

# LATIN AMERICAN PRIVATE CLIENTS

14 & 15 JUNE 2017, GENEVA, HOTEL LE RICHEMOND

**New tax reforms, new anti evasion policies (BEPS, CFC), amnesty and repatriation programmes: which compliant strategies for your Latin American private clients?**

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Malumian & Asoc., Buenos Aires

**Mark Morris,**

Mark Morris Consulting, Zurich

**Veronica Yopez Reyna,**

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**Diogo Duarte de Oliveira,**

Stibbe, Luxembourg

**Alejandro Gil Rivero,**

Sophos Advisors, USA

## BRAZIL, ARGENTINA, MEXICO, COLOMBIA

- Recent and upcoming tax reforms
- Building and improving the Anti tax evasion framework: implementing BEPS (GAAR, deduction of interest, hybrids...), CFC rules for companies & individuals
- How tax administrations are fighting tax optimisation/ tax evasion strategies? What is in the spotlight for the administration and the judges?
- Which compliant structures should be set up?
- OECD and the exchange of tax information: Brazilian perspective
- Brazil: RERCT and the main changes applicable to the program approved in 2017
- Mexico: the 2017 Capital Repatriation Decree (9 January 2017)
- Structuring passive investments: Brazil
- Structuring active/productive investments: Brazil
- Estate planning strategies for Latin American families and family businesses
- Estate planning structures in Brazil and risks for foreign bankers/advisors

## WEDNESDAY 14 JUNE 2017

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8.50 Introduction by the Chairman of the conference

### TAX REFORMS & ANTI TAX EVASION FRAMEWORK: implementing BEPS, CFC rules for companies and individuals

#### 9.00 BRAZIL

- Brazil's Political and Economic Context: Political Crisis; Economic Data
  - Possible Tax Legislation Amendment: Wealth Tax, Gift Tax, Income Tax on Gift and Inheritance, CFC for individuals
- Alessandro Amadeu da Fonseca, Partner, Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados, Sao Paulo**

#### 9.45 ARGENTINA

- New Scenario after the Tax Amnesty. What happened and what to be expected
  - Analysis of the situation of HNWI before & after de tax amnesty
  - Tax Reform for 2018. CFC Rules and foreign companies. Relevance for taxpayers with assets outside of Argentina.
  - News in relation with the exchange of information
- Nicolas Malumian, Partner, Malumian & Asoc., Buenos Aires**

10.30 Coffee break

#### 11.00 MEXICO

- Three attempts for comprehensive GAAR enactment and three strikes! Can we expect enhancement of GAAR in Mexico in the near future?
- The anti-hybrid legislation enacted in 2014, has it been enforced? If so, how?
- CFC legislation, keep in mind that the Mexican Supreme Court has considered it Constitutional? The underlying principles of anti-abuse sanctioned by Mexico's Higher Court
- The Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting:
  - Double non-taxation LOB-PPT, the revised Spanish Treaty example;
  - PE avoidance through commissionaire agreements, a sensitive issue in Mexican audits:
  - Action items 8-10, transfer pricing and value creation. How will these principles be enacted in Mexico in the short or medium term
  - Mandatory Binding Arbitration, does the door open for greater legal certainty?

**Ricardo Leon Santacruz, Partner, Sanchez Devanny, Monterrey**

#### 11.45 COLOMBIA

- General comments on recent tax reform (Law 1819 of 2016). Is it a structural tax reform?
- Comments on tax havens and transfer pricing
- GAAR provisions- what is in force and what was left out
- Introduction of criminal behaviors against the tax administration
- Local regulations and the exchange of information
- Introduction of CFC rules to the Colombian tax regime
- Factors that are increasing tax evasion

**Patricia Arrázola Jaramillo, Founding partner, Arrazola & Asociados, Bogota**

12.30 Lunch

### NON COMPLIANT & COMPLIANT STRUCTURES:

How are tax administrations fighting tax planning / tax evasion strategies? What is in the spotlight for the administration and the judges? Which compliant structures should be set up?

#### 14.00 BRAZIL

- Tax reforms proposed by the Brazilian Legislative Power (specially on taxes levied on revenues)
  - Case law records and changes on tax benefits
  - Implementation of Exchange of Information Treaties by Brazilian Authorities
  - Case law records and changes on tax planning
- Giancarlo Matarazzo, partner, Pinheiro Neto Advogados, Sao Paulo**

#### 14.45 ARGENTINA

- New legal and economic environment. Abrogation of FX regulations.
- Structures for tax and estate planning. Trusts and foundations for Argentine residents.
- Case Law. Past and pending decisions. Double taxation treaties abuse.
- Practical considerations (costs vs. advantages). Need of substance. Information requirements.

**Nicolas Malumian**

15.30 Coffee break

#### 16.00 MEXICO

- The implications of the FATCA IGA and CRS MCAA's, information as the driver for enforcement, where is Mexico today and where is it going.
- The use of CFC in compliant tax planning?
- Mexico internal revisions to CFC's reporting, Form 63 and the interaction with the MCAA and the IGA.
- Country by country reporting, Mexico as an early adopter and the interaction with the Maquiladora Safe Harbor
- The 2018 Presidential election in Mexico, can a shift of tax policy be expected?

**Ricardo Leon Santacruz**

#### 16.45 COLOMBIA

- Strategies of the tax authorities against tax evasion
- Beneficial ownership- New provisions introduced by the recent tax reform.
- Cessation of Colombian residence for tax purposes
- Tax amnesty
- The notion of control and permanent establishment
- A general overview of compliant structures
- The peace agreement signed between Colombian government and FARC terrorist group – the economic and tax implications. Can (and will) new taxes be introduced? Other significant implications of the peace agreement.

**Patricia Arrázola Jaramillo**

17.30 End of the first day of the conference

THURSDAY 15 JUNE 2017

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8.50 Introduction by the Chairman of the conference

### **AUTOMATIC EXCHANGE OF INFORMATION AND REGULARISATION**

9.00 **BRAZIL: Amnesty programmes/regularisation**

- OECD and the exchange of tax information: Brazilian perspective
- RERCT and the main changes applicable to the program approved in 2017
  - What is it?
  - Who and what kind of assets may participate?
  - How to participate?
  - It is necessary to repatriate the assets to Brazil?
  - Does the program solve tax and criminal liabilities?
  - Red Flags
  - Exclusion or Nullity

**Alessandro Amadeu da Fonseca, Partner, Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados, Sao Paulo**

9.40 **MEXICO: the opportunities of the 2017 Amnesty – Repatriation Decree (9 January 2017)**

- Eligible beneficiaries
- Requirements, do taxpayers need to repatriate capital and income or just income?
- Eligible investments for repatriated funds
- Learn about the implementation regulations.

**Ricardo Leon Santacruz, Partner, Sanchez Devanny, Monterrey**

10.20 Coffee break

### **STRUCTURING INVESTMENTS: BRAZIL**

10.40 **Structuring passive investments: Brazil**

- Tax optimisation of foreign capital income
- Structuring real estate: Brazil FIP
- Alternative investment funds

**Diogo Duarte de Oliveira, partner, Stibbe, Luxembourg**

11.30 **Structuring active/productive investments: Brazil**

- Tax treatment on the inflow of funds
- Tax opportunities on productive activities
- Taxation of the technology sector
- Taxation of the infrastructure industry

**Giancarlo Matarazzo, partner, Pinheiro Neto Advogados, Sao Paulo**

12.20 **Wealth structuring and Automatic Exchange of Information**

**Mark Morris, CRS expert, Mark Morris Consulting, Zurich**

12.40 Lunch

### **ESTATE PLANNING STRATEGIES**

14.00 **Estate planning strategies for Latin American families and family businesses**

- Sustainable and long-term strategies
- Most common mistakes to avoid
- Planning for a family of wealth vs a family in business
- LATAM update
- Considerations for families with US connections

**Veronica Yeppez Reyna, Founder, Perpetum Consulting, San Diego USA**

14.50 **Estate planning structures in Brazil and risks for foreign bankers/advisors**

- Estate planning structures for Brazilian private clients: an overview on the Brazilian succession law and its controversial topics. Accepted structures x Controversial Structures.
- The anticorruption law and how compliance investigations (Carwash Operation) are reaching beyond Brazil's borders?
- How estate planning advisors, bankers and trustees, who have Brazilian clients, may be at risk?
- What sort of precautions should they take regarding Brazilian clients and specially clients involved in the Carwash Operation?
- How the anticorruption law may impact estate planning structures?

**Thiago Hohl, W Faria Advogados, Sao Paulo**

15.40 Coffee break

16.00 **Life insurance for Latin American private clients**

- Jurisdictional report
- Product overview
- Product Strategies and uses of life insurance and annuities in the region
- Captive insurance

**Alejandro Gil Rivero, TEP, Life Insurance Advisor, Sophos Advisors, USA**

17.40 End of the conference

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# LATIN AMERICAN PRIVATE CLIENTS

14 & 15 JUNE 2017, GENEVA, HOTEL LE RICHEMOND

**Venue**

Hotel Le Richemond  
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**How to register**

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**Fees**

- 14 & 15 June 2017: 2250 CHF
- Single day: 1250 CHF

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- 14 May 2017 refund of 80%
- 28 May 2017 refund of 30%
- after 28 May 2017 no refund will be made for cancellation.

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- 14 June 2017       15 June 2017

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- Please send me the hotel booking form with preferential rates

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Company .....

Address .....

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