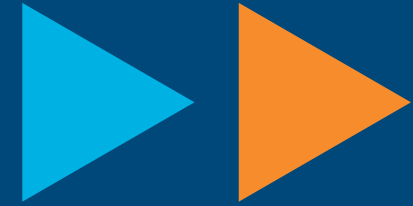


23RD ANNUAL

U.S. AND EUROPE TAX PRACTICE TRENDS CONFERENCE

29-31 MARCH 2023 • ZURICH



The U.S. and Europe Tax Practice Trends Conference, cosponsored by the ABA Tax Section, IBA Taxes Committee and IFA-USA, is one of the preeminent events for international tax professionals to discuss the latest global tax developments and practice trends, hear from leading tax experts representing industry, government and the legal profession and network with colleagues from around the world.

Designed for international tax professionals from industry and private practice, this year's conference in Zurich will focus on practical planning strategies for multinational corporations and their international advisors, as well as provide insight in how government tax officials may view the international tax landscape in light of important international developments that impact corporate taxpayers.



REGISTER TODAY AT [AMBAR.ORG/23TAXEURO](https://ambar.org/23taxeuro)

11:30 – 18:00

Registration of Delegates

10:45 – 11:00

Opening Remarks

Introduction

Susanne Schreiber, Bär & Karrer, Zurich

12:30 – 14:00

CRYPTOCURRENCY SESSION

“Tax Aftermath of the Crypto Winter: Exchange Collapses, Including FTX” – A View from the United States and Europe – Navigating Developing Tax Regulations in Various Jurisdictions

The panel will discuss the distinction of different crypto exchange models and the corresponding underlying tax treatment in the United States, Switzerland, Spain, Portugal and Austria, respectively, while evaluating potential customer losses and redress. The panel will also address tax regulatory developments in each of the presented jurisdictions.

Co-Chairs

Sahel A. Assar, Buchanan Ingersoll & Rooney PC, Washington, DC
Thomas Linder, MME Legal, Zurich

Speakers

Cansu Burkhalter, Bitcoin Suisse AG, Zug
Alexandra Courela, Abreu Advogados, Lisbon
David López Pombo, Uría Menéndez, Madrid
Anthony V. Sexton, Kirkland & Ellis LLP, Chicago, IL
Karin Spindler-Simader, Wolf Theiss, Vienna

14:00 – 14:15

Networking Break

14:15 – 15:45

WEALTH MANAGEMENT SESSION

Dual Residency: Identifying and Solving Common Problems

This panel will shed light dual tax residency related tax planning issues and traps for the unwary. Issues can arise in an income tax, estate, inheritance or gift tax context. Initially, we will briefly consider the residence rules of seven countries (France, Italy, Malta, Spain, Switzerland, UK and U.S) and its treaty tie-breaker rules.

Then, we will discuss selected issues in an “inbound from the U.S.” and “outbound from the U.S.” context with reference to the seven countries.

Co-Chairs

Michael Fischer, Fischer Ramp Buchmann, Zurich
Alan Winston Granwell, Holland & Knight LLP, Washington, DC

Speakers

Ramona Azzopardi, WH Partners, Ta' Xbiex
Guadalupe Díaz-Súnico, Gómez Acebo & Pombo, Barcelona
Marine Dupas, Arkwood SCP, Paris
Victor A. Jaramillo, Caplin & Drysdale, Washington, DC
Andrea Tavecchio, Tavecchio & Associati, Milan
Emma-Jane Weider, Maurice Turnor Gardner LLP, London

15:45 - 16:00

Networking Break

16:00 - 17:30 WEALTH MANAGEMENT SESSION
Holding Family Assets: Common and Evolving Structures in Europe and the United States

Family offices, the investment holding structures of individuals or families, have steadily gained importance as important participants in the market. Our panelists will discuss common family holding structures used in the US and Europe, which are affected by tax, regulatory and philanthropic considerations.

Co-Chairs

Daniel Bader, Bär & Karrer, Zurich
Jacqueline Duval, K&L Gates, New York, NY

Speakers

Seth Entin, Greenberg Traurig, LLP, Miami
Alex Jupp, Skadden, Arps, Slate, Meagher & Flom LLP, London
Paolo Ludovici, Gatti Pavesi Bianchi Ludovici, Milan
Vadim Neumann, ZEDRA, Zurich
Tanja Schienke, Flick Gocke Schaumburg, Frankfurt am Main

17:30 - 19:00

Networking Cocktail Reception

07:45 - 08:45

Continental Breakfast

07:45 - 17:30

Registration of Delegates

08:45 - 09:00

Opening Remarks

Conference Co-Chairs

Kathleen (Kat) Saunders Gregor, Skadden, Arps, Slate, Meagher & Flom LLP, Boston, MA

Reto Heuberger, Homburger, Zurich

Stanley C. Ruchelman, Ruchelman P.L.L.C., New York, NY

Susanne Schreiber, Bär & Karrer, Zurich

09:00 - 09:30

Opening Keynote

Keynote Speaker

Speaker to be announced.

09:30 - 11:00

PLENARY SESSION

U.S. GILTI, Book Minimum Tax and Pillar 2 - How Will They Interact?

The panel will focus on the complexities expected to arise from the Pillar Two rules and the U.S. GILTI and Book Minimum Tax provisions.

With the European Member States and many other countries in the world going ahead with the introduction of Pillar Two rules, it is key for U.S. multinationals to assess how the U.S. GILTI and Book Minimum Tax rules will interact with the income inclusion rule and the undertaxed profit rule, and the potential consequences of conceptual mismatches.

The panel will address the complexities and will discuss example cases, as well as operational and reporting changes that MNEs will need to consider.

Co-Chairs

Margriet Lukkien, Loyens & Loeff, Amsterdam

Kimberly Majure, KPMG LLP, Washington, DC

Speakers

Laurence Clot, Dentons, Paris

Thomas Hug, Bank Julius Baer & Co. Ltd., Zurich

Dominic Morgan, Tupperware Products AG, Root

Christian Wimpissinger, Binder Grösswang, Vienna

Additional speakers to be announced.

11:00 - 11:30

Networking Break

11:30 – 13:00

CONCURRENT SESSION A

Managing Uncertainty in Transfer Pricing: Evolving Methods and Current State of APA Play

The panel will explore the post-pandemic sources of transfer pricing uncertainty, from the prosaic to the exotic, and identify and compare the methods available to taxpayers for managing that uncertainty from a practical perspective.

In inventorying the taxpayer's toolbox for addressing transfer pricing uncertainty, the panel will focus most heavily on advance pricing agreements (APAs), to include assessing their benefits, drawbacks, and overall return on investment as compared with other dispute resolution and prevention mechanisms, their appeal and viability in a post-Pillars world, the implications of recent case law developments, including the U.S. Tax Court's Eaton decision, for APA programs, and whether and to what extent BEPS Action 14 and the OECD's efforts to establish APA best practices have enhanced taxpayers' experience of the APA process.

Co-Chairs

Joe Duffy, Matheson, Dublin

Elizabeth Stevens, Caplin & Drysdale, Washington, DC

Speakers

Markus Baur, Tax Director, Transfer Pricing, IBM, Vienna

Nikolaj Bjørnholm, Bjørnholm Law, Hellerup

Mark van Casteren, Huygens Quantitative Tax Consulting B.V., Amsterdam

Nils Harbeke, Pestalozzi Attorneys at Law Ltd, Zurich

Lisandra Ortiz, Miller & Chevalier Chartered, Washington, DC

Marco Valdonio, Maisto, Milan

11:30 – 13:00

CONCURRENT SESSION B

Is My Footprint Big Enough? Implementing ATAD 3 – Substance Requirements and Impact on Transatlantic Investment Structures

After a brief overview of the proposed Anti-Tax Avoidance Directive (ATAD 3) of the European Commission laying down rules to prevent the misuse of shell entities for tax purposes of December 2021, the panel will review a number of practical cases as a way to illustrate current positions in a number of jurisdictions and so discussing the future.

Transactions and structures addressed will involve various jurisdictions and will generally be presented in a case study format.

Co-Chairs

Pia Dorfmueller, Dentons, Frankfurt am Main
 Len Teti, Cravath, Swaine & Moore LLP, New York, NY

Speakers

Olivier Dauchez, Gide Loyrette Nouel, Paris, France
 Rachel Fox, William Fry, Dublin
 Fabian Sutter, Loyens & Loeff Switzerland LLC, Zurich
 Adam Tejada, K&L Gates, New York, NY
 Pieter Verhoeven, NautaDutilh N.V., Amsterdam

13:00 - 14:30

Networking Lunch

14:30 - 15:45

CONCURRENT SESSION A

Purpose and Process: The Increasing Importance of Purpose and Substance in Tax Controversy, and Its Effect on Outcomes

This panel will discuss key purpose based cases, including Blackrock and cum ex, how purpose cases interact with the criminalization of tax, including for advisors, the impact of substance and purpose on mutual agreement procedures and the risks of losing a case for purpose reasons, and the benefit of advance rulings and administrative resolutions.

Co-Chairs

Jessica Kemp, Travers Smith LLP, London
 Starling Marshall, Crowell & Moring LLP, New York, NY

Speakers

Robert Desax, Walder Wyss Ltd., Zurich
 Thomas G. Greenaway, KPMG LLP, Boston, MA
 Magnus Müller, Allen & Overy LLP, Munich
 Sonja Schiller, Regulatory & Litigation Counsel, Google, Seattle, WA
 Wouter Vosse, Hamelink & Van den Tooren N.V., Amsterdam

14:30 - 15:45

CONCURRENT SESSION B

Cracks in the Bricks: The Impact of Recent Treaty Developments on Real Estate Investment Structures

The pandemic, political disruptions, and increasing financing costs had and have a significant impact on the real estate market. At the same time, new tax rules created further challenges for planning cross-border real estate investments.

The session provides an overview of the recent developments in the relevant tax rules and the opportunities and constraints resulting therefrom, including latest developments under the MLI, the coming ATAD 3 and Pillar 2 EU directives, U.S. FIRPTA regulations, interpretation of Swiss Treaty Law on sales of REICs, and similar Italian and Finnish legislation related to transfers of real estate.

Co-Chairs

Torsten Engers, Flick Gocke Schaumburg, Frankfurt am Main

Sarah Beth Rizzo, Skadden, Arps, Slate, Meagher & Flom LLP, Chicago, IL

Speakers

Laetitia Fracheboud, Homburger, Zurich

Lucas Giardelli, Mayer Brown LLP, New York, NY

Samu Lassila, Krogerus, Helsinki

Mathilde Ostertag, GSK Stockmann SA, Luxembourg

Eugenio Romita, Giovannelli e Associati, Milan

15:45 - 16:15

Networking Break

16:15- 17:45

CONCURRENT SESSION A

Expanding Competence: The Role of Competent Authority and Double Taxation Resulting From Beat, DSTs, Minimum Tax and Other Taxes

Description coming soon.

Co-Chairs

Axel Bödefeld, Oppenhoff, Cologne

Lori Hellkamp, Jones Day, Washington, DC

Speakers

Felice D'Acquisto, LMS Studio Legale, Rome

Emilie Lecomte, August Debouzy, Paris

Kevin Otero, Covington & Burling LLP, New York, NY

Jenni Parviainen, Hannes Snellman Attorneys Ltd, Helsinki

16:15 - 17:30

CONCURRENT SESSION B

Private Equity Alternative Liquidity: Secondary Transactions, GP-Led, Etc.

Description coming soon.

Co-Chairs

Mike Carew, Kirkland & Ellis LLP, Chicago, IL

Thierry Lesage, Arendt & Medernach, Luxembourg

Speakers

Bodo Bender, White & Case LLP, Frankfurt am Main

Morgan L. Klinzing, Troutman Pepper, Philadelphia, PA

Marcel Meier, Oberson Abels SA, Geneva

Jeroen Smits, Stibbe N.V., Amsterdam

18:30 - 20:00

Networking Cocktail Reception

08:00 – 09:00

Continental Breakfast

08:00 – 15:00

Registration of Delegates

09:00 – 10:30

PLENARY SESSION

Government Panel

Description coming soon.

Co-Chairs

Jeremiah Coder, Deputy Director, International Tax Policy, Revenue Jersey, St. Helier
Loren Ponds, Miller & Chevalier Chartered, Washington, DC

Speakers

Benjamin Angel, Director, European Commission, Brussels
Fabian Baumer, Vice Director & Head of Tax Policy, Federal Tax Administration, Zurich
Peter H. Blessing, Office of Chief Counsel, IRS, Washington, DC
Timothy Power, Deputy Director of Corporate Tax, HM Treasury, London

Additional speakers to be announced.

10:30 – 10:45

Networking Break

10:45 – 12:00

CONCURRENT SESSION A

Is My Investment Fund a Bank? Lending Activities and PE/Trade or Business Issues

Description coming soon.

Co-Chairs

Dèlcia Capocasale, Cuatrecasas, Barcelona
Lucas Rachuba, Paul Hastings LLP, San Francisco, CA

Speakers

Francesco Capitta, Facchini Rossi Michelutti, Milan
Ailish Finnerty, Arthur Cox, Dublin
Mike Lane, Slaughter & May, London
Michael Nordin, Schellenberg Wittmer, Zurich
Eva Stadler, Wolf Theiss, Vienna

10:45 – 12:00

CONCURRENT SESSION B

Hot Topics in Transatlantic M&A

The panel will address current trends in M&A transactions with speakers from different jurisdictions and industries. Topics will cover new approaches and solutions in transactions to the most vexing cross border issues. These approaches and solutions will include not only purchase price hold backs and indemnities to mitigate tax risks but also tax insurance.

Further, deal considerations in connection with Pillar 2, in deal structuring, due diligence, purchase price determination and integration will be addressed. Lastly, the determination of the appropriate jurisdictions in mergers (inversions / share-for-share transactions / acquisitions) from different tax perspectives will be discussed.

Co-Chairs

Devon Bodoh, Weil, Gotshal & Manges LLP, New York, NY

Susanne Schreiber, Bär & Karrer, Zurich

Speakers

Dean Andrews, BMS Group, London

Amie Colwell Breslow, Jones Day, Washington, DC
Wiebe Dijkstra, De Brauw Blackstone Westbroek, Amsterdam

Riccardo Michelutti, Facchini Rossi Michelutti, Milan
Marc Schneider, Syngenta Crop Protection AG, Basel

10:45 a.m. - 11:00 a.m.

Networking Break

12:15 - 13:30

CONCURRENT SESSION A

What Is This Asset? Sourcing Issues With Digital Based Assets, Data Access, Cloud Software, and New Tech

Description coming soon.

Co-Chairs

Sandy Bhogal, Gibson Dunn, London

Joshua D. Odintz, Holland & Knight LLP, Washington, DC

Speakers

Francesco Gucciardo, Aird & Berlis LLP, Toronto, ON

Susanne Liebel-Kotz, Baker McKenzie, Zurich

Amelia O'Beirne, A&L Goodbody LLP, Dublin

Stefan Richter, YPOG, Hamburg

12:15 - 13:30

CONCURRENT SESSION B

Offramps: Managing Criminal Tax Investigations to Avoid Charges

Description coming soon.

Co-Chairs

Caroline Ciraolo, Kostelanetz & Fink, LLP, Washington, DC

Raul-Angelo Papotti, Chiomenti, Milan

Speakers

Don Fort, Kostelanetz & Fink, LLP, Washington, DC

Sarah Paul, Evershed Sutherland (US) LLP, New York, NY

Alice Rousseau, Rousseau & Sussmann, Paris

Ocka Stumm, Gleiss Lutz, Frankfurt

Additional speaker to be announced.

13:30 - 14:45

Keynote Luncheon

Keynote Speaker

Speaker to be announced.

14:45 - 16:15

CONCURRENT SESSION A

Workers (and Executives) Without Borders - Traps for the Outwardly Mobile Taxpayer

For global tax managers whose day is filled keeping up with Pillar 1, Pillar 2, ATAD, GILTI, BEAT, and more, a new worry has popped up. Remote workplaces of employees, foreign residence of a key director, and a real or apparent shift in functions to a foreign affiliate may trigger new tax exposures.

Why is remote work popular? Does the company have a permanent establishment abroad in the form of a remote worker? Did the company shift its place of effective management abroad - potentially resulting in dual tax residence - because a key decision maker resides in a foreign country?

What are the company's payroll withholding tax obligations at home and abroad when it pays the remote worker? Will the shift of functions be challenged by tax inspectors in the home country at the same time it is respected abroad, leading to a double inclusion of income? Will a transferred executive that is highly paid face an exit tax at the time of a move abroad? Has the O.E.C.D. published guidance on these topics, and if so, is it helpful?

What is the current trend regarding taxation of frontier workers?

The panel will address these real-life issues and provide guidance to minimize risk of double taxation.

Co-Chairs

Annabelle Bailleul-Mirabaud, CMS Francis Lefebvre Avocats, Paris

Stanley C. Ruchelman, Ruchelman P.L.L.C., New York, NY

Speakers

Joan C. Arnold, Troutman Pepper, Philadelphia, PA

Thierry Boitelle, Boitelle Tax Sàrl, Geneva

Paul Kraan, Van Campen Liem, Amsterdam

Martin Phelan, Simmons & Simmons LLP, Dublin

Clemens Schindler, Schindler Attorneys, Vienna

Vlara M. Todorova, Djingov, Gouginski, Kyutchukov & Velichkov, Sofia

14:45 - 16:15

CONCURRENT SESSION B

The Future of Entity Choice: Endangered Hybrids and New Choices for IPOs

This panel will discuss two topics. First, the panel will discuss the latest thinking about hybrid entities and instruments and whether the various anti-hybrid regimes properly work together or create unnecessary problems (and/or opportunities). The panel will also review various tax advantaged IPO structures and compare them to the basic IPO model.

Co-Chairs

Sylvia Dikmans, Houthoff, Amsterdam

Sam Kaywood, Alston & Bird LLP, Atlanta, GA

Speakers

Stuart Chessman, Vivendi SE, New York, NY

Francisco Lavandera, Garrigues, Barcelona

Floran Ponce, Lenz & Staehelin, Geneva

Luca Romanelli, AndPartners Tax and Law Firm,
Rome

Additional speakers to be announced.

GENERAL INFORMATION

WORKSHOP VENUE

Bär & Karrer, Brandschenkestrasse 90, 8002 Zurich
Tel: +41 58 261 50 00
Website: www.baerkarrer.ch/en/zurich

REGISTRATION

Registration is available at the following website:

<https://ambar.org/23TAXEURO>

All individuals attending any part of the Workshops 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 request bank wire details, or if you have a question about registration, please contact taxmeeting@americanbar.org.

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Website: www.thedoldergrand.com/en

CLE INFORMATION

The ABA will seek 23 hours of CLE credit in 60-minute states and 27.6 hours of CLE credit for this program in 50-minute states. Credit hours are estimated and are subject to each state's approval and credit rounding rules. Please visit www.americanbar.org/mcle for general information on CLE at the ABA.

SCHOLARSHIP POLICY

A limited number of scholarships to defray tuition expenses are available for this program. To request a scholarship application, please contact the Tax Section at taxmeeting@americanbar.org. Scholarship applications must be received no later than 30 days prior to the program. For programs with tuition costs over \$500, qualifying attorneys will receive at least a 50% reduction in the registration fee.

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International Bar Association, Taxes Committee

<http://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

<http://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.

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