

DAC6: which tax planning schemes to report?

Case studies: which schemes must be certainly be reported? Which are 100% exempt from reporting? What are the grey areas?

Points of attention for Swiss tax advisers and lawyers.

Denis-Emmanuel Philippe,

Partner, lawyer at the Brussels and Luxembourg Bars,
Bloom Law, Brussels,
Affiliate Professor at the University of Liège

Schedule

8.30 Welcome and registration
9.00 Beginning of the seminar
10.30 Coffee break
12.30 End of the seminar

WHAT IS THE IMPACT OF THE DAC6 ON THE SWISS PROFESSIONALS

- What is the impact of DAC 6 on the relationship between a Swiss service provider and his client established within the EU ? What are the obligations of the Swiss intermediary?
- What are the challenges of the Swiss intermediaries who have a presence in the EU (branch, registration to a bar in the EU,...)?
- Must Swiss intermediaries examine if the arrangements of their clients are targeted by DAC 6?
- Could the Swiss intermediaries appear on the DAC 6 forms (which are accessible by the tax authorities of the EU Member States)?
- Overview of the implementing laws of DAC 6 in the Member States. Focus on the Benelux, France and Germany

CRITERIA TO DETERMINE WHICH SCHEMES MUST BE REPORTED

Cross border scheme / domestic scheme

- In which case do we have a cross-border scheme?
- Is the reporting limited to cross border schemes? Can Member States extend the reporting duty to purely domestic schemes?
- Is a simple foreign bank account enough to show the existence of a cross border scheme?

Specific hallmarks

- Hallmarks for which the main benefit test must be fulfilled
- Hallmarks linked to cross border transactions (e.g., cross border payments to a tax-exempt recipient). Which cross border operations are excluded of the scope of DAC 6?
- Hallmarks that have the effect of avoiding the automatic exchange of information (CRS) / hiding the identity of the UBO (though the use of offshore entities)

CASE STUDIES: WHICH SCHEMES ARE REPORTABLE FOR SURE / EXEMPT OF REPORTING / DIFFICULT TO CATEGORISE?

CRS avoidance schemes

- Is a simple transfer of funds on the bank account of a foreign bank targeted?
- What about the use of entities based in a non participating jurisdiction or in a jurisdiction with inadequate AML regime?
- What about a transfer of residence of the account holder to a non CRS participating jurisdiction (USA,...)?
- What about the transfer of residence of the account holder to the jurisdiction of the bank in which the account is open?

- Transfer of residence to a jurisdiction which offers a Residence By Investment programme mentioned on the list established by the OECD in October 2018
- What about the schemes that aim at converting a passive NFE in an active NFE?

Wealth planning and estate planning schemes

- Are wealth planning and estate planning schemes targeted: trust, foundation, life insurance...?
- What about the existing structures with exotic companies (BVI, Panama, Jersey, Cayman Islands...)?
- What about the use of (offshore) entities with a low level of (organisational and/or economic) substance?

Private wealth holdings

- Case study: the use of a private wealth holding (company holding securities and real estate) (in Switzerland) by a HNW family established in the EU

Life insurance policies

- What about the commercialisation of life insurance products across the EU by a Swiss or Luxembourg life insurance company?

IP companies

- Transfer of intangible rights to a company established in the EU to benefit from the applicable IP regime (partial exemption of royalties)
- Case study: transfer of know how, trademarks and patents to a Swiss company

Real estate holding structures

- Case study: acquisition of real estate in the EU through holding companies (Luxembourg SOPARFI, Dutch BV, Cyprus holding,...) and/or investment funds (SICAF-SIF, FIAR,...)

Transfer pricing

- What about a company established in the EU which transfers a large part of its assets to a related foreign company?

Intra group financing structures

- What about intragroup financing structures: is the payment of interests to a low taxed company targeted? What about the payment of management fees/commissions to a low taxed company (Hong Kong, Singapore, Cayman Islands, BVI,...)?

POINTS OF ATTENTION FOR TAX ADVISERS AND LAWYERS

- Red flag when « success fees » and certain types of confidentiality clauses are applied.
- Utilisation of certain "standardised" structures (offshore entities,...) and/or "standardised" documentation: practical examples.

DAC6: which tax planning schemes to report?

PRACTICAL INFORMATION

Venue

Zunftthaus zur Waag
Münsterhof 8, Zurich

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

620 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. You will receive an invoice if you choose to pay by bank transfer. You will receive a credit card receipt if you choose to pay by credit card.

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 :

- 19 May refund of 80%
- 4 June refund of 30%
- after 4 June no refund will be made for cancellation.

AF 1041

REGISTRATION FORM

I register for the seminar «DAC6: which tax planning schemes to report?» in Zurich on thursday 2 July 2020.

FIRST PARTICIPANT

Full name.....

Position.....

E-mail.....

SECOND PARTICIPANT (-50%)

Full name.....

Position.....

E-mail.....

Company.....

Address.....

Postcode..... City.....

Tel Fax.....

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.

Copyright © 2020 ACADEMY & FINANCE, All rights reserved.