A conference presented by the IBA Taxes Committee

# The New Era of Taxation



the global voice of the legal profession°

15-16 September 2022

Hotel Miramar Barcelona, Barcelona, Spain



#### **Topics include:**

- Holding companies: their future use in acquisition structures, will they survive the changes under discussion?;
- Environmental taxes: PPT, carbon tax and 'green tax credits';
- Have a laptop, will travel: mobility, digital nomads, remote working and its impact for companies;
- Taxes and fintech: the use of technologies by the tax administration;
- The 'beyond taxes' for the 'beyond universe': taxes in the metaverse; and
- Mobility of HNWI after the pandemic: tax preferential regimes and application of tax treaties



## Programme

#### **Conference Co-Chairs**

Antonio Barba de Alba Cuatrecasas, Barcelona; Conference Quality Officer, IBA Taxes Committee Guadalupe Díaz-Súnico Lener, Barcelona

#### **Planning Committee**

Annabelle Bailleul-Mirabaud CMS, Neuilly-sur-Seine; Young Lawyers Programme Officer, IBA Taxes Committee
Pia Dorfmueller Dentons, Frankfurt; Scholarship Officer, IBA Taxes Committee
Joe Duffy Matheson, Dublin; Webinar Officer, IBA Taxes Committee
Francesco Gucciardo Aird & Berlis, Toronto, Ontario; Vice Chair, IBA Taxes Committee
Fernando Tonanni Machado Meyer, São Paulo; Young Lawyers Programme Officer, IBA Taxes Committee
Christian Wimpissinger Binder Groesswang, Vienna; Vice Chair, IBA Taxes Committee

### Thursday 15 September

0745 - 1615 Registration

0900 - 0915 **Opening remarks** 

0915 - 0945 Keynote address

0945 - 1115

# Holding companies: their future use in acquisition structures, will they survive the changes under discussion?

The jury of public scrutiny has determined that holding companies are evil and mischievous; and, as in the inquisition, they must be burned on the stake! However, holding companies are essential for business transactions. They are required as tools for business to undertake acquisitions, implement financing vehicles, centralise regional management functions and the like. Given that said structures have also been used as mechanisms for treaty shopping and tax reduction, our panel will analyse their legitimacy prospects for survival and use in the new global tax environment.

Session Co-Chairs

Jessica Kemp Travers Smith, London; Newsletter Editor, IBA Taxes Committee

Heather Ripley Alston & Bird, New York

Speakers

Silvia Andrés Garrigues, Barcelona Bruna Marrara Machado Meyer, São Paulo Roland Meuwissen Dentons, Amsterdam

1115 - 1145 Coffee/tea break

1145 - 1315

# Environmental taxes: PPT, carbon tax and 'green' tax credits

Governments have always used taxes and levies to influence the behaviour of the people and the economy. Unfortunately, lobbyist and misguided political interests have disrupted tax laws and their use for public interest. Global warming and the environment require that concerted efforts be implemented to tackle the challenges the globe is facing. This leads us to the question, how are taxes and levies being used to safeguard the environment and curb global warming? The panel will debate on how the current environmental challenges in politics impact the tax landscape.

Session Co-Chairs

Jisun Choi Skadden, Arps, Slate, Meagher & Flom, London Francesco Gucciardo Aird & Berlis, Toronto, Ontario; Vice Chair, IBA Taxes Committee

Speakers

Manuel Alcalde Carey, Santiago Laura Duglio Chiomenti, Milan

### Thursday continued

1315 - 1415 Lunch

1415 - 1545

# Have a laptop, will travel: mobility, digital nomads, remote working and its impact for companies;

The tax and social security considerations impact the home office and travel policies that corporations implement. Besides the obvious effects in the individual taxation of the employees, companies may also be impacted in their transfer pricing policies due to the mobility of workers, key functions and intellectual property (IP). Considerations on place of effective management, permanent establishment and DEMPE (development, enhancement, maintenance, protection and exploitation) functions, among others, are in the menu. The panel will discuss how companies are facing this challenge.

Session Co-Chairs

Annabelle Bailleul-Mirabaud CMS, Neuilly-sur-Seine; Young Lawyers Programme Officer, IBA Taxes Committee Ocka Stumm Gleiss Lutz, Frankfurt

Speakers

Mariana Díaz-Moro Gómez-Acebo & Pombo, Madrid Walter Keiniger Marval, O'Farrell & Mairal, Buenos Aires Patrick Schmid Bär & Karrer, Zürich 1545 - 1615 Coffee/tea break

1615 - 1745

## Taxes and fintech: the use of technologies by the tax administration

Tax authorities globally have learned to levy on technology to undertake their oversight and enforcement capabilities. They are actively working to share this knowledge and infrastructure among them, training those that are less developed and shortening the learning curve of authorities throughout the world. Are taxpayers, both corporate and individual, up to speed on their own level of compliance to be able to respond to these enhanced government capabilities? Our panel will explore the best practice that corporations and individuals should undertake to put in place mechanisms to defend against the intelligence upon which governments around the world are acting on. Defensive proactive action is the only tool that taxpayers have to fend of the collaborative efforts of global enforcers.

Session Co-Chairs

Charlotte Kiès Loyens & Loeff, Amsterdam Christian Wimpissinger Binder Groesswang, Vienna; Vice Chair, IBA Taxes Committee

Speakers

David López Uría Menéndez, Madrid Gouri Puri Shardul Amarchand Mangaldas & Co, Delhi, Haryana

1830–2130 Conference dinner

Ticket price: €145

One place per registered delegate is permitted.

### Friday 16 September

0830 - 1315 Registration

0915 - 0930 Opening remarks

0930 - 1100

# The 'beyond taxes' for the 'beyond universe': taxes in the metaverse

Session Co-Chairs

Ana Jorge Cuatrecasas, Madrid Meyyappan Nagappan Nishith Desai Associates, Mumbai, Maharashtra Speakers

Ana Carolina Carpinetti Pinheiro Neto Advogados, São Paulo Thomas Dasselaar Van Doorne, Amsterdam Gianella Gallegos PBP Law, Guayaquil Maja Petrovic Schindler Attorneys, Vienna

1100-1130 Coffee/tea break



### Friday 16 September

1130 - 1300

# Mobility of HNWI after the pandemic: Tax preferential regimes and application of tax treaties

Preferential regimes are proliferating to attract high net worth individuals (HNWI) post pandemic. While they undoubtedly offer relevant tax benefits, the application of tax treaties is still controversial, if not directly forbidden, raising potential pitfalls for the unwary. This section will address the concept of a 'resident of a Contracting State', for the purpose of the Double Tax Conventions, and how HNWI benefitting from these forfeited regimes may fit into it.

Session Co-Chairs

Tiago Cassiano Neves Kore Partners, Lisbon Claudia Suter Homburger, Zürich

Speakers

Barry McGettrick Matheson, Dublin
Pedro J Miranda-Sadurní Sanchez Devanny, Querétaro
Tanja Schienke-Ohletz Flick Gocke Schaumburg, Frankfurt
Blanca Vicens Novell Lener, Barcelona

1300 - 1315 Closing remarks

1315 - 1415 Lunch

The IBA, its officers and staff accept no responsibility for any views expressed, presentations or materials produced by delegates or speakers at the Conference.

The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the Conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the Conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced, final and conclusive).

#### **Continuing Professional Development/Continuing Legal Education**

For Conference delegates from jurisdictions where CPD/CLE is mandatory, the IBA will provide a Certificate of Attendance for the Conference. Subject to CPD/CLE requirements, Conference delegates can use this to obtain the relevant number of hours' accreditation. The number of CPD/CLE hours available may vary depending on the rules applied by the members' bar association/law society on time recording criteria.

A Certificate of Attendance is available to Conference delegates on request. Please ask at the IBA Conference registration desk for information on how to obtain the certificate.

#### **IBA Harassment Policy**

IBA IBA conferences provide unrivalled professional development and network-building opportunities for international legal practitioners and their professional associates. The IBA values the participation of every delegate and member of the IBA and wants all attendees to have an enjoyable and fulfilling experience. Accordingly, all Conference attendees are expected to show respect and courtesy to other attendees, IBA staff and those involved with hosting the events throughout the Conference and at all Conference events, receptions, and parties, whether officially organised by the IBA or others. All delegates, guests, attendees, speakers, exhibitors, staff and volunteers at any IBA event are required to conform to the IBA Harassment Policy.

See www.ibanet.org/iba-harassment-policy



### Information

#### Date

15-16 September 2022

#### Venue

Hotel Miramar Barcelona Pl. Carlos Ibáñez, 3 08038 Barcelona Tel: (+34) 932 811 600 https://hotelmiramarbarcelona.com/

### By registering for the conference you agree to the following, the delegate code of conduct and all venue precaution notifications:

- You will not attend the conference if you are displaying any Covid symptoms
- Should you develop any Covid symptoms during your attendance at the conference you will immediately:
  - inform a member of IBA staff by email (maria.chew@int-bar.org)
  - · comply with all local and national restrictions
- You travel at your own risk and you agree that the IBA cannot be held responsible if you contract Covid during the conference or after returning from the conference
- You agree to the extent permitted by law that you shall not hold IBA
  responsible for: any travel costs incurred for travelling to and from
  the conference; any travel costs that may be irrecoverable due to the
  cancellation or postponement of the conference; any losses or liabilities
  associated with contracting Covid whether on the way to, during or
  after the conference.
- You agree that, if asked by the relevant local or national authorities, the IBA has permission to pass on your personal information and contact details to those authorities should contact tracing be required.

#### Fees

Online registrations received:

	on or before 5 August	until 9 September
IBA member	€755	€865
Non-member *	€920	€1025
Young lawyers (under 30 years)	€565	€1025
Academics/judges (full-time)	€565	€1025
Public lawyers	€565	€1025
Corporate counsel **	€680	€1025
Thursday Conference dinner	€145	€145

After 9 September 2022 registrations must be received in hard copy at the IBA office.

Hard copy registration forms and fees received:

	on or before 5 August	after 5 August	
IBA member	€840	€960	
Non-member *	€1020	€1140	
Young lawyers (under 30 years)	€630	€1140	
Academics/judges (full-time)	€630	30 €1140	
Public lawyers	€630	€1140	
Corporate counsel **	€755	€1140	
Thursday Conference dinner	€145	€145	

#### Language

All working sessions and Conference materials will be in English.

#### How to register

Register online by 9 September 2022 at https://www.ibanet.org/conference-details/conf2228 and make payment by credit card to avail of the ten per cent online registration discount or complete the attached registration form and return it to the Conference Department at the IBA together with your proof of bank transfer payment. You should receive an email confirmation of your registration within five days; if you do not, please contact maria.chew@int-bar.org.

- \* By paying the non-member fee, we welcome you as a delegate member of the IBA for the year in which this Conference is held, which entitles you to the following benefits:
- 1) Password access to certain parts of the IBA website.
- 2) Receipt of IBA E-news and access to online versions of IBA Global Insight.
- 3) Pay the member rate for any subsequent Conference registrations for this calendar year.
- \*\* A reduced rate is offered to IBA Corporate Group Members. Please register online to obtain a 25 per cent discount on the IBA Member fee.

If you would like to become a full or general member of the IBA, which includes membership of one committee or more – and inclusion in and access to our membership directory – we encourage you to do so now in order to register for this Conference at the member rate. You can find full details of how to join at **www.ibanet.org.** 

A reduced rate is offered to lawyers who are over the age of 65, have been an IBA member for more than 20 years and are no longer practising law.

### Full payment must be received in order to obtain your Conference documentation.

#### Fees include:

Attendance at all working sessions

- Access to the Conference materials from the IBA website (www.ibanet. org), including any available speakers' papers submitted to the IBA before 9 September.
- \* Access to live delegate search
- \* Lunch on Thursday and Friday
- \* Tea and coffee during breaks

Please note that registrations are not transferable.

#### List of participants

In order for your name to appear in the list of participants, your registration form must be received by 9 September 2022 at the latest.

#### Live delegate search

Delegates are able to use the live delegate search via the IBA website, in order to use this function delegates will need to be logged into their MyIBA. This will allow search access to up-to-date attendance lists.

#### **Registration confirmation**

Upon receipt of your payment for the Conference a confirmation email will be sent to you which contains information regarding your attendance at the Conference. You will also be able to view and download your payment information and manage your registration via your My IBA profile on the IBA website.

#### **Book with confidence**

- If the IBA needs to reschedule the event, your registration will be automatically transferred to the new date and no additional fees will be charged. If this date is not convenient for a delegate, a refund of the cost of the conference place will be available on request to the IBA.
- If the IBA is unable to reschedule the conference within 12 months of the original scheduled date, a full refund of the cost of the conference place will automatically be made to all delegates.
- Please note that the IBA will not provide refunds for any other costs incurred including any travel costs.

Please note, these terms are subject to any more restrictive or different local requirements, and may be altered and amended from time to time to reflect any changes to restrictions or government requirements.

#### Photography and filming

Certain sessions and/or social functions may be photographed and/or filmed and some of this content may be used for future IBA marketing materials, member communications, products or services. Should you have any concerns with regard to this, or do not wish to be featured in any of these materials please contact the IBA Marketing Department at **ibamarketing@int-bar.org**.

#### **Promotional literature**

Please note that no individual or organisation may display or distribute publicity material or other printed matter during the Conference, unless by prior arrangement with the IBA. Organisations and companies wishing to discuss promotional opportunities should contact the IBA Sponsorship Department at **sponsorship@int-bar.org**.

Payment of registration fees by bank transfer or BACS payment Registration forms received without proof of payment will NOT be processed until proof of payment has been received.

**Euro:** by bank transfer to the IBA account at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom.

SWIFT address NWBKGB2L, IBAN GB58NWBK60721106570631 Please ensure that a copy of the bank transfer details is attached to your registration form.

**Online credit card payments:** by Visa, MasterCard or American Express. **No other cards are accepted.** 

PLEASE ENSURE THAT YOUR NAME AND 'CON2228TAX' APPEAR ON ANY TRANSFER OR DRAFT.

#### No deductions or withholdings

All fees payable to us by you in accordance with the terms contained in this 'Information' section shall be paid free and clear of all deductions or withholdings whatsoever.

If any deductions or withholdings are required by law to be made from any fees payable to us by you under the terms contained in this 'Information' section you shall pay such sum as will, after the deduction or withholding has been made, leave us with the same amount as we would have been entitled to receive in the absence of any such requirement to make a deduction or withholding.

If we obtain the benefit of any tax credit or other relief by reference to any such deductions or withholdings, then we shall repay to you such amount as, after such repayment has been made, will leave us in no worse position than we would have been had no such deductions or withholdings been required.

#### **Conference sell-outs**

The IBA places its conferences in venues of a suitable size for each event; however, there are times when our conferences may sell out. Should this happen, prospective delegates will be informed and a waiting list will operate. The waiting list will function on a 'first come, first served' basis, subject to receiving registered delegate cancellations. The waiting list for a conference will close once it has reached ten per cent of the conference venue capacity, as it is very unlikely a place will become available. The IBA will not be liable for any travel or accommodation expenses incurred by an individual who travels to a conference without a confirmed place at the event.



#### **Cancellation of registration or social functions**

If cancellation is received in writing at the IBA office by **12 August**, fees will be refunded less a 25 per cent administration charge. Refunds will be made minus any monies owed to the IBA.

We regret that no refunds can be made after this date. Registrations or social function bookings received after **12 August** will not be eligible for any refund of fees. Please note that the IBA will however offer a full refund if you are required to cancel your registration due to Covid related reasons; we will require written confirmation of your cancellation by the end of business on the first day of the conference.

Should you have difficulties in obtaining your visa and are not able to attend the Conference this cancellation policy will still apply.

Upon submission of your completed Conference registration form to the IBA you are considered 'registered' pending payment. Please note that the cancellation terms and conditions as indicated will apply as soon as your registration is received.

Provided you have cancelled your registration to attend an IBA Conference in accordance with the terms of the 'cancellation of registration' clause included in the 'Information' section of the relevant Conference programme, you must then confirm to us in writing at the IBA office as soon as possible, but in no event later than one year (12 calendar months) from the date of any such Conference, all necessary details to enable any reimbursement owed to you to be paid. We regret that no refunds will be made after the date that is one year (12 calendar months) after the date of the relevant Conference.

#### Travel arrangements and visas

Participants are responsible for making their own travel arrangements. It is recommended that you check your visa requirements with your local embassy or consulate. We are unable to dispatch visa invitation letters to support your visa application prior to receipt of your registration form and full payment of registration fees.

Please apply for your visa in good time.

#### **Hotel accommodation**

The IBA does not hold any hotel room blocks.

Delegates are responsible for making accommodation reservations directly with the hotel and entering into an agreement with the hotel regarding credit card guarantees, cancellation terms and conditions, and room rates. The IBA cannot accept responsibility for hotel accommodation disputes between a delegate and the hotel.

#### **Unauthorised accommodation agents**

It has been brought to our attention that there are multiple companies contacting past attendees, claiming to represent the IBA, offering 'assistance' with registration and hotel bookings.

They are operating by cold-calling and spamming companies whose names have appeared on previous List of Participants, Programmes and Sponsorship recognition. The only Accommodation Agent the IBA works with is Judy Lane ICS. Judy Lane ICS do not contact delegates on behalf of the IBA without delegates making initial contact. Please ignore any communication that does not come directly from the IBA or Judy Lane ICS.

#### Disabled access

The Hotel Miramar Barcelona is wheelchair accessible. Please notify us if you require special assistance.

#### Social programme

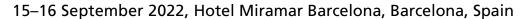
Thursday 15 September 1830 – 2130 Conference dinner Ticket price: €145

Social event places cannot be guaranteed unless payment has been received before 9 September, subject to availability.

One place per registered delegate is permitted.

# Registration form

### The New Era of Taxation





Please read the 'Information' section before completing this form and return it together with your bank transfer/cheque to the Conference Department at the address below.

REGISTER ONLINE AT WWW.IBANET.ORG/CONFERENCE-DETAILS/CONF2228 TO MAKE IMMEDIATE

	AND SECURE PAYMENT BY	CREDIT CARD AND OBTAI	N A TEN PER CENT DISCOUNT ON THE FEES BELOW
PERSONAL	<b>DETAILS</b> (Please attach your business	card or write in block capita	als)
Title	Given name		Family name
Name and co	ountry to be shown on badge (if differ	ent from above)	
IBA Members	ship number (if applicable)		Date of birth
Firm/compan	y/organisation		
Address			
			Country
Tel		_Email	
SPECIAL DI	ETARY REQUIREMENTS		
	pecial dietary requirements, due to alle able to cater for dietary requirements	_	religious reasons or a life choice, please specify the requirement below. asons.
Please ti	ck box if you have allergen intoleranc	es and specify	
Please state a	all other dietary requirements clearly, i	.e. I am a vegetarian; I do no	et eat red meat.
Disclosure of	dietary information denotes you have a	greed to the IBA sharing this in	oformation with relevant third parties who are providing catering on our behalf.
	PLEASE REGISTER BY <b>5 AL</b>	JGUST ONLINE AT <u>www.</u> i	COUNT ON THE FEES BELOW,  BANET.ORG/CONFERENCE-DETAILS/CONF2228  FOR €755 PLEASE SEE 'INFORMATION' FOR FURTHER  ATION DETAILS.

HARD COPY REGISTRATION FO	RMS AND FEES RECEIVED:	on or before 5 August	after 5 August	amount payable	
IBA member		€840	€960	€	
Non-member *		€1020	€1140	€	
Young lawyers (under 30 years)		€630	€1140	€	
Academics/judges (full-time)		€630	€1140	€	
Public lawyers		€630	€1140	€	
Corporate counsel **		€755	€1140	€	
Social functions	I shall attend	Price			
Thursday Conference dinner		€145	€145	€	
One place per registered delegate is pe	rmitted.				
			TOTAL AMOUNT PAYABLE €		

PLEASE FIND THE MEMBERSHIP APPLICATION FORM AT WWW.IBANET.ORG.

*JOIN THE IBA TODAY AND REGISTER FOR THIS CONFERENCE AT THE IBA MEMBER RATE. PLEASE FIND THE MEMBERSHIP APPLICATION FORM AT <b>WWW.IBANET.ORG</b> .
** A REDUCED RATE IS OFFERED TO IBA CORPORATE GROUP MEMBERS. PLEASE REGISTER ONLINE TO OBTAIN A 25 PER CENT DISCOUNT ON THE IBA MEMBER FEE.
A REDUCED RATE IS OFFERED TO LAWYERS WHO ARE OVER THE AGE OF 65, HAVE BEEN AN IBA MEMBER FOR MORE THAN 20 YEARS AND ARE NO LONGER PRACTISING LAW. PLEASE CONTACT THE IBA OFFICE FOR FURTHER INFORMATION.
FULL PAYMENT MUST BE RECEIVED IN ORDER TO PROCESS YOUR REGISTRATION.  PLEASE NOTE THAT REGISTRATIONS ARE NOT TRANSFERABLE.
METHODS OF PAYMENT
By credit card
Register online at www.ibanet.org/conference-details/CONF2228 and make immediate and secure payment by credit card
<b>Note:</b> please do not send your credit card details on the registration form or within an email or fax.
By bank transfer or BACs payment
Registration forms received without proof of payment will NOT be processed until proof of payment has been received.
<b>Euro:</b> by bank transfer to the IBA account at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom.  SWIFT address NWBKGB2L, IBAN GB58NWBK60721106570631
SVIII I aduless INVERGEZE, IDAN GESCHWEROO721100370031
Please ensure that a copy of the bank transfer details is attached to your registration form.
WHERE DID YOU FIRST HEAR ABOUT THIS CONFERENCE?
BA CONFERENCE DIRECT MAIL INTERNET ADVERTISEMENT
EMAIL EDITORIAL RECOMMENDATION OTHER
Please provide further details, quoting code (if applicable)

The International Bar Association would like to keep in touch with you about relevant news, events, publications and membership. You can opt out of receiving information at any time by emailing **member@int-bar.org** or by logging into My IBA and updating your preferences. Your details will be included in the list of participants. If you do not want your details to be included in the list, please email **confs@int-bar.org**.

For further details on how your data is used and stored: www.ibanet.org/privacy-policy

#### PLEASE SEND THE COMPLETED FORM TO INTERNATIONAL BAR ASSOCIATION:

#### **International Bar Association Asia Office**

Trade Tower, Suite 1703 511 Yeongdong-Daero, Gangnam-Gu Seoul, South Korea 06164

Tel: +82-2-6279-8100

Email: maria.chew@int-bar.org

www.ibanet.org



### **International Bar Association**

### the global voice of the legal profession

The International Bar Association (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations, law firms and law societies.

The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 80,000 individual lawyers and more than 190 bar associations and law societies spanning over 170 countries.

Inspired by the vision of the United Nations, the IBA was founded in the same spirit, just before the Universal Declaration of Human Rights was proclaimed in 1948.

The IBA covers all practice areas and professional interests, providing members with access to leading experts and up-to date information, enabling them to better represent their clients' interests.

Through its various committees, for a and task forces, the IBA facilitates the exchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of law around the globe.

#### **IBA Taxes Committee**

The IBA's widely respected and very active Taxes Committee offers its members access to the highest quality technical, practical and professional tax expertise to assist in understanding and finding solutions to international tax issues and concerns. It also encourages interface between international tax specialists and promotes the building of networks among tax lawyers worldwide to assist them in better serving the interests of their clients. The committee is divided informally into four practice group areas: Income Taxes, Other Taxes, Tax Litigation and Employee Benefits.

Members are encouraged to contribute to the committee newsletter which is published two to three times per year and to present papers at committee conferences and seminars. The committee also offers tax executives a forum, in its Tax Executives group, to exchange expertise and skills with their colleagues in industry on topics of special interest.

#### Contact information:

**International Bar Association** 

5 Chancery Lane London WC2A 1LG United Kingdom Tel: +44 (0)20 7842 0090

Email: confs@int-bar.org

www.ibanet.org