

# Transfer Pricing Aspects of Business Restructurings

Amsterdam, 8 - 10 March 2010

## Day 1

08.30 - 09.00

### **Registration**

09.00 - 09.20

Welcome and IBFD Overview

09.20 - 10.30

### **The Significance of the Issue**

- What are the business reasons for restructuring
- Business restructuring from a transfer pricing standpoint
- Tax authorities' approach regarding business restructuring

10.30 - 10.50

Break – Refreshments

10.50 - 12.45

### **Impact of Transfer Pricing Rules on Business Restructuring**

- The application of the arm's length principle to business restructuring
- Hierarchy of methods
- The concept of "Transfer of Functions"
- Transfer Pricing documentation

12.45 - 14.00

Lunch

14.00 - 15.20

### **Supply Chain Transformation**

- Most common types of business restructuring
- Principal manufacturer *versus* contract/toll manufacturer
- Conversion from fully fledged distributor to a limited risk distributor, service company or commissionaire or agent

15.20 - 15.40

Break – Refreshments

15.40 - 17.00

### **Tax Effective Supply Chain Structures**

- The issue of "location savings"
- Migration of risk
- Typical intellectual property (IP) migration structure
- Issues to consider in structuring intangibles migration (e.g. migration of intangibles through cost sharing arrangements)

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## Day 2

- 09.00 - 10.30      **The Application of the OECD Transfer Pricing Principles to Business Restructuring**
- Business Restructuring challenges
  - The OECD theoretical framework
    - Recognition
    - Allocation of risks
    - Conversion issues
    - Post restructuring transfer pricing
  - Cost of business restructuring
- 10.30 - 10.50      Break – Refreshments
- 10.50 - 12.45      **The Application of the OECD Transfer Pricing Principles to Business Restructuring** (*continued*)
- 12.45 - 14.00      Lunch
- 14.00 - 15.30      **Business Restructuring and Permanent Establishments**
- Business Restructuring and the PE threshold
  - Identification of PEs
  - Agency PEs (common and civil law approaches)
  - Typical business structures and associated PE risk
  - Attribution of profits to a PE
  - Practical examples
- 15.30 - 15.50      Break – Refreshments
- 15.50 - 17.00      **Business Restructuring and Permanent Establishments** (*continued*)

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## Day 3

- 09.00 - 10.30      **Transfer Pricing and Business Restructuring - Germany**
- Regulatory overview
  - Valuation methods
  - Transfer of functions within business restructuring
  - Practical example
- 10.30 - 10.50      Break – Refreshments
- 10.50 - 12.15      **Transfer Pricing and Business Restructuring - Germany** (*continued*)
- 12.15 - 12.45      **Case Study**
- 12.45 - 14.00      Lunch
- 14.00 - 15.00      **Case Study** (*continued*)
- 15.00 - 15.20      Break – Refreshments
- 15.20 - 17.00      **Transfer Pricing and Business Restructuring - A company's perspective**
- Corporate approach to business restructuring
  - Valuation of tax issues by a MNE
  - Case study