



TAX LAW

Faculté des Hautes Etudes Commerciales (HEC)
Faculté de droit et des sciences criminelles

rethinking corporate tax policy

oecd/eu perspectives and swiss corporate tax reform III

www.hec.unil.ch/masit



Institut suisse de droit comparé
Schweizerisches Institut für Rechtsvergleichung
Istituto svizzero di diritto comparato
Swiss Institute of Comparative Law

Unil

UNIL | Université de Lausanne

WELCOME

Whether at the OECD, EU or Swiss level, corporate tax policy is undergoing major critical changes. The work of the OECD in the area of Base Erosion and Profit Shifting (BEPS) has stressed the need to address a fundamental policy issue: whether current international and domestic tax rules are indeed suitable for companies having international activities. The European Commission in its recommendations of December 2012, designed to tackle aggressive tax planning, has also expressed similar concerns. Moreover, the rules governing State aid in tax matters are becoming increasingly relevant when designing an international corporate tax system.

It is therefore in this evolving international framework that Switzerland is now to adopt its 3rd Corporate Tax Reform. This reform, which has been triggered by the alleged incompatibility of Swiss cantonal tax regimes with the 1972 EU–Swiss Free Trade Agreement, will have to meet numerous challenges: apart from complying with the OECD and EU “standards” and being consistent with the Swiss legal system, the reform will indeed have to provide for competitive options offering legal certainty to enterprises and meet the interests of all Swiss cantons.

In this high level conference, which will take place on December 9 and 10, 2013 in Lausanne, all of the foregoing issues shall be discussed by leading Swiss and international academics, representatives from the OECD, the EU, Swiss tax administrations as well as by practitioners from the private sector or the industry.

I look forward to welcoming you in Lausanne and to our fruitful discussions.

Yours sincerely,



Prof. Dr. Robert J. Danon

MONDAY, DECEMBER 9, 2013

OPENING

- 08H30 Registration & Welcome coffee
- 08H50 **WELCOME ADDRESS**
Prof. Dr. Robert Danon, Professor of Swiss and international tax law at the University of Lausanne, Director of the Executive Master of Advanced Studies in International Taxation (MASIT)
- 09H00 **OPENING LECTURE : SWITZERLAND AND CORPORATE TAX POLICY**
Mr. Pascal Broulis, Head of the Ministry of Finance and External Affairs for the Canton de Vaud

MORNING SESSION : OECD FRAMEWORK

- MORNING SESSION :**
OECD AND BASE EROSION AND PROFIT SHIFTING (BEPS)
Chair : Prof. Dr. Robert Danon
- 09H30 **Introduction and overview by the Chair**
- 10H00 **BEPS AND SWISS FISCAL POLICY**
Mr. Christoph Schelling, Ambassador, Head of Tax Division, Swiss Federal Department of Finance (FDf), State Secretariat for International Financial Matters
- 10H30 Coffee break
- 11H00 **BEPS AND TRANSFER PRICING**
Mr. Stefaan De Baets, Senior Transfer Pricing Advisor, OECD
- 11H30 **BEPS AND REVISITING EXISTING TAX TREATY RULES**
Prof. Yariv Brauner, Professor at the Levin College of Law, University of Florida
- 12H00 **OVERALL ASSESSMENT AND CRITICAL THOUGHTS ON BEPS**
Prof. Richard J. Vann, Challis Professor of Law at the University of Sydney
- 12H30 Lunch break

AFTERNOON SESSION : THE EU FRAMEWORK

Chair : Prof. Dr. Pasquale Pistone, Professor of European and International Tax Law at the Vienna University of Economics and Business and at the University of Salerno

- 14H00 Introduction by the chair
- 14H15 **EU FUNDAMENTAL FREEDOMS (EU AND THIRD COUNTRIES) AND THEIR IMPACT ON TAX MATTERS**
Mr. Richard Lyal, Principal Legal Advisor European Commission (Belgium)
- 14H45 **STATE AID AND HARMFUL TAX COMPETITION IN THE INTERNAL MARKET AND THEIR REPERCUSSIONS ON THE EXTERNAL TAX POLICY OF THE EUROPEAN UNION**
Prof. Dr. Raymond Luja, Professor of Comparative Tax Law and Vice Dean of the Faculty of Law at Maastricht University and fiscal state aid specialist at Loyens & Loeff N.V., Amsterdam
- 15H15 Coffee break
- 15H45 **THE 1972 FREE TRADE AGREEMENT BETWEEN THE EUROPEAN UNION AND SWITZERLAND**
Prof. Dr. Andreas R. Ziegler, University of Lausanne
- 16H15 **EU AND OECD CONVERGENCES ON INTERNATIONAL TAX STANDARDS – FOCUS ON AGGRESSIVE TAX PLANNING AND ITS FORESEEABLE FUTURE DEVELOPMENTS**
Prof. Dr. Guglielmo Maisto, Professor at the Catholic University of Piacenza, Partner, Maiso e Associati (Italy)
- 17H00 Conclusions by the chair
- 17H15 End of the day

- 08H30 Registration & Welcome coffee
SWISS CORPORATE TAX REFORM III
Chair : Prof. Dr. Robert Danon
- 09H00 **OVERVIEW OF SWISS CORPORATE TAX REFORM III AND PROPOSED MEASURES**
Mr. Fabian Baumer, Vice-Director, Swiss Federal Tax Administration, Bern
- 09H30 **PROPOSED MEASURES AND THE LINK WITH ACCOUNTING LAW IN THE CONTEXT OF SWISS CORPORATE TAX LAW**
Prof. Dr. Pierre-Marie Glauser, professor of tax law at the University of Lausanne, director of Department of Business – and Tax Law at HEC, Partner, Oberson Avocats
- 10H15 Coffee break
- 10H45 **STEP-UP OF HIDDEN RESERVES AT CHANGE FROM PRIVILEGED TO ORDINARY TAX STATUS**
Mr. Peter Riedweg, Partner, Homburger AG, Zurich
- 11H30 **COMPATIBILITY OF PROPOSED MEASURES WITH THE TAX SWISS TAX SYSTEM AND INTERNATIONAL STANDARDS**
Prof. Dr. Robert Danon
- 12H00 **PANEL DISCUSSION**
In addition to the foregoing members, the panel will be composed of :
Dr. Martin Zogg, Member of the Executive Committee of SwissHoldings, **Mrs. Charlotte Winzer**, Director Tax Europe, Procter & Gamble, **Mr. Pierre Dériaz**, Director, Head of Taxation Division, Tax Administration of the Canton of Vaud, **Prof. Dr. Marius Brühlhart**, University of Lausanne (HEC)
- 12H30 End of the symposium



RETHINKING CORPORATE TAX POLICY

DECEMBER 9 & 10, 2013

HÔTEL MÖVENPICK

LAUSANNE – OUCHY (SWITZERLAND)

HOTEL INFORMATION

The Mövenpick Hotel Lausanne is located in the heart of Lausanne–Ouchy, just a 2 minute drive from the city centre, the main railway station and the motorway (2 km). Geneva-Cointrin International Airport is only a 45 minute drive away.

By car: take direction Lausanne Sud/Lausanne South on the A1 and drive straight to Lausanne-Ouchy. Underground parking available in front of the hotel.

By train: From Lausanne railway station, take a taxi or the M2 metro to Ouchy (200m).

GENERAL INFORMATION

For further information, please contact Emanuela Vos, at +41 21 692 28 30 or emanuela.vos@unil.ch

FACULTÉ DES HAUTES ETUDES COMMERCIALES (HEC)
FACULTÉ DE DROIT ET DES SCIENCES CRIMINELLES

Université de Lausanne | Internef | CH-1015 Lausanne
Tél. +41 21 692 28 30 | Fax +41 21 692 28 35



www.hec.unil.ch/masit