANAGEMENT WORKSHOP

Venue: CMS Francis Lefebvre Avocats, 2 rue Ancelle, 92522 Neuilly-sur-Seine

1230 – 1700
Registration of Delegates

1230 – 1330
Light Lunch and Introduction

1330 – 1500  Wealth Management Workshop I
Inheriting Problematic Structures: Common Tax Issues for Heirs/Beneficiaries and Pre-Death Restructuring Possibilities

In this panel, we’ll examine some examples of structures that create tax inefficiencies for heirs and beneficiaries who are tax resident in the U.S., France, the UK, Germany, Switzerland and Spain. We will explore alternative structures that could be put in place prior to death that ideally would provide for a tax-efficient transition to the next generation, and how those alternatives may work in some jurisdictions but not others.

Co-Chairs
Jérôme Assouline, SVZ, Paris, France
Jenny L. Longman, Patterson Belknap Webb & Tyler LLP, New York, NY, USA

Speakers
Gerd Kostrzewa, Heuking Kühn Lüer Wojtek, Düsseldorf, Germany
Philippe Pulfer, Walder Wyss, Geneva, Switzerland

Additional speakers to be announced.

1500 – 1530
Networking Coffee Break
1530 – 1700  Wealth Management Workshop II

The Tension between Tax Transparency and Tax Compliant Financial Privacy – Where Do Things Stand and Navigating the Divide?

Tax Transparency through the automatic exchange of information is becoming ubiquitous through FATCA, CRS and DAC 6. On one hand, advisors and financial institutions must understand their ethical and legal obligations as “gatekeepers” to avoid civil, criminal and reputational exposures, and, on the other hand, appreciate the legitimate desire of clients to obtain tax compliant financial privacy. Our panel will explore these issues and tensions through an interactive discussion under the laws of Austria, France, Spain, Switzerland and the United States.

Co-Chairs
Thierry Boitelle, Bonnard Lawson, Geneva, Switzerland
Alan W. Granwell, Sharp Partners P.A., Washington, DC, USA

Speakers
Guadalupe Díaz-Súnico, Cuatrecasas, Barcelona, Spain
Niklas Schmidt, Wolf Theiss, Vienna, Austria

Additional speakers to be announced.

1700 – 1800

Workshop Networking Reception
TAX PLANNING STRATEGIES CONFERENCE — DAY 1

Venue: Le Méridien Etoile, 81 Boulevard Gouvion Saint-Cyr, 75017 Paris

07:30 – 17:30
Registration of Delegates

08:00 – 08:45
Continental Breakfast

08:45 – 09:00
Conference Opens with Co-Chairs’ Remarks

Co-Chairs
Michel Collet, CMS Francis Lefebvre Avocats, Paris, France
Olivier Dauchez, Gide Loyrette Nouel, Paris, France
Margriet Lukkien, Loyens & Loeff, Amsterdam, The Netherlands
Carol P. Tello, Eversheds Sutherland (US) LLP, Washington, DC, USA

09:00 – 09:30
Opening Keynote Address

Co-Chairs
Pascal Saint-Amans, Director, Centre for Tax Policy and Administration, OECD, Paris, France

09:30 – 11:00
Plenary Session
Transparency, Cooperative Compliance, and the Real World of Tax Audits: What’s Working, What Isn’t, and What is the Path Forward?

This panel of government officials, practitioners and company representatives will explore how the dominant trends in tax administration (including the push for greater transparency and detailed information disclosure, the emphasis on aligning taxable profits with economic activity, and the push for “cooperative compliance” between taxpayers and tax administrations) are being applied by tax authorities in their audits of MNEs. The panel will consider questions such as the following:
• What are taxpayers’ and practitioners’ experiences of tax audits? How have they changed over time?
• What have been the practical impacts of “cooperative compliance” initiatives from the perspective of taxpayers and tax authorities? What are the obstacles to achieving better outcomes from these initiatives?
• How much do government/OECD policymakers consider the practical challenges of auditing taxpayers (e.g., information asymmetries, administrative burden, time pressure) when formulating policy?
• To what extent are investment decisions influenced by the tax administration atmosphere in particular countries?
• What changes would company representatives and practitioners like to see to ease administrative burdens and protect data privacy? What changes would policymakers like to see in order to improve the effectiveness of audits? That is, what does success look like for policymakers and tax administrators? For companies and practitioners?

Co-Chairs
Patrick Brown, PwC, Washington, DC, USA
Carola van den Bruinhorst, Loyens & Loeff N.V., Amsterdam, The Netherlands

Speakers
Paolo Valerio Barbantini, Deputy Director General, Italian Revenue Agency, Rome, Italy
Wilhelm Haarmann, McDermott Will & Emery Rechtsanwälte Steuerberater LLP, Frankfurt am Main, Germany
Grace Perez-Navarro, Deputy Director, Centre for Tax Policy and Administration, OECD, Paris, France
Jo Wakeman, Large Business Director, HMRC, London, England

Additional speakers to be announced.

11:00 – 11:30
Networking Coffee Break

11:30 – 13:00  Concurrent Session A
Effect of US Tax Reform and ATAD on Mergers & Acquisitions

This panel will examine various impacts of recent tax legislation and tax developments, including US Tax Reform under TCJA and the EU’s adoption of ATAD, on cross-border M&A transactions and other restructurings from the perspective of a number of key jurisdictions. The panel will also address other important M&A developments and transactions.
11:30 – 13:00  Concurrent Session B
Evolution of Blockchain and Taxation of Cryptocurrency in the United States and Europe
This panel will provide an overview of regulatory guidance in the United States and Europe and discuss the following:
• The view from the G20 – “A Taxation System for Cross-Border Electronic Payment Services.”
• Tax considerations in structuring initial coin offerings.
• U.S. enforcement initiatives and information reporting issues with cryptocurrencies.
• Classification of cryptocurrencies for tax purposes.

Co-Chairs
Sahel A. Assar, Buchanan Ingersoll & Rooney PC, Washington, DC
Reto Heuberger, Homburger, Zurich, Switzerland

Speakers
Lauri Lehmusouja, Confederation of Finnish Industries (EK), Helsinki, Finland
Caroline Malcolm, Head, Blockchain Policy Centre, OECD, Paris, France
Dirk J.J. Suringa, Covington & Burling LLP, Washington, DC, USA
Stefan Richter, Schnittker Möllmann Partners, Hamburg, Germany
Christian Wimpissinger, Binder Grösswang, Vienna, Austria

13:00 – 14:30
Keynote Luncheon
Keynote Speaker
To be announced.
14:30 – 16:00  Concurrent Session A

Cross Border Financing: The Evolving View of the OECD and Others

The panel will review structuring intra-group loans, guarantees and related financial transactions (such as cash pooling or hedging) including transfer pricing approaches to develop an appropriate arm’s length consideration. Recent developments on OECD level on the pricing of financial transactions will be discussed as well as anti-abuse or interest deduction limitations regulations and challenges of financing in a low interest environment. The panel will then explore the opportunities and possible pitfalls that cross border lending and financing techniques offer as well as recent trends.

Co-Chairs
Michael Hirschfeld, Andersen Tax, New York, NY, USA
Susanne Schreiber, Bär & Karrer, Zurich, Switzerland

Speakers
Stefanie Beinert, Hengeler Mueller, Frankfurt am Main, Germany
Sandy Bhogal, Gibson Dunn, London, England
Anders Oreby Hansen, Copenhagen, Denmark
Raul-Angelo Papotti, Chiomenti Studio Legale, Milan, Italy
Thomas Perrot, Skadden, Arps, Slate, Meagher & Flom LLP
Stanley C. Ruchelman, Ruchelman P.L.L.C., New York, NY, USA

14:30 – 16:00  Concurrent Session B

Protecting Taxpayers Under Constitutional, EU, and International Human Rights Laws in an Era of Increased Regulation and Heightened Enforcement

Domestic and international tax environments are evolving fast as tax administrators seek to prevent tax fraud and aggressive tax planning and to promote tax fairness. At the same time, the economy continues to evolve dramatically; digital taxation, for example, remains to be determined on a multilateral basis. National tax authorities and multilateral organizations continue to change the relevant treaties, law and regulations. They are increasing tax, closing loopholes, and implementing anti-abuse measures. Transfer pricing rules are tightened, tax law is increasingly criminalized, and new tax investigation and tools expand. Information exchange is becoming universal and automatic.

The panel will explore whether taxpayers in this climate can rely on certain non-tax principles deriving from constitutional rights, EU law (for member states and non-members), human rights declarations and international law and courts in defending against new measures on taxation, anti-abuse rules, information exchange and new tax investigation procedures at the multilateral and domestic levels.
Co-Chairs
Michel Collet, CMS Francis Lefebvre Avocats, Paris, France
Scott Michel, Caplin & Drysdale, Washington, DC, USA

Speakers
Torsten Engers, Flick Gocke Schaumburg, Frankfurt am Main, Germany
Philip Kerfs, Head, International Cooperation Unit, Centre for Tax Policy and Administration, OECD, Paris, France
Francisco Lavandera, Garrigues, Barcelona, Spain
Elena Novikova, ALRUD Law Firm, Moscow, Russia
Additional speaker(s) to be announced.

16:00 – 16:30  Networking Coffee Break

16:30 – 18:00  Concurrent Session A  
Transfer Pricing Cases and Dispute Resolution Mechanisms

The introduction of multiple anti-tax avoidance measures as a result of the BEPS-action plan, the increased focus of tax administrations on tax planning as a result of the BEPS-discussion and the impact of US tax reform will lead to an increasing number of double or multiple taxation disputes with potentially high amounts at stake. This climate adds urgency to the existing need for an effective and efficient framework for the resolution of tax disputes.

This panel will focus on recent high-profile transfer pricing cases, those likely to arise in the future and recent developments surrounding disputes resolution mechanisms. Specifically, we will explore the impact of the MLI on dispute resolution mechanisms in existing treaties, the implementation by the EU-Member States of the 2017 EU-Directive on tax dispute resolution, and the existing EU-Arbitration Convention.

Co-Chairs
Peter Flipsen, Simmons & Simmons LLP, Amsterdam, The Netherlands
Jill Weise, Duff & Phelps, Miami, FL, USA

Speakers
Nikolaj Bjørnholm, Bjørnholm Law, Hellerup, Denmark
Xavier Daluzeau, CMS Francis Lefebvre Avocats, Paris, France
Ailish Finnerty, Arthur Cox, Dublin, Ireland
Chris Kinsella, MinterEllison, Sydney, Australia
Andrea Silvestri, Bonelli Erede Pappalardo, Rome, Italy
E. Miller Williams, EY, Washington, DC, USA
16:30 – 18:00  Concurrent Session B

Global Executives: When Is a PE Created, and What’s the Income Attributable to It?

Using case studies, the panel will discuss various fact patterns that are occurring as companies use global roles, and whether a PE is created. Does the employment agreement matter? Does local employment law matter? Are the rules different for administrative roles vs. client facing roles? What can companies do to mitigate the PE risk? What are the taxing authorities saying? The words in our treaties are the same, but it appears that the interpretation is not always consistent. If a PE exists, what income is attributable to it? Join us for an active debate.

Co-Chairs
Joan C. Arnold, Pepper Hamilton LLP, Philadelphia, PA, USA
Ewout van Asbeck, Van Doorne N.V., Amsterdam, The Netherlands

Speakers
Dana Goldberg, Textron, Inc., Providence, RI, USA
Carsten Heinz, Noerr, Berlin, Germany
Emilie Lecomte, August Debouzy, Paris, France
Sonia Velasco, Cuatrecasas, Barcelona, Spain

Additional speaker to be announced.

19:00 – 21:00
Confex Conference Networking Reception
TAX PLANNING STRATEGIES CONFERENCE — DAY 2

Venue: Le Méridien Etoile, 81 Boulevard Gouvion Saint-Cyr, 75017 Paris

07:30 – 15:30
Registration of Delegates

08:00 – 09:00
Continental Breakfast

09:00 – 10:30  Plenary Session
Digital Economy

Description coming soon.

Co-Chairs
Olivier Dauchez, Gide Loyrette Nouel, Paris, France
Rachel D. Kleinberg, Davis Polk & Wardwell LLP, Menlo Park, CA, USA

Speakers
Peter H. Blessing, KPMG LLP, New York, NY, USA
Stuart Chessman, Vivendi S.A., New York, NY, USA
Margriet Lukkien, Loyens & Loeff, Amsterdam, The Netherlands
Marco Ottenwaelder, P+P Pöllath + Partners, Frankfurt am Main, Germany
Luca Romanelli, Fantozzi & Associati Studio Legale Tributario, Rome, Italy
Jeffrey Van Hove, Senior Tax Advisor, Tax Treaty, Transfer Pricing and Financial Transactions Division, OECD, Paris, France

10:30 – 11:00
Networking Coffee Break

11:00 – 12:30  Concurrent Session A
State Aid: What We Now Know and What We Don't Know Yet

The panel will discuss the latest EU developments on state aid in tax matters. It will examine lessons that can be learned from recent cases and contrasts with previous state aid decisions.

The panel will also address the current state of play in terms of ruling policy in EU member States and possible interactions with EU mandatory disclosure rules.
11:00 – 12:30  Concurrent Session B
**Identifying the Line Between Avoidance and Evasion: Global Criminal Tax Enforcement**

Whistleblowers, data leaks, and cooperators have brought allegations of criminal tax violations the forefront and countries around the world are facing increased pressure to take aggressive action, hold those involved accountable, and recover lost revenue.

Using cases ripped from the headlines, the panelists will discuss the current state of criminal tax enforcement in their respective jurisdictions, including what constitutes a tax crime, the government agencies involved, the investigation and charging process, the application of privileges, the government’s use of information obtained through illegal means, and the potential consequences of conviction.

**Co-Chairs**
Caroline D. Ciraolo, Kostelanetz & Fink, LLP, Washington, DC, USA
Albert Collado, Garrigues, Barcelona, Spain

**Speakers**
Eric Meier, Baker McKenzie, Paris, France
Nicolaï B. Sørensen, Lundgrens, Hellerup, Denmark
Sarah E. Paul, Assistant United States Attorney, Southern District of New York, United States Department of Justice, New York, NY, USA
Stefano Petrecca, Macchi di Cellere Gangemi, Rome, Italy
Polly Sprenger, Katten Muchin Rosenman LLP, London, England

12:30 – 14:00
**Networking Luncheon**
14:00 – 15:30       Concurrent Session A
After the MLI: What’s New with Tax Treaties?

The MLI entered into force on 1 July 2018 and its provisions became effective on 1 January 2019 for the first tax treaties concluded among the participating jurisdictions. Therefore, the BEPS tax treaty related measures are now a reality.

After providing an update on the current status of the MLI, including the new guidance on the Synthesized texts, the panel will focus on the practical implications for cross-border corporate structures deriving from the MLI anti-treaty abuse provisions. In particular, the panel will discuss - also with reference to concrete examples – the possible impact of these new provisions and the interaction with general anti-avoidance rules (such as the GAAR in the EU Anti-Tax Abuse Directive) or specific anti-avoidance rules.

The complexity of the application of the MLI provisions coupled with the proliferation of unilateral domestic anti-avoidance measures may render the application of tax treaties more and more difficult and may raise the question of the future of tax treaties and their effectiveness to avoid double taxation.

Co-Chairs
Kimberly S. Blanchard, Weil, Gotshal & Manges LLP, New York, NY, USA
Francesco Capitta, Macchi di Cellere Gangemi, Rome, Italy

Speakers
Antonio Barba de Alba, Cuatrecasas, Madrid, Spain
Gauthier Blanluet, Sullivan & Cromwell LLP, Paris, France
Sophie Chatel, Head, Tax Treaty Unit, Centre for Tax Policy and Administration, OECD, Paris, France
Fred Murray, University of Florida Levin College of Law, Gainesville, FL, USA
Clemens Schindler, Schindler Attorneys, Vienna, Austria
Jan van den Tooren, Hamelink & van den Tooren, The Hague, The Netherlands
14:00 – 15:30  Concurrent Session B

Cross Border Investments in Real Estate by Tax-Exempt Entities, Including Sovereigns, Pension Funds and Charitable Entities

Tax-exempt entities regularly invest in real estate in order to receive current cash flow as well as benefit from long-term appreciation. Such investments can be made directly or, more commonly, through real estate funds. This panel will address how cross-border real estate investments should be arranged for multiple jurisdictions, with an emphasis on the manner in which tax-exempt entities and funds can structure such investments so as to minimize tax “leakage.”

Particular attention will be paid to withholding requirements as well as the impact of the EU Anti-Tax Avoidance Directive, anti-hybrid legislation, and the impact of GILTI, BEAT and other base-erosion rules on cross-border real estate investments by tax-exempt entities. In addition, to the extent that sovereigns, pension funds and other charitable entities are subject to differing rules, these differences will be addressed.

Co-Chairs
Richard M. Lipton, Baker McKenzie, Chicago, IL, USA
Heike Weber, Allen & Overy LLP, Frankfurt am Main, Germany

Speakers
Michele Citarella, CBA Studio Legale E Tributario, Milan, Italy
Eduardo Martínez-Matosas, Gómez-Acebo & Pombo Abogados, Barcelona, Spain
António Rocha Mendes, Campos Ferreira, Sá Carneiro & Associados, Lisbon, Portugal
Floran Ponce, Lenz & Staehelin, Geneva, Switzerland
Cathryn Vanderspar, Eversheds Sutherland, London, England

1530  Conference Adjourns
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1050 Connecticut Avenue, NW, Suite. 400, Washington, DC 20036
www.americanbar.org/groups/taxation.html

As the national representative of the legal profession, the mission of the ABA Section of Taxation is to serve our members and the public through education and leadership to achieve an equitable, efficient, and workable tax system. The Tax Section puts all of the latest information on administrative and procedural developments right at your fingertips. Our publications, programs, and expert advice help you navigate the constantly changing landscape of tax law.

International Bar Association, Taxes Committee
4th Floor, 10 Saint Bride Street, London EC4A 4AD, England
www.ibanet.org

The International Bar Association (IBA) is the world’s leading organization of international legal practitioners, bar associations and law societies. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of over 45,000 individual lawyers and 200 bar associations and law societies spanning all continents. It has considerable expertise in providing assistance to the global legal community as well as being a source of distinguished legal commentators for international news outlets.

International Fiscal Association – USA Branch
2604 Elmwood Avenue, Suite 347, Rochester, NY 14618, USA
www.ifausa.org

Formed in 1938, the International Fiscal Association is a leading non-governmental, international organization dealing with tax matters. The USA Branch is the largest national IFA branch, with approximately 1,000 members. The Branch hosts a two-day conference in late February/early March of each year with presentations by eminent international tax experts on topics, planning ideas and issues of current importance. The USA Branch also holds joint meetings each year with branches from other countries.

American Bar Association Section of International Law
1050 Connecticut Avenue, NW, Suite. 400, Washington, DC 20036
www.americanbar.org/groups/international_law
### AMERICAN BAR ASSOCIATION SECTION OF TAXATION

[www.americanbar.org/groups/taxation/events_cle](http://www.americanbar.org/groups/taxation/events_cle)

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<td>2019 May Tax Meeting</td>
<td>Grand Hyatt Washington, DC, USA</td>
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<td>12th Annual U.S. - Latin America Tax Planning</td>
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### INTERNATIONAL FISCAL ASSOCIATION – USA BRANCH

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<td>73rd Congress of the International Fiscal Association</td>
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<td>Annual Conference of the USA Branch of the International Fiscal Association</td>
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### INTERNATIONAL BAR ASSOCIATION, TAXES COMMITTEE

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