



UNIVERSITY OF AMSTERDAM

Amsterdam Centre for Tax Law

WINTER COURSES

OECD BEPS

14-20 JANUARY 2016

EU BEPS AND THE EU TREATY FREEDOMS/ STATE AID

21-26 JANUARY 2016



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Introduction

The ACTL has been organizing the Winter Course on European Direct Tax Law since 2010 and the Winter Course on International Tax Law as from 2011. Given the huge interest of participants who came from all over the world, both Courses have satisfied a need. The ACTL is proud to again offer two Winter Courses in 2016, this time with more focus on the OECD BEPS project and the forthcoming EU BEPS proposals.

Prof. Dr Dennis Weber
Director Amsterdam Centre for Tax

Amsterdam Centre for Tax Law

The Amsterdam Centre for Tax Law (ACTL) is the tax law research centre of the University of Amsterdam. ACTL members conduct research into various subjects of tax law, with strong emphasis on Corporate Taxation, International Tax Law and European Tax Law.

Within the University of Amsterdam, the ACTL is considered a Centre of Excellence. The research of the ACTL belongs to the 'Private and Public European law priority area', which is one of the Amsterdam Law School research priority areas.

The ACTL has a research staff of over twenty members, which includes professors, assistant professors and PhD researchers. In addition, several external researchers are associated with the ACTL. The ACTL regularly organizes (international) conferences, seminars and courses.

The Director of the ACTL is professor Dr Dennis Weber, professor of European Corporate Tax Law. The ACTL professors are: prof. Dr Rob Cornelisse, prof. Dr Otto Marres, prof. Jan van de Streek, prof. Dr Ben Terra, prof. Dr Hein Vermeulen, prof. Dr Peter Wattel, prof. Dr Dennis Weber and prof. Dr Stef van Weeghel.

Visit our website

www.actl.uva.nl

Amsterdam Centre for Tax Law Winter Courses

As part of its academic and teaching activities the ACTL has been organizing intensive courses on International and European tax law since 2010. This year's edition of the Winter Course on OECD BEPS will take place between 14-20 January 2016 and the Winter Course on EU BEPS and the EU Treaty Freedoms/State Aid between 21-16 January 2016.

The Winter Course on OECD BEPS focuses on the OECD BEPS project.

The most important actions of the BEPS project will be discussed such as CFC rules, hybrid mismatches, definition of permanent establishment, hybrid entities, transfer pricing, tax treaty abuse, IP special regimes, dispute resolution, taxation of the digital economy, BEPS versus developing countries, and the multilateral instrument to implement tax treaty BEPS issues. This intensive course will bring the participants' knowledge up-to-date with all the recent OECD BEPS developments.

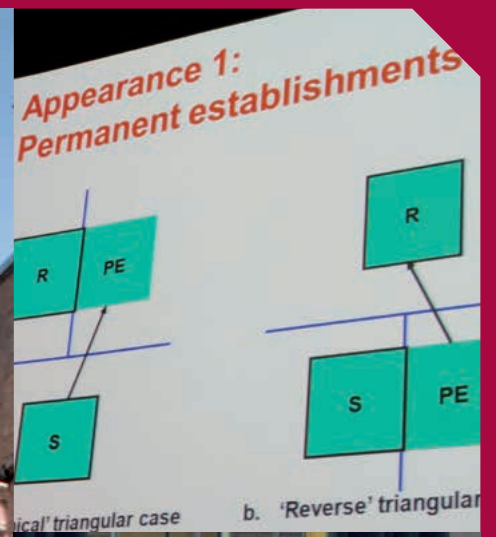
The topics of the Winter Course on EU BEPS and the EU Treaty freedoms will focus first of all on the EU influence on the BEPS discussion. This will cover the State aid influence on transfer pricing (Starbucks, FIAT, Amazon, etc), the new EU GAAR and the hybrid instruments rules in the Parent-Subsidiary Directive, the EU tax transparency package (exchange of tax rulings, country by country reporting, etc) and the forthcoming EU anti-BEPS Directive.


Students who have attended the courses will receive a certificate from the ACTL.

**The Winter Courses
qualify for the NOB
permanent education**



Winter Courses 2016



 **Recent and Future
OECD
Developments**

ACTL Winter Course on
International Tax Law
Amsterdam, 1 February 2016

Mary Bennett
Head of Tax Treaty & Transfer
Division
OECD Centre for Tax Policy &
Administration



OECD BEPS

Programme Directors: Prof. Dr Stef van Weeghel
Prof. Dr Dennis Weber

Programme coordinator: Bruno da Silva

Venue: tba

Lecturers in the 2016 edition of the course are:

- Dr Paolo Arginelli (IBFD)
- Maikel Evers (OECD)
- Dr Anzhela Cédelle (Saïd Business School/University of Oxford)
- Prof. Dr Frank Engelen (Leiden University) (TBC)
- Prof. Dr Björn Westberg (Jonköping International Business School)
- Wilbert Kannekens (KPMG Meijburg)
- Prof. Dr Otto Marres (ACTL/KPMG Meijburg)
- Hans Pijl (Deloitte)
- Prof. Sergio Andre Rocha (Andrade Abogados associados)
- Bruno da Silva (ACTL/Loyens & Loeff)
- Rogier Sterk (Loyens & Loeff)
- Prof. Dr Jan van de Streek (ACTL/ Loyens & Loeff)
- Agata Uceda (KPMG Meijburg)
- Prof. Dr Hein Vermeulen (ACTL/PwC)

**Including admittance to the ACTL
Afternoon Seminar: The G20-BEPS
Antalya-agreement: Implementation
and other future BEPS developments -
14 January 2016**

Programme

14-20 January 2016

Day 1 - Thursday, 14 January 2016

09.00-10.30 **What's BEPS? An introduction**

Maikel Evers
OECD

10.30-11.00 **Break**

11.00 - 12.30 **BEPS and Interest deductions and other financial payments (action 4)**

Prof. Dr Otto Marres
ACTL/KPMG Meijburg

- Fixed ratio rule
- De minimis threshold
- Exclusions

12.30-13.30 **Lunch**

13.45-18.15 **Afternoon seminar: The G20-BEPS Antalya-agreement: Implementation and other future BEPS developments**

De Industriële Groote Club
"Groote zaal" - second floor
Dam square 27
(next to Gassan Diamonds)
1012 JS Amsterdam
www.igc.nl

Speakers

- Maikel Evers (OECD)
- Dan Berman (Boston University/MacLadrey LLP)
- Prof. Dr Tianglong Hu (Renmin University, Beijing)
- Wilbert Kannekens (Meijburg & Co)
- Theo Keijzer (International Chamber of Commerce/ former VP Tax Policy Shell)
- Arjan van der Linde (Amcham tax/head of tax GE Europe)
- Prof. Dr Jan van Streek (ACTL/Loyens & Loeff)
- Bartjan Zoetmulder (NOB/Loyens & Loeff)

For more information about this afternoon seminar: check the flyer on page 24-25 of this brochure, admittance is free for Wintercourse participants.

Day 2 - Friday, 15 January 2016

09.00-10.30	Revising CFC rules in the BEPS context (action 3)
Dr Anzhela Cédelle Saïd Business School/ University of Oxford	<ul style="list-style-type: none">- Building blocks (definition of CFC, CFC exemptions and threshold requirements, definition of income, computation of income, attributions of income, prevention and elimination of double taxation)
11.00-12.30	Addressing Hybrid Mismatches (action 2)
Prof. Dr Jan van de Streek ACTL/ Loyens & Loeff	<ul style="list-style-type: none">- Payments made under hybrid financial instruments- Linking rules (primary and secondary rules)- Coordination and consistency in application
12.30-13.30	Lunch
13.30-15.00	BEPS and artificial avoidance of PE status (action 7)
Hans Pijl Deloitte	<ul style="list-style-type: none">- Commissionaire arrangements- List of PE exceptions- Construction sites
15.00-15.30	Break
15.30-17.00	BEPS and artificial avoidance of PE status (action 7)
Hans Pijl	

Day 3 - Saturday, 16 January 2016

10.00-11.30	BEPS in the context of hybrid entities: partnerships, REITs and CIVs (cont.)
Prof. Dr Hein Vermeulen ACTL/PwC	<ul style="list-style-type: none">- Payments made under hybrid financial entities (partnerships, REITs and CIVs)- Tax treaty issues
11.30-12.00	Break
12.00-13.30	BEPS in the context of hybrid entities: partnerships, REITs and CIVs (cont.)
Prof. Dr Hein Vermeulen	
13.30 - 14.30	Lunch

Day 4 - Monday, 18 January 2016

09.00-10.30	BEPS and transfer pricing developments (actions 8-10 and 13)
Agata Uceda KPMG Meijburg	<ul style="list-style-type: none">- Amendments to TP guidelines- IP transactions- Contractual allocation of risks- Other high risk areas- TP documentation and country-by-country reporting
10.30-11.00	Break
11.00-12.30	BEPS and transfer pricing developments (actions 8-10 and 13) (cont.)
Agata Uceda	
12.30-13.30	Lunch
13.30-15.00	BEPS and transfer pricing developments (actions 8-10 and 13) (cont.)
Rogier Sterk Loyens & Loeff	
15.00-15.30	Break
15.30-17.00	BEPS and transfer pricing developments (actions 8-10 and 13) (cont.)
Rogier Sterk	

Day 5 - Tuesday, 19 January 2016

09.00-10.30	Tax Treaty abuse (action 6)
Bruno da Silva ACTL/Loyens & Loeff	<ul style="list-style-type: none">- Minimum standard- Proposed Limitation on Benefits rule- Principal purpose test- Other anti-avoidance measures- Relation between domestic anti-avoidance rules and tax treaties
10.30-11.00	Break
11.00-12.30	Tax Treaty abuse (action 6) (cont.)
Bruno da Silva	
12.30-13.30	Lunch
13.30-15.00	Countering Harmful Tax Regimes (action 5)
Dr Paolo Arginelli IBFD	<ul style="list-style-type: none">- IP special regimes and substantial activity requirement (nexus approach, documentation requirements, grandfathering...)- Non-IP special regimes- Spontaneous exchange of information on rulings
15.00-15.30	Break
15.30-17.00	Improving Dispute Resolution (action 14)
Lecturer to be announced	<ul style="list-style-type: none">- Access to MAP- Minimum standard as regards treaty disputes

Day 6 - Wednesday, 20 January 2016

09.00-10.30

Taxation of Digital Economy (action 1)

Prof. Dr Björn Westberg
Jonköping International
Business School

- BEPS measures in the context of direct taxation from the perspective of the market jurisdiction and the jurisdiction of the ultimate parent company (e.g. PE definition, CFC amendments)
- Actions in the context of indirect taxes (e.g. VAT in B2C)

10.30-11.00

Break

11.00-12.30

BEPS and developing countries: the UN perspective

Prof. Sergio Andre Rocha
Andrade Abogados asociados

- The perspective of developing countries on BEPS
- The UN role

12.30-13.30

Lunch

13.30-15.00

BEPS: challenges for practitioners

Wilbert Kannekens
KPMG Meijburg

EU BEPS and the EU Treaty Freedoms/State Aid

Programme Director(s): Prof. Dr Dennis Weber
Programme coordinator: Thida Sirithaporn
Venue: tba

Lecturers in the 2016 edition of the course are:

- Prof. Dr Sjoerd Douma (ITC/Leiden)
- Willibrord Egelie (Dutch Tax Administration)
- Dr Gijs Fibbe (Erasmus University Rotterdam/Baker Tilly Berk)
- Prof. Dr Werner Haslehner (University of Luxembourg)
- Vinod Kalloe (Meijburg & Co)
- Alexia Kardachaki (PwC/ACTL)
- Prof. Dr Raymond Luja (Maastricht University)
- Dr Eric Poelmann (ACTL/Dutch Tax Administration)
- Bruno da Silva (ACTL/Loyens & Loeff)
- Prof. Dr Jan van de Streek (ACTL/Loyens & Loeff)
- Dr Mario Tenore (Maisto e Associati)
- Prof. Dr Peter Wattel (ACTL/Dutch Supreme Court)
- Prof. Dr Dennis Weber (ACTL/Loyens & Loeff)
- Dr Maarten de Wilde (ACTL/Erasmus University Rotterdam/Loyens & Loeff)

Programme

21 January-26 January 2016

Day 1 - Thursday, 21 January 2016

09.00-10.30	The Case Law of the Court of Justice on Direct Taxes - General Overview
Prof. Dr Peter Wattel ACTL/Dutch Supreme Court	Negative integration in direct taxation: concepts and reasons; core concepts; the scope of the fundamental freedoms, discrimination and restriction, justifications; the main clusters of direct taxes cases
10.30-11.00	Break
11.00-12.30	The Case Law of the Court of Justice on Direct Taxes (cont.)
Prof. Dr Peter Wattel	
12.30-13.30	Lunch
13.30-15.00	Introduction to the EU's (Fiscal) State Aid Framework
Prof. Dr Raymond Luja Maastricht University	
15.00-15.30	Break
15.30-17.00	Influence of State Aid on Tax Rulings, Transfer Pricing Rules (Apple, Starbucks, FIAT, Amazon-cases)
Prof. Dr Raymond Luja	
17.00-19.00	Drinks

Day 2 - Friday, 22 January 2016

09.00-10.30	Tax Treaties and EU Law
Prof. Dr Werner Haslehner University of Luxembourg	
10.30-11.00	Break
11.00-12.30	Procedural Aspects of EU Tax Law
Dr Eric Poelmann ACTL/Dutch Tax Administration	Recovery of taxes collected in violation of EU law: the principle of effectiveness versus the procedural rules of reason; forms of action, limitations under national law, state liability and the right to freestanding action, EU Charter of Rights, protection of taxpayers' rights
12.30-13.30	Lunch
13.30-15.00	Abuse of EU Law
Prof. Dr Dennis Weber ACTL/Loyens & Loeff	Objective and subjective test, artificial arrangements, U-turns, presumptions of abuse, Tax jurisdiction shopping; Case-law: Leur-Bloem, Emsland-Stärke, Halifax, Cadbury Schweppes, Thin cap GLO, SGI, Zwijnenburg, Foggia, SIAT, Itelcar, Olsen
15.00-15.30	Break
15.30-17.00	The New Common Minimum Anti-Abuse Rule in the Parent-Subsidiary Directive (Main Purpose Test)
Prof. Dr Dennis Weber	De minimum rule, what is abuse under the directive, genuine-test, Economic substance-test, directive-shopping, influence on holding companies, consequences of abuse; influence on tax treaties

Day 3 - Saturday, 23 January 2016

09.30-11.00	EU Tax Transparency Package
Alexia Kardachaki PwC/ACTL	<ul style="list-style-type: none">- EU Directive regarding exchange of tax rulings- New directive on automatic exchange of information- EU third countries blacklist- EU Country-by-country reporting
11.00-11.30	Break
11.30-13.00	Selected Issues - Withholding Taxes
Dr Mario Tenore Maisto e Associati	Geritse, Scorpio, Centro Equestre, Denkavit Internationaal, Amurta, Truck Center, Commission/Italy, X case (Feyenoord), ACO Industries, Miljoen
13.00-14.00	Lunch

Day 4 - Monday, 25 January 2016

09.00-10.30

EU Anti-Hybrid Instruments Rule (Parent-Subsidiary Directive) and EU Anti-Hybrid Mismatch Rules (Soft Law-Code of Conduct)

Dr Gijs Fibbe

Erasmus University Rotterdam/
Baker Tilly Berk

10.30-11.00

Break

11.00-12.30

EU Cross-Border Losses

Bruno da Silva

ACTL/Loyens & Loeff

Justifications in the field of cross-border losses (meaning of balanced allocation of powers to tax, "use of combined justifications"), proportionality test (meaning of "final losses", when losses become final). Case law: Marks & Spencer, Deutsche Shell, Lidi Belgium, X Holding, Philips Electronics, Felixstowe Dock, A Oy, SCA Group Holding, Commission v UK

12.30-13.30

Lunch

13.30-15.00

New EU BEPS measures: The new CC(C)TB rules, EU CFC rules, Interest deduction rules, participation exemption

Prof. Dr Jan van de Streek

ACTL/Loyens & Loeff

15.00-15.30

Break

15.30-17.00

Selected Issues - Freedom of Capital and Third States

Willibrord Egellie

Dutch Tax Administration

Fidium Finanz Lasertec, Holbock, A case, FII, Thin Cap GLO, Commission/Italy, Rimbaud, Prunus, Emerging Markets Series of DFA Investment Trust Company

Day 5 - Tuesday, 26 January 2016

09.00-10.30 Current and Emerging Issues in EU Tax Law

Dr Maarten de Wilde - Per element approach (Linz/Groupe Steria)
ACTL/Erasmus University Rotterdam/ - And more
Loyens & Loeff

10.30-11.00 Break

11.00-12.30 Selected Issues - Exit Taxes

Prof. Dr Sjoerd Douma National Grid Indus, Commission/Portugal, DMC, Verder Labtec
ITC/Leiden

12.30-13.30 Lunch

13.30-15.00 My Experience in EU Tax Litigation

Prof. Dr Sjoerd Douma

15.00-15.30 Break

15.30-17.00 The Important Influence of the EU Code of Conduct Group on the Forthcoming EU BEPS Proposals

Vinod Kalloe Example: EU patent box approach (Modified nexus approach)
Meijburg & Co

Venues of the Winter Courses

The ACTL organizes its Winter Courses in several venues, which are all part of the University of Amsterdam. The most important venue is the 'Oudemanhuispoort', which is the main building of the Faculty of Law of the University.

The 'Oudemanhuispoort'

The Faculty of Law of the University of Amsterdam is located in the 'Oudemanhuispoort' (OMHP), which is situated in the city centre of Amsterdam. It is called a 'poort', which means gate, because the building is only accessible through a gateway between the Oudezijds Achterburgwal and the Kloveniersburgwal.

The faculty building has had many functions over the centuries. It was originally built in 1601 as a retirement home for old men ('oude mannen' in Dutch) and was financed with earnings from an Amsterdam lottery. After some remodeling the building became the Academy of the Visual Arts in 1837 and the museum of banker and art collector Adriaan van der Hoop in 1854. Since 1880 it has been the main building of the University of Amsterdam.

Amsterdam in winter time





Market Spui and Tumble
bridge Kloveniersburgwal



Outside the walls of academia

Neighbourhood of the Faculty of Law

The venues of the Winter Courses are situated in one of the oldest parts of the city of Amsterdam. The Nieuwmarkt square is only a short distance from the Faculty of Law. The square was created in 1614, during the redevelopment of Amsterdam. In the centre of the Nieuwmarkt stands the 'Waag' (the Weighing-house). Now a restaurant (and one of the lunch spots during the Winter Courses; www.indewaag.nl/en), it was formerly the city gate to Amsterdam, as a defence against intruders.

In the seventies, the tunnel for the metro line was constructed near the square. To accommodate this, many houses were demolished, despite dissention of the residents. This led to the Nieuwmarkt riots in 1975. The square was given its present form at the beginning of the nineties. An abundance of cafes and restaurants encircle the square. Pop into 't Loosje' (Nieuwmarkt 32-34). The square still serves as a market area: it houses a daily market, a biological market on Saturdays and in summer, a flea market on Sundays. An unusual detail is that nowadays, the street names in the area of the Nieuwmarkt are signed in Dutch and in Chinese characters. This is because the Nieuwmarkt neighbourhood houses many Chinese residents and businesses. You will also find many Chinese and Thai restaurants there. One of the best known is 'Namkee'. A book has been written about this restaurant (www.namkee.nl). The Nieuwmarkt has two ATM machines and one supermarket. On the north side of the Nieuwmarkt, there is a famous long street called 'Zeedijk', which takes you all the way to NS Central train station. There you will find many typical Amsterdam cafes and pubs. Hot tip - visit one of the oldest bars in Amsterdam, housed in one of the only two remaining 15th century wooden houses, called 'In 't Aepjen' ('In the Monkey'), at Zeedijk number 1. One explanation to this name is that the owner kept monkeys, which had been brought back from the East. The monkeys had fleas, which in turn, worried the

guests of the boarding house with itch. Thus the origin of the Dutch expression, 'in de aap gelogeed zijn', which literally translated is, 'lodged with the monkey', and in fact means, 'up the creek' or 'in a fix'. Another explanation for the name of this famous building is that many sailors lodged there for the night before boarding the ship that was to take them to the East. Many never returned from these hard voyages. So, if you had 'in de aap gelogeed' there was a big risk that you would never see Amsterdam again, and that you were 'in for it'. The cafe is now a very snug looking pub where you can sample the original 'van Wees' Jenever (Dutch gin) from Amsterdam. Close to the Oudemanhuispoort is the 'Nes', a street with restaurants and theatres. Restaurant Harkema (one of the lunch spots during the Winter Course) has good food and reservations are usually not necessary (www.brasserieharkema.nl). If you fancy sampling Dutch cuisine, try 'Greetje' (www.restaurantgreetje.nl). For a unique experience and a first-class dinner, visit Blauw aan de Wal (Oudezijds Achterburgwal 99; tel: 020-3302257). You will find it up a tiny alleyway in the hub of the Red Light District. Right next to the office of the ACTL you will also find café De Jaren. This is one of the biggest cafés of Amsterdam, since it is two stories high, and it has a terrace looking over the canals with its own small jetty. Last but not least, there is Dante Kitchen & Bar. The Dante café made a big name for itself during the 1990s as the café were Dutch painter Herman Brood painted and even lived for a while. Nowadays Dante has reinvented itself with two terraces, one overlooking the Spuistraat and the other the Singel.

FLTR: Grimborgwal,
brasserie Harkema,
restaurant Greetje,
Dante Kitchen & Bar
and café De Jaren

Application

For applications visit our website:
www.actl.uva.nl (under News & Events)
Please note that there are limited
seats available.
Early bird discounts are available.





Afternoon Seminar

The G20-BEPS Antalya-agreement: Implementation and other future BEPS developments

Now that the leaders of the G20 agreed in Antalya to move further with the BEPS project the focus will be on consistent implementation and monitoring of the implementation of the anti-BEPS measures.

Amsterdam | Thursday 14 January 2016

Chair

Prof. Dr Peter Wattel (ACTL/Supreme Court)

Prof. Dr Dennis Weber (Director ACTL/Loyens & Loeff)

Speakers

Maikel Evers (OECD)

Dan Berman (Boston University/MacLadrey LLP)

Prof. Dr Frank Engelen (PwC/Leiden University)

Prof. Dr Tianglong Hu (Renmin University, Beijing)

Wilbert Kannekens (Meijburg & Co)

Theo Keijzer (International Chamber of Commerce/ former VP Tax Policy Shell)

Arjan van der Linde (Chair of the Tax Committee of the American Chamber of Commerce in the Netherlands)

Prof. Dr Jan van de Streek (ACTL/Loyens & Loeff)

Prof. Dr Dennis Weber (Director ACTL/Loyens & Loeff)

Mr. Bartjan Zoetmulder (NOB/Loyens & Loeff)

More info

www.actl.uva.nl > News & Events

Venue

De Industriële Groote Club
"Groote zaal" - second floor
Dam square 27
(next to Gassan Diamonds)
1012 JS Amsterdam

www.igc.nl

Organisation

The seminar is organised by the
Amsterdam Centre for Tax Law

www.actl.uva.nl

Programme

13.00-13.45 Registration

**13.45-14.00 Opening Remarks: Prof. Dr Dennis Weber
(Director ACTL/Loyens & Loeff)**

**14.00-16.00 Panel 1: BEPS Implementation after the
Antalya-agreement**

Chair: Prof. Dr Peter Wattel (ACTL/Supreme Court)

- Key-note speaker: BEPS Implementation after the Antalya-agreement: OECD views - Maikel Evers (OECD)

Comments by:

- USA approach to BEPS - Dan Berman (Boston University/MacLadrey LLP)
- Chinese approach to BEPS - Prof. Dr Tianglong Hu (Renmin University, Beijing)
- Dutch approach to BEPS - Mr. Bartjan Zoetmulder (NOB/Loyens & Loeff)

16.00-16.30 Coffee break

16.30-18.15 Panel 2: Future BEPS developments

Chair: Prof. Dr Dennis Weber

- Multilateral Instrument: will it work? - Prof. Dr Frank Engelen (PwC/Leiden University)
- The EU implementation: New EU Rules on BEPS (CFC, interest limitation, hybrid mismatches, CCTB, etc.) - Prof. Dr Jan van de Streek (ACTL/Loyens & Loeff)

Comments by:

- Arjan van der Linde (Chair of the Tax Committee of the American Chamber of Commerce in the Netherlands)
- Theo Keijzer (International Chamber of Commerce/ former VP Tax Policy Shell)
- Wilbert Kannekens (Meijburg & Co)

18.15-19.00 Drinks

Participation fee

100 Euro (see: www.actl.uva.nl > News & Events for application form)

This conference is part of the ACTL International Wintercourse on OECD BEPS



Radisson hotel - Discount

Discounted rooms are available at the Radisson Blu Hotel, Amsterdam.

The hotel is located at Rusland 17, in one of the oldest parts of Amsterdam, close to the Winter Courses venues.

Please find below instructions for booking a hotel room:

- Visit the website: www.radissonblu.com/hotel-amsterdam
- On the right side type in the dates you would like to stay at the Radisson Blu
- Click on 'more search options'
- Type in 'ACTL' in the field promotional code
- Click 'view rates'
- The special rates will appear on the screen
- Your booking can be completed and needs to be guaranteed with a credit card
- Your reservation can be cancelled until 24 hours in advance