

OECD Mandatory Disclosure Rules (MDR) on CRS avoidance arrangements

Implications for Residence and Citizenship by Investment Schemes



Zac Lucas

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Zac Lucas is the Founder of Centenal Legal Technology Group. Zac is a practicing lawyer with over 20 years legal experience, admitted to practice in England & Wales, and is a former Partner of various international law firms advising on all areas of international private client law. Zac has particular expertise in relation to the OECD Common Reporting Standard (CRS). As a result, Zac has been engaged by a number of leading private banks, trust companies, wealthy individuals and families and a governmental authority to advise on the practical implementation of the CRS. Zac has now taken the step, in founding Centenal Legal Technology Group, to leverage the power of information technology to create innovative enterprise application software for use by Financial Institutions, Business Professionals and UHNW families and individuals.

Schedule

13.30-14.00 Registration
14.00 Beginning of seminar
15.30 Coffee break
17.30 End of seminar

MANDATORY DISCLOSURE RULES (MDR)

Purpose and goal of Mandatory Disclosure Rules

- Spontaneous exchange differs from automatic?
- Compare to current General anti avoidance rules?
- Will reporting trigger target audits by authorities?

Hallmarks of arrangements

- What are bright-line tests on avoidance schemes?
- Moneys functionally equivalent to financial accounts?
- Any transfer to non-reporting FI avoidance?
- Any transfer to non-reporting account avoidance?

Hallmarks of offshore structures

- Applies to Active NFE, Investment entities?
- Which structures are exempted even if opaquely held?
- Which Institutional Investors are not exempted?

Who is an Intermediary?

- Difference between promoter and service provider?
- If no taxpayer enters into proposed arrangement?
- How are dual resident intermediaries covered?
- Lawyers with and without confidentiality privilege?
- What is collateral evidence that intermediary exists?

Triggers for reporting?

- Within 2 weeks of when? Extended to 6 months?
- What is trigger if unaware any taxpayer enters arrangement?
- Difference on exclusions to report for promoter vs. service provider
- Report every year on same arrangement?
- Which reporting is duplicated by other intermediaries, and which is not?

RESIDENCE SCHEMES USED TO CIRCUMVENT CRS

The OECD initiative in context

- Why OECD addressing loopholes before full implementation of CRS?
- Why OECD considers Residence by Investment (RBI) has inordinate risk of abuse

for circumventing CRS?

- Can jurisdictions decide to not implement these additional anti CRS avoidance measures?
- OECD high-risk hallmarks of Rbl abuse

How OECD may address Rbl schemes

- What are hallmarks of avoidance arrangements for Rbl
- Who are reporting intermediaries?
- Under what circumstances must lawyers with confidential privilege still disclose arrangements?
- What are the triggers for disclosure? What information is disclosed? When to disclose on actual taxpayers? When to disclose on potential clients before obtaining Rbl?
- What are the proposed penalties for non-compliance on intermediaries? On clients? Lose financial and regulated licence?
- Who discloses retroactively on clients since 29 October 2014?

Impact of initiative on promoters/service providers

- Which professionals are concerned: tax consultants, lawyers, accountants, corporate service providers and trust companies, corporate directors, banks, life insurance companies, compliance, fund administrators?
- What is their risk exposure for having sold the RBI schemes before 2014 vs. since 2014?
- What do the promoters/ service providers have to do: informing their clients, reporting to tax authorities, informing upstream and downstream intermediaries, inform the financial institutions (bank...)?

Impact of initiative on clients

- What can the clients do legally to avoid disclosure? Move to low-risk Rbl?
- How clients likely to react to OECD initiative: will staying 183 days from time rules are effective be solution? If obtaining tax clearance certificates from previous residences, how far back?
- What if they renounce their RBI status before rules effective: are they going to be disclosed? Do they have to report/ prove that they have given up their RBI status?

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PRACTICAL INFORMATION

Venue

Sofitel Downtown Dubai Hotel
Sheikh Zayed Road, Dubai

How to register

by phone: +41 (0) 22 849 01 11
by fax: +41 (0) 22 849 01 10
by e-mail: info@academyfinance.ch
by post: Academy & Finance SA
PO Box 6069, CH-1211 Geneva 6
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Fees

1300 AED
Additional registrations from the same company: - 50%

Registration and payment

Payment is made by credit card. Credit card payments will be debited immediately upon receipt of card details. If it is impossible or impractical for you to pay by credit card we will accept a payment by wire transfer. In this case please mention it on the registration form or send an email to info@academyfinance.ch. In any case, we will send you an invoice by email.

Substitution & cancellation policy

Substitutions from the same company are accepted at any time. Cancellation requests must be received in writing, by fax or by post up to the following dates end of business :

- 24 August refund of 80%
- 10 September refund of 30%
- after 10 September no refund will be made for cancellation.

REGISTRATION FORM

I register for the seminar «OECD Mandatory Disclosure Rules (MDR) on CRS avoidance arrangements - Implications for Residence and Citizenship by Investment Schemes» in Dubai on sunday 30 September 2018.

FIRST PARTICIPANT

Full name.....
Position.....
E-mail.....

SECOND PARTICIPANT (-50%)

Full name.....
Position.....
E-mail.....
Company.....
Address.....
Postcode..... City.....
Tel Fax.....

Mastercard VISA AMEX

Credit card No : _____/_____/_____/_____ Expiry date : ____/____

Cardholder.....

Address of AMEX cardholder

Date Signature.....