



Switzerland in the International Tax Planning System

February 25th & 26th 2009

Chaired by:



Dr Marcel R. Jung
International Tax Lawyer
Reichlin & Hess
Switzerland

Conference Venue:

Warwick Hotel
14, Rue de Lausanne
1201 Geneva
Switzerland

Dr Marcel R. Jung (Switzerland)
International Tax Lawyer,
Reichlin & Hess

Mrs Isabel Verlinden (Belgium)
Partner and Eurofirms Transfer Pricing Leader
PricewaterhouseCoopers Tax Consultants

Mr Michel Mitzicos-Giogos (Switzerland)
Lawyer,
Lalive Avocats

Dr Dirk Pohl (Germany)
Partner,
**McDermott Will & Emery Rechtsanwälte
Steuerberater LLP**

Dr Pierre-Olivier Gehriger (Switzerland)
Certified Tax Expert,
Pestalozzi Lachenal Patry Zürich Ltd

Mr Daniel Schafer (Switzerland)
Partner,
Lenz & Staehelin

Mr Jaap Zwaan (Switzerland)
Tax Lawyer,
Loyens & Loeff

Mr Andrea B. Bolliger LL.M. (Switzerland)
Attorney at Law and Certified Swiss Tax Expert,
Bär & Karrer AG

Mr Javier Morera (Spain)
Attorney at Law,
Rodes & Sala

Mr Daniel Dillier (Switzerland)
Attorney at Law and Certified Tax Expert,
Vischer

Mr Thierry Boitelle (Switzerland)
Tax Partner,
Altenburger

Mr Jean-Blaise Eckert (Switzerland)
Partner,
Lenz & Staehelin

Mr Piero Bonarelli (Italy)
Head of International Tax Planning,
UniCredit Group

Mr Stefan Oesterhelt, LL.M. (Switzerland)
Attorney-at-Law and Certified Tax Expert,
Homburger AG

Thanks to our partners

Programme

DAY ONE 25th February 2009

09:00 Chairman's welcome & opening remarks

Dr Marcel R. Jung (Switzerland)
International Tax Lawyer
Reichlin & Hess

09:10 Switzerland's Relations with the OECD

- Exchange of Information
- Harmful Tax Practices

Switzerland's Relations with the EC

- Free Trade Agreement
- Free Movement of Persons
- Savings Tax Agreement
- Free Movement of Capital

Dr Marcel R. Jung (Switzerland)
International Tax Lawyer
Reichlin & Hess

09:55 The transfer pricing aspects of B business Restructurings

- Best practices to accommodate entrepreneurial functions in a tax effective jurisdiction
- The commercial rationale
- Exit-tax: give insights into the analysis

Mrs Isabel Verlinden (Belgium)
Partner and Eurofirms Transfer Pricing Leader
PriceWaterHouseCoopers

10:40 Coffee break

11:00 State Aid discussion between the EU and Switzerland

- Notion of State Aid
- State Aid discussion between EU and Switzerland
- Do FTA Public Aid provisions cover tax benefits?
- To what extent can EU practices be applied
- Does the FTA apply with regard to the special tax regimes
- Swiss reaction

Mr Jaap Zwaan (Switzerland)
Tax Lawyer
Loyens & Loeff

11:45 Financing Merger and Acquisition

- International Acquisition Structures
- Post Transaction Restructuring
- Debt Push Down and Tax Avoidance
- Thin Capitalization Rules and Interest deduction
- Indirect Partial Liquidation Regime

Mr Daniel Dillier (Switzerland)
Attorney at Law and Certified Tax Expert
Vischer

12:30 Lunch

14:00 Swiss tax planning for international trading and intellectual property structures

- Bullet points to be confirmed by the programme manager

Mr Thierry Boitelle (Switzerland)
Tax Partner
Altenburger

14:45 The taxation of Trust beneficiaries

- Bullet points to be confirmed by the programme manager

Mr Michel Mitzicos-Giorgios (Switzerland)
Lawyer
Lalive Avocats

15:30 Coffee break

15:45 Offshore Structures: Use of Swiss advisory/management companies

- Offshore Private Equity Structures
- Foreign Fund Structures
- CDO Structures

Mr Andrea B. Bolliger LL.M. (Switzerland)
Attorney at Law and Certified Swiss Tax Expert
Bär & Karrer AG

16:30 Cocktail

DAY TWO 26th February 2009

09:00 Chairman's Introduction

Dr Marcel R. Jung (Switzerland)
International Tax Lawyer
Reichlin & Hess

09:10 Tax havens: replacement of the black list method and adoption of a white list approach

- Anti-abuse measures adopting the black list method
- Main rules currently adopting the "black list method" in the Italian Tax System
- Replacement of the black list method and adoption of the white list approach
- White list relevant for CFC purposes and other regimes
- Black list currently in force for CFC purposes Switzerland position

Mr Piero Bonarelli (Italy)
Head of International Tax Planning
UniCredit Group

09:55 The Swiss Finance Companies and Branches in Comparison to our Competitors (Netherlands, Luxembourg, Belgium)

- Position of Switzerland as a location for finance companies in general
- Advantages and disadvantages of Switzerland from a tax viewpoint
- Advantages and disadvantages of NL, LU, BE
- Which is the "best location"?
- The pressure from outside (EU Commission, Black Lists, CFC Rules, Anti Tax Haven Rules etc.)
- Which changes are necessary to keep or improve our position?

Dr Pierre-Olivier Gehrig (Switzerland)
Certified Tax Expert
Pestalozzi Lachenal Patry Zürich Ltd

10:40 Coffee break



11:00 Swiss holding structure: most recent developments in treaty benefits, inbound and outbound

- Main features of Swiss tax rules for holding company structures: Treatment of holding companies for tax purposes
- Swiss anti-abuse rules
- Treaty developments: New treaties - Updated treaties: Administrative assistance for information related to holding companies
- Outbound transfers / Practice of the Swiss Federal Tax: Administration as regards Swiss withholding tax refund/reduction
- Agreement between the European Economic Community and the Swiss Confederation: Commission Decision of 13 February 2007: Incompatibility of certain Swiss company tax regimes with the Agreement between EC and Switzerland

Mr Jean-Blaise Eckert (Switzerland)
Partner
Lenz & Staehelin

11:45 The Spanish holding tax regimes: main features

- Participation exemptions: dividends and capital gains tax treatments
- Withholding taxes on holding profit distributions
- Tax treatment on holding share disposals
- Tax deductibility issues
- Capital Duty issues
- Special tax rules
- Other relevant issues

Mr Javier Morera (Spain)
Attorney at Law
Rodes & Sala

12:30 Lunch

14:00 Switzerland in International Tax Planning: The German perspective

- Pitfalls for Multinationals headquartered in Germany using Swiss structures
- Post acquisition business restructuring after take over of corporation with German headquarter
- US multinationals investing into Germany via Switzerland or Luxembourg

Dr Dirk Pohl (Germany)
Partner
McDermott Will & Emery Rechtsanwälte Steuerberater LLP



14:45 Tax holidays and other state incentives available in Switzerland, in particular under the new Lex Bonny regime:

- Description of the main features of the federal regime
- Description of the main features of the most common measures available at cantonal level
- Tax holidays and treaty protection
- Future development / compatibility of these regimes with EU policy on State Aid

Mr Daniel Schafer (Switzerland)
Partner
Lenz & Staehelin

15:30 Coffee Break

15:45 International tax aspects of collective investment vehicles

- Taxation of Swiss collective investment vehicles and their investors
- Qualification of foreign collective investment vehicles for Swiss tax purposes
- Taxation of carried interest
- Recovery of withholding taxes on investments of collective investment vehicles

Mr Stefan Oesterhelt, LL.M. (Switzerland)
Attorney-at-Law and Certified Tax Expert
Homburger AG

16:30 Close of the conference

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