

## Overview of subjects and instructors (subject to changes)

### First week

#### Monday 5 July

##### Key concepts of international tax law

First, we will explore why and how countries tax cross-border income and the double taxation that will typically result therefrom (juridical and economic double taxation). Next, the various methods to relieve juridical double taxation will be examined: both their operation and their advantages & disadvantages. Finally, a brief overview is presented of the types of relief countries may offer regarding of economic double taxation.

*Instructors: Prof. Kees van Raad & Chiara Bardini*

#### Tuesday 6 July

##### Introduction to tax treaties & treaty residence

The interaction between the distributive articles and the double taxation relief provisions will be examined and explained, along with the key concepts of residence and source. 'Residence' will be further examined in some detail.

*Instructors: Prof. Kees van Raad & dr. Francisco Sepulveda*

#### Wednesday 7 July

##### Business profits taxation under tax treaties

The main topics of this comprehensive subject that will be visited include the contents and application of the distributive rules of OECD Model Article 7: the main rule and the exception if business is conducted through a 'permanent establishment' (PE) in the other state. Further, the concept of PE will be examined in some detail (physical PE, project PE, Agency PE; other non-OECD types of PE).

*Instructor: Prof. Kees van Raad*

#### Thursday 8 July

##### Dividends, interest & royalties and immovable property income & capital gains under tax treaties

The tax treaty rules on investment income vary with the nature of the investment. Immovable property income is typically subject to ordinary taxation in the source country whereas income from intangible rights (shares, debts, intellectual property rights) is usually subject to flat-rate gross-basis taxation in the source country with the residence country taxing it again with a tax credit provided for the source country tax. The taxation of investment income gives rise to numerous theoretical and practical issues the most important ones of which will be touched upon in this day's topic.

*Instructor: Giampaolo Genta*

#### Friday 9 July

##### Income from employment, pensions, etc. under tax treaties

The grown mobility of labor has greatly increased the importance of OECD Model Articles 15 through 20, each of which deals with a particular type of service income. The main rules are laid down in Article 15 which gives rise to a variety of important issues in international tax practice. In addition to an analysis of some of these issues, other points arising under the rules on the remuneration of directors, pensions, and the income of artistes and sportsmen will be discussed.

*Instructors: Prof. Kees van Raad & Walter Andreoni*

## Second week

### Monday 12 July

#### Tax treaty interpretation and application illustrated with complex cases from international tax practice

The cases (based on personal practice of the teachers and on court decisions) will deal with a variety of issues that typically arise in the application of tax treaties. On the basis of these cases the general tax treaty rules will be discussed and analyzed that apply in those instances.

*Instructors: Prof. Kees van Raad & Dinis Tracana*

### Tuesday 13 July

#### Double Taxation Relief & Non-Discrimination

This session deals with the avoidance of double taxation and the non-discrimination provision. In the morning we will analyze the tax policy concepts behind the exemption and the credit method and compare the different results regarding the application of the two methods. Special emphasis is put on the treatment of cross-border losses and qualification conflicts. In the afternoon the different non-discrimination obligations will be compared with each other. We will discover how the non-discrimination provisions interact with the distributive rules and examine in which case taxpayers are in a similar situation. In the end we will discuss several triangular cases where we will combine non-discrimination issues with problems of double taxation relief.

*Instructor: Prof. Alexander Rust*

### Wednesday 14 July

#### Treaty abuse and PPT; MLI and its application

The first part of this day's class is devoted to anti-abuse rules and focuses on the MLI - introduced OECD Article 29 on 'Entitlement to benefits'. This highly important provision, which through the MLI has been included in a rapidly increasing number of applicable treaties will be examined in some detail. In the afternoon session the operation and contents of the MLI rules will be analyzed and discussed.

*Instructor: Dr. Alexander Bosman*

### Thursday 15 July

#### OECD Pillar One & Pillar Two – Blueprints and progress

In October 2019, the OECD's CTPA Secretariat published for public discussion a 14-page 'Unified Approach under Pillar One' proposal for dealing with issues stemming from the digitization of the economy. It was followed up on 30 January 2020 by a 25-page Annex 1 to the Statement issued by the 137-member Inclusive Framework (this group includes Brazil). On 12 October 2020, the OECD's CTPA and the Inclusive framework published discussion drafts ('Blueprints') of the Report on Pillars 1 and 2 of the OECD approach to tax challenges arising from the digitalization of the economy. These comprehensive drafts will be analyzed and discussed in this class, along with the perspectives on agreement. *Instructor: Jimmie van der Zwaan*

### Friday 16 July

#### Transfer Pricing Issues

Transfer pricing is, today, one of the top priorities of tax practitioners and tax directors worldwide. The lecture aims at providing the audience with the fundamental elements to analyze transfer pricing issues. In addition specific issues will be dealt with and in particular the selection and application of transfer pricing methods. Particular emphasis will be placed on transactional profit methods. Further, transfer pricing issues related to intangible property and the analysis of intercompany financial transactions will be addressed. The lecture will comprise of practical examples and case studies.

*Instructor: Giammarco Cottani*

## Third week

### Monday 19 July

#### **Introduction to the arm's length principle and transfer pricing methods**

The arm's length principle is the international standard set by the OECD to determine the transfer prices in intragroup situations. In the last decade, the new organizational models adopted by MNEs and the different kind of transactions arising led the OECD to launch new projects in order to fine-tune the 1995 Guidelines with the current economic scenario and the effect of COVID-19 to intragroup dealings. This day firstly focuses on the milestones of the arm's length principle, its recent developments, and why it is still, as confirmed by the recent OECD report on Base Erosion and Profit Shifting, a hot topic for MNEs. Moreover, the application and the main characteristics of the traditional transaction methods and transactional profit methods is addressed by under both a theoretical and practical perspective.

*Instructors: Francesco Giuliano Parlatore & Matteo Viani*

### Tuesday 20 July

#### **Digital economy & evaluation techniques**

The OECD BEPS Project identified the taxation of the digitalisation of the economy as one of the main areas of attention. In this respect, the 2015 BEPS Action 1 Report was merely the first milestone and from that moment onwards several works in this field has been followed by the OECD and the EU Commission. The purpose of this lecture is to deep understand the main features raised by international works on taxation of the digital economy under both a theoretical and practical perspective, together with a critical analysis of the OECD Pillar I. Moreover, this lecture also covers the application of evaluation techniques to transfer pricing issues..

*Instructors: Francesco Saverio Scandone, Luigi Scordo & Giandomenico Petronella*

### Wednesday 21 July

#### **Cost Contribution Agreements and Economic analysis**

The morning session will cover the major topic of the Cost Contribution Agreements (CCA). The afternoon session is focused on the use of financial statements for transfer pricing purposes and on the practice of searching for comparables. These topics are explained through examples and practical activities, such as the computation of profit level indicators.

*Instructors: Flor Snel, Loek Helderma & Emmanuel Llinares*

### Thursday 22 July

#### **Structuring a transfer pricing policy in different business sectors and selected cases on TP and Intangibles**

This lecture is focused on the analysis of how MNEs operating in certain sectors (FMCG, Luxury, Industrial) structure their transfer pricing policies with a critical analysis on the main issues under both a theoretical and practical perspective. Moreover, this lecture also covers the analysis of the transfer pricing issues related to intangible property. Lecturers will enrich the explanations of these topics through an extensive set of examples drawn from their professional experience.

*Instructor: Marco Adda*

### Friday 23 July

#### **Transfer pricing aspects of business restructurings and Transfer pricing disputes**

Business restructurings are one of the transfer pricing hottest topics in today's constantly developing economic environment. This lecture is focused on transfer pricing issues that have to be considered when an MNE redeploys cross-borders functions, assets and/or risks, that is (i) whether tax authorities can disregard the restructuring as presented by the taxpayer, (ii) whether at arm's length a

remuneration for the restructuring itself would be due and (iii) the remuneration of post-restructuring controlled transactions and its relationship with the remuneration for the restructuring itself. The explanation of the theoretical framework will be followed by a review of most common types of business restructurings (e.g. implementation of a central purchase function, conversion of a full-fledged distributor into a "risk-less" distributor). Moreover, the lecture deals also with (i) the importance of a proper documentation supporting the transfer pricing policy (ii) procedures through which potential disputes can be solved either in advance through advance rulings (APA) or in case of challenges of the tax authorities (MAP and Arbitration Convention).

***Instructors: Gabor Baranyai & Balthasar Denger***