IBFD Webinar

Substance in International Tax Planning

1 March 2018 – 17.00 CET
Summary
This approximately 1.5-hour interactive webinar is the first of two webinars that will be dedicated to substance, the increasingly important notion of international taxation and transfer pricing. The webinar will help participants identify and interpret substance requirements and bring forward relevant court cases and guidelines from tax administrations. The webinar will also explore how companies can manage and comply with substance requirements in practice, in relation to both domestic tax law and double tax treaties. The OECD (BEPS and MLI) and EU law aspects of substance (stemming from EU Directives and relevant case law from the Court of Justice of the European Union (ECJ)) will also be covered. The second webinar on the topic of substance, Managing Substance in Transfer Pricing, will complement this webinar by explaining the importance and practical consequences of the notion in the realm of transfer pricing.

Please note: Registrations to the live webinar will be closed 3 days prior to broadcast and/or when the maximum number of registrations has been reached. Webinars can only be purchased by credit card.

Client offer: 20% discount for IBFD Membership clients and 10% discount for Global Tax Explorer (Plus) clients.

Bulk discount: a 20% discount will be applied to registrations received for 5 people or more made in one order.

Overview and learning objectives
Topics to be discussed in this webinar include the relevance of substance, and the interpretation and ramifications of the notion in relation to tax residence and anti-avoidance measures such as CFC, beneficial ownership, limitation on benefits clauses (LOB) and GAARs. Instructors will also explain the importance and application of substance for EU law and the lessons corporates can learn from substance-related ECJ case law. Emphasis will be placed on helping the participants make their international tax structures substance compliant and on highlighting the risk the new substance requirements entail for their structures, arrangements and transactions.

Following the webinars, participants will be able, among other things, to:
- identify substance requirements in domestic and international tax law;
- define the scope of the requirements and manage compliance with them; and
- apply the guidance laid down by tax administrations, courts and international organizations.

Field of study
Taxes
Who should participate?
The webinar is suitable for all tax professionals including accountants, in-house tax personnel (e.g. directors, managers), lawyers and tax advisers who deal with cross-border transactions, structures or cases and wish to understand the risks, challenges and controversies related to substance requirements in the post-BEPS world.

Course level and prerequisites
This is an intermediate-level webinar. Participants taking this course are expected to be aware of the common international tax planning techniques and the practical problems related to them.

Advance preparation
Participation to this webinar does not require any preparation.

Interactive webinar – “Group Internet Based” (live webinar only)
To safeguard the interactive nature of the webinar, a limited number of participants will be accepted. Early registration is therefore recommended. During live webinars, it is possible to interact with the presenters via a chat message function. Please note that questions are answered based on relevance, order of receipt and available time. Additionally, participants in the live webinar are invited to answer poll questions or to complete short tests. Participants will also have access to the on-demand version for a further 12 months from the live date.

On-demand webinar
On-demand webinars are intended for individual self-study only. Unlike live webinars, they are not open to interactive participation or assistance of a real-time instructor. Access to on-demand webinars is granted for a period of 12 months.

Continuing Professional Education
Many accrediting organizations will grant CPE credit(s) for an IBFD audio-visual broadcast. It is advisable, however, that you check with your accrediting body as to whether this applies only to live webinars or to on-demand webinars as well.

Webinar registration details
If you have any questions regarding following the webinar, technical requirements, and payments and cancellations, please consult our FAQ.
Agenda

Setting the scene
- the emergence of and current trends surrounding substance requirements
- definition and scope of the notion
- relevance for tax structures, arrangements and transactions
- poll question 1

Substance and tax residence
- domestic law
- tax treaties
- place of effective management
- MLI/BEPS impact
- relevant case law
- poll question 2

Substance requirements in anti-avoidance rules
- beneficial ownership
- GAARs and principal purpose tests
- CFC
- management and compliance with substance requirements
- relevant case law

EU law and substance
- fundamental freedoms under EU law
- substance and genuine exercise of fundamental freedoms
- compatibility of anti-abuse rules with EU law
- practical implications derived from ECJ case law
- what substance is sufficient under EU law?

Closing