



Brazilian clients strategies after the October 2018 elections

After the presidential and general elections, which tax reforms (gift tax, funds, CFC for individuals...) must be anticipated?

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TAX REFORMS & TAX PLANNING

News on the Brazilian legislative scenario and implications for foreign wealth structures.

GIFT AND ESTATE TAX

Anticipating the adverse changes relative to gift and estate taxation in Brazil: what are the possible strategies?

UBO DISCLOSURE

Understanding the implications of the requirements on UBO disclosure

TRUSTS' TAX TREATMENT

What are the numerous grey areas and how to minimise the risks of using foreign trusts. Concrete examples of uses of trusts which work and which don't work

FAMILY GOVERNANCE

Solutions for Brazilian families owning family businesses: real case studies

TAX ASSESSMENTS AND INSPECTIONS

The most recent tax assessments and inspections

BRAZILIAN PEPs

How to detect the red flags of tax fraud and money laundering?

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TAX REFORMS AND TAX PLANNING

9.00 After the presidential and general elections of October 2018, what tax reforms must be anticipated? How do HNWI Brazilian clients react and what are their current strategic plans and needs?

- What to expect regarding the potential tax reforms which were in the pipeline before the election?
- What are the new projects of the new government? What are the new goals in terms of tax legislation for the next 4 years?
- What are the tax authorities' plans for 2019? What is expected in terms of tax inspections and tax assessments? What will be the hot topics in 2019 and how to deal with them?
- How do HNWI Brazilian clients react and what are their current strategic plans and needs?
- What are HNWI Brazilian clients' trends for 2019? How are they changing their structures and what are they expecting from service providers?

Fernando Retzler Martins, Partner, SV Law, Sao Paulo

9.40 News on the Brazilian legislative scenario and implications for foreign wealth structures. Which are the optimal/compliant foreign wealth structures for Brazilian clients in the post BEPS/ATAD world?

- The tax treatment of Brazilian closed investment funds
- How will Brazil apply CFC rules to corporations?
- Understanding the implications of the requirements on UBO disclosure (Normative instructions of 2016 1694/2016): what compliant alternative solutions for Brazilians investing foreign money to invest in Brazil?
- Double Tax Treaties with Brazil:
 - What substance tests does Brazil impose on Source States and Residence States
 - What beneficial owner test does Brazil impose?
- How are current structures using holding companies impacted? What works in practice?
- Absence of CFC rules for individuals: if the situation changes, what are the alternatives to the current strategies/vehicles?

Priscila Stela Mariano da Silva, Senior Associate – Tax, Pinheiro Neto Advogados, Sao Paulo

11.00 Coffee break

11.20 Conversion and migration strategies: what for? How does it work in practice? Examples of conversion and migration which work.

- The concentration strategy: concentrating all assets under one jurisdiction to create substance
- Coordinating the residence of the individual, the wealth holding company and the family office: advantages of locating the individual/UBO and the company in the same jurisdiction
- Migration of offshore companies in onshore companies or of an offshore fund to an onshore fund
- Conversion of a company into an alternative investment fund

Priscila Stela Mariano da Silva

12.20 Lunch

GIFT AND ESTATE TAXATION IN BRAZIL

13.30 Anticipating the adverse changes relative to gift and estate taxation in Brazil: what are the possible strategies?

- Analysis of actual client cases to illustrate the most recent decisions, understandings, opportunities and the current scenario in Brazil
- The different bills under analysis – what do they actually change? Will they be approved?
- What are the most recent decisions and trends on gift tax in Brazil?
- What is the current understanding on gift tax levied on life insurance, pension plans, trust distributions, foreign asset donations and inheritance?
- Using different strategies to avoid gift tax: do they still work?

Fernando Retzler Martins

TRUSTS' TAX TREATMENT IN BRAZIL

14.10 Trusts' tax treatment in Brazil: what are the numerous grey areas and how to minimise the risks of using foreign trusts. Concrete examples of uses of trusts which work and which don't work

- Analysis of actual client cases to illustrate the most recent understandings, pitfalls, opportunities and the current scenario in Brazil
- When, where and how to declare a foreign trust? What are the most significant pitfalls?
- When and how to pay taxes on distributions, donations, income, capital reductions and inheritance using foreign trusts?
- What will happen to the use of foreign trusts in Brazil before we have a clear and comprehensive legislation?

Fernando Retzler Martins

15.00 Coffee break

FAMILY GOVERNANCE: REAL CASE STUDIES

15.20 Effective solutions to efficient family governance for Brazilian families owning family businesses

- What kind of agreements can be set up between family members?
- What foreign structures are often created to separate voting rights and financial/dividend rights? What are the main risks involved?
- Usual problems/weaknesses and how to address them in the Brazilian context: Dividends vs. Reinvestment policy; Abuse of corporate assets (un-documented loans, benefits in kind, competing businesses); Employment policy of members of the family; In-law participation in the business...
- Governance options: how do they work in Brazil? How to structure them: Family charter; Shareholder agreement; Changes in company Memorandum & Articles

• **Case study 1**

- 40 years middle sized Construction Company, with over 1,000 employees and still ran by the founding partner, is planning and managing to pass the family business to the second generation and is preparing for the coming of the third generation when all generations are directly dependable on the family business.

- Proposed solutions: Family charter, Family Board, Board of Directors, training programs for the shareholders.

• **Case study 2**

- Large sized Paper Pulp Producer Company, with over 6,000 employees, founded by 2 families, requiring capital injection to improve and develop business, but decided to keep the company closed and held only by the 2 families.

- Proposed solutions: Separation of the family wealth from the company through Family Holdings and Family Office, shareholders training program, Management Council, Board of Directors with independent members and Executive Board with professional managers.

• **Case study 3**

- Large sized Auto Parts Manufacturer, with over 8,000 employees, founded by 2 families, requiring capital injection to expand the business and decision to have the company professionalized with no family members at management level.

- Proposed solutions: Family Holdings and Family Office to separate family wealth from the company, Family investment fund and trust, shareholders training program, Management Council, Board of Directors with independent members and Executive Board with professional managers, preparation for IPO.

Thiago Hohl, Partner, CH Law - Chodraui & Hohl, Sao Paulo

TAX ASSESSMENTS AND INSPECTIONS

16.10 The most recent tax assessments and inspections

Fernando Retzler Martins

BRAZILIAN PEPs

16.50 What is to be learnt from the recent scandals involving corrupted Brazilian PEPs? What foreign structures and bribery hiding techniques were used? How to detect the red flags of tax fraud and money laundering?

- How the Carwash Operation has reached far beyond Brazilian borders? The enhancement of international cooperation and the importance of the leniency agreements.
- After 2018 elections, what is the future of the Carwash Operation? How politicians are mobilizing pro and against it? What will be the role of the Supreme Court?
- How the recent scandals have affected the Brazilian business environment and companies' behavior on compliance?
- What are the recent regulatory developments affecting Brazilian PEPs: what are the consequences in practice and what further steps are expected?
- Who should be considered as a Brazilian PEP?
- Bribery techniques used by PEPs: how do companies hide the bribes paid to Brazilian PEPs? How to detect the payment of a bribe?
- How financial institutions and service providers have been sanctioned for assisting these corrupted PEPs to launder the bribes?
- Background check for PEPs: what are your duties concretely?
- Which methods and sources of information are needed to efficiently perform due diligence on Brazilian clients: background checks, source of income, origin of wealth
- What are the difficulties/hurdles and specificities with Brazilian PEPs?

Thiago Hohl, Partner, CH Law - Chodraui & Hohl, Sao Paulo

17.50 End of the seminar



Fernando Retzler Martins is a Partner at SV Law, Sao Paulo. He provides tax advisory for companies and individuals on all areas of taxation, including direct and indirect taxes, cross border transactions, inbound and outbound investments, tax planning, tax structuring and tax compliance. Fernando is a former Partner with KPMG Brazil and Grant Thornton Brazil and has lead the Brazilian Tax Desk of KPMG Germany for almost two years.



Thiago Hohl is a Partner at CH Law - Chodraui & Hohl. He provides corporate advisory for multinational companies and individuals on all areas of corporate law, including compliance, estate planning, M&A, I&P and contracts. Thiago is a certified corporate lawyer in Brazil.



Priscila Stela Mariano da Silva is a senior associate of Pinheiro Neto Advogados, and has over 15 years of experience in tax consulting, assisting both private clients and companies on tax planning. She has spent more than 8 years in Europe, where she worked with cross-border investment structures (inbound and outbound) and transfer pricing. She has also accumulated significant experience on Luxembourg vehicles and instruments.

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PRACTICAL INFORMATION

Venue

Grand Hotel Kempinski
19 quai du Mont-Blanc, Geneva

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
www.academyfinance.ch

Fees

1250 CHF + VAT (7.7%)
Additional registrations from the same
company: - 50%

Registration and payment

Payment is made by bank transfer or by credit card. Credit card payments will be debited immediately upon receipt of card details. 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 :

- 5 November 2018 refund of 80%
- 19 November refund of 30%
- after 19 November no refund will be made for cancellation.

REGISTRATION FORM

I register for the seminar «Brazilian clients strategies after the October 2018 elections» in Geneva on wednesday 5 December 2018.

FIRST PARTICIPANT

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

SECOND PARTICIPANT (-50%)

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

Person to which the invoice must be sent for payment:

Name..... Email.....
Bank transfer Mastercard VISA AMEX
Credit card No : _____/_____/_____/_____ Expiry date : ____/____
Cardholder.....
Address of AMEX cardholder
Date Signature.....

The organisers reserve the right to amend the programme if, despite their best efforts, circumstances oblige them to do so.