IBFD Webinar
Transfer Pricing and Substance Redefined

25 June 2020 – 15.00 (Amsterdam local time)
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Summary
This approximately 1-hour interactive webinar is dedicated to substance. The OECD, European Union and UN have been – and still are – implementing guidance related to base erosion and profit shifting (BEPS), and many of these developments affect transfer pricing. Countries have been – or still are – implementing similar rules in their own tax systems. In addition, the business models of multinational enterprises (MNEs) have been changing, and international organizations and tax authorities in different countries are trying to tax the profits made via these new, data-driven business models. Thus, from a risk management perspective, it is essential for MNEs to be fully aware of the different approaches that are taken by international organizations and various tax authorities with respect to substance, the digitalization of the economy, intangibles, permanent establishments and intra-group financing.

This webinar will help participants identify and interpret substance requirements and bring forward relevant court cases and guidelines from tax administrations. It will also explore how companies can manage and comply in practice with substance requirements in relation to transfer pricing.

Learning objectives
Topics to be discussed in this webinar include the relevance of substance, and the interpretation and impact of the notion in relation to transfer pricing comparability factors such as functional/risk analysis, R&D and IP, business restructuring, tax-efficient supply chain structures (manufacturing and services) and intra-group financing. Permanent establishment issues (PE risks) and the attribution of profits to a PE and the relevance of substance in this regard will lightly be touched upon as well.

After following this webinar, participants will be able to:
- identify substance requirements in domestic TP legislation and international documents;
- interpret and define the scope of the requirements and manage compliance with them; and
- apply the guidance laid down by tax administrations, courts and international organizations in the TP field.

Field of study
Taxes

Who should participate
The webinar is suitable for all tax professionals, including accountants, in-house tax personnel (e.g. directors and 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 TP substance requirements in the post-BEPS world.

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Course level and prerequisites
This is an intermediate-level webinar. Participants are expected to have a good understanding of international tax law and transfer pricing.

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 the 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.

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

▸ Setting the scene
  ▶ the emergence of and current trends surrounding substance requirements
  ▶ substance and TP comparability factors
    ▶ functional analysis
    ▶ the OECD six-step approach to risk assumption
▸ Tax-efficient supply/value chain structures
  ▶ principal companies and the relevance of substance
  ▶ impact digital innovation on value chain
▸ R&D activities and the exploitation of IP
  ▶ Chapter VI OECD TP Guidelines
  ▶ tax-efficient IP exploitation
  ▶ the modified nexus approach and IP box regimes
  ▶ intangibles definition, entitlement to return (DEMPE functions) and substance
▸ PE risks
▸ Intra-group financing and substance
▸ Closing