LEIDEN-TA ADVANCED TAX TREATIES PROGRAMME 2020

1 to 5 June 2020 | Singapore

Dates: 1 to 5 June 2020

Time: 9.00 am to 5.00 pm

Venue:
Savvy Training Room
10 Anson Road
International Plaza
#28-15, Singapore 079903

Fees: SGD3,600
The above fees exclude 7% GST. Local participants need to pay above fees plus 7% GST.

Lunch and tea breaks will be provided.

Certificate of participation:
A certificate of participation will be issued to participants who achieve a minimum attendance rate of 60% and complete a short assessment during the class.

Closing date for registration:
31 March 2020

To register, please scan the QR Code:

For enquiries on the event, please email:
Jocelyn Chong
chong_yung_shuen@iras.gov.sg

The **Advanced Tax Treaties Programme** is a collaborative effort between Tax Academy of Singapore and International Tax Center Leiden, Netherlands. The programme offers participants thorough knowledge of the complex rules that govern tax treaties and application of the advanced treaty concepts.

Who should attend

The programme is aimed at tax professionals who are seeking to deepen their insight and expertise in tax treaties. Participants should have at least three years' tax experience and basic knowledge of tax treaties, equivalent to Tax Academy's Level 1 (International Tax) Executive Tax Programme.

Main topics to be covered

- Key concepts of international taxation
- Introduction to tax treaties and treaty residence issues
- In-depth examination of the rules and structure of the OECD Model Tax Convention, with emphasis on the substantive articles:
  - Business profits under tax treaties
  - Investment income - Dividends, interest & royalties and immovable property income
  - Income from employment under tax treaties
- Discussions on case studies to introduce participants to application of advanced treaty concepts on real-life scenarios. Issues ranging from determination of treaty residence, effect of the tie-breaker rules for companies, permanent establishments and anti-abuse rules introduced by MLI pursuant to BEPS Action Plan.

CPD Accreditation
30 Public CPD Points
Practice area: Tax
Training Level: Advanced

Participants who wish to obtain CPD Points must comply strictly with the Attendance Policy set out in the CPD Guidelines. For this activity, participants are reminded to sign in on arrival and sign out at the conclusion of each day of the event in the manner required by the organiser. Participants must not be absent from each day of the event for more than 15 minutes. Participants may obtain 6 Public CPD Points for each day of the event on which they comply strictly with the Attendance Policy. Participants who do not comply with the Attendance Policy on any particular day of the event will not be able to obtain CPD Points for that day. Please refer to www.sileCPDcentre.sg for more information.

PROGRAMME

Morning session 9am to 12.30pm:
Prof. dr. Kees van Raad, Chairman, International Tax Center

Afternoon session 1.30pm to 5pm:
Siddharth Parekh Adv LLM, Lecturer, International Tax Center

Coffee Breaks: 10.30am to 10.50am / 3.30pm to 3.50pm
Lunch: 12.30pm to 1.30pm

Day 1
Key Concepts of International Taxation
Introduction to Tax Treaties & Treaty Residence Issues

In order to bring the participants from various backgrounds up to the same level, a quick introduction on taxation of cross-border income and methods of double taxation relief (juridical and economic double taxation) will be made. Next, the various methods to relieve juridical double taxation will be analyzed: both their operation and their advantages & disadvantages. A brief overview is presented of the types of relief countries may offer regarding of economic double taxation of dividends at corporate and shareholder levels.

Finally, the interaction between the distributive articles and the double taxation relief provisions will be examined and explained, along with a detailed analyses of the key concepts `residence´ and `source´. With regard to `residence´, the changes in the 2008 OECD Model Convention Commentary update on the tie-breaker rule and the impact on the `loser´ state's capability to be residence state for purposes of tax treaties with third countries (triangular situations) will be analyzed in some detail. Additionally, the impact of significant case law on the issue will be considered.

Day 2 and 3
Introduction to Tax Treaties & Treaty Residence Issues (continued)
Business Profits Taxation under Tax Treaties

The main topics of this comprehensive subject 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 of Art, 5 OECD and UN Models (physical PE, project PE, agency PE and the UN Model 's Service PE) will be thoroughly explained. The practical difficulties encountered in applying Articles 5 and 7 will be examined in detail.

Certain topics in the application of tax treaties continue to puzzle tax practitioners and tax administrators alike. One of these topics include the taxation of business profits under Art. 7 of the OECD Model. In 2010, the OECD included in the update of the OECD Model & Commentary a new Article 7 with Commentary. In the updated rules, a novel approach is taken to many of the issues that have arisen in the past with regard to the attribution of profits to a permanent establishment. This lecture will deal with these issues and also analyze the application of the rules on tax treaty interpretation on the application of these new Art. 7 rules. Further, special attention will be paid to income attribution to Project PEs and Agency PEs .

PROGRAMME

Day 4
Investment Income - Dividends, Interest & Royalties; Immovable Property and Income from Employment, Pensions, etc. under Tax Treaties

Investment Income - Dividends, interest & royalties; Immovable property and Income from employment, pensions, etc. 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 interpretational and practical issues, the most important ones of which will be touched upon in this day's topic.

There will also be a detailed examination of the definitions of dividends, interest and royalties – in particular, possible differences between domestic and treaty law qualifications as well as dual source issues with respect to interest income. Further, the concept of the `beneficial owner´ clause will be analyzed, particularly in light of the 2014 update of the OECD Commentary on this issue. With regard to immovable property, the developments on the application of Articles 6 and 13 as well as the practical difficulties in tax treaty application due to the interaction of Articles 6, 7 and 21 will be analyzed.

Income from employment, pensions, etc. under tax treaties

The grown international 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. With the rise of cross-border secondment of employees by Multinational Enterprises (MNEs), the issue of how to deal with temporary cross-border employment in multiple states has become increasingly important.

The main rules are laid down in Article 15 which gives rise to a variety of important issues in international tax practice. However, due to numerous undefined terms in the provision (such as `employer, remuneration paid by or on behalf of), practical difficulties arise in the interpretation and application of this article, leading to many undesirable situations of double taxation or double non-taxation. Issues such as international hiring out of labor and the residence of the employer will be analyzed in some detail (including involving employers who are tax exempt or are a hybrid entity such as a partnership).

In addition to an analysis of some of these cross-border issues, other points arising under the rules on the remuneration of directors (Article 16), artistes and sportsmen (Article 17) and pensions (Article 18) will be discussed. There has also been a trend in the issuance of stock options (addressed under Article 15) in the recent years. With the cross-border movement of employees, numerous treaty issues such as mismatches in taxing events and timing, multiple residence taxation, identification of services to which the option relates arise. Various OECD approaches (based on date of vesting and exercise) to the cross-border taxation of stock options will be examined in different cross-border situations.

Day 5
Case Studies Discussion and Question and Answers Session

ABOUT THE SPEAKERS

Kees van Raad
Chairman, International Tax Center Leiden

Kees van Raad is chairman of the International Tax Center Leiden, of counsel to Loyens & Loeff and past Professor of International Tax Law at the University of Leiden. He is also chair of the International Fiscal Association's Jury for the annual Mitchell B. Carroll Prize, a past member (1986-2006) of its Permanent Scientific Committee and an Honorary Member of IFA. He is a member of the Advisory Panel of BRITACOM (the tax branch of the organization set up to develop and implement China's Belt and Road Initiative). Further, he was a member (1999-2012) and chairman (2006-2012) of the Executive Board of the European Association of Tax Law Professors and a member (2003-2015) of the Supervisory Board of the Max Planck Institute for Tax Law and Public Finance in Munich, Germany.

He has published comprehensively on issues of international tax law, and in particular on tax treaties. He has lectured in more than 30 countries, has held visiting professorships at many universities abroad and is a frequent speaker at foreign conferences, congresses and seminars.

Siddharth Parekh
Teaching Associate, International Tax Center Leiden

Siddharth is a partner at Sunil G Parekh & Co, Chartered Accountants, a Mumbai based tax and accounting firm and focuses on advising clients on international tax and transfer pricing issues. He has previously worked in the international tax team of EY in their London and Mumbai offices. A chartered accountant from the Institute of Chartered Accountants of India, he obtained his Adv LLM in International Tax Law from Leiden University, where he worked as a teaching assistant and continues to lecture on international tax law.

ABOUT THE ORGANIZERS

International Tax Center Leiden (ITC Leiden)

The International Tax Center Leiden (ITC Leiden) was created in 1998 to provide comprehensive instruction programs in international tax law. In addition to the programs taught in the Netherlands, ITC Leiden offers short courses (typically 1-3 weeks) around the world. Prof. Kees van Raad, its founder and chairman, manages the various programs. In China ITC Leiden offers each summer free of charge a full week program for Chinese students specializing in tax; the program rotates among prominent Chinese universities and is held this year at Sun Yat Sen University in Guangzhou.

Tax Academy of Singapore

Tax Academy of Singapore is a not-for-profit institution set up by the Inland Revenue Authority of Singapore in collaboration with the Big 4 accounting firms (Deloitte & Touche; Ernst & Young; KPMG; PricewaterhouseCoopers); the Institute of Singapore Chartered Accountants and the Law Society of Singapore. Tax Academy collaborates with leaders in the industry, academia and the government to develop and deliver structured tax training programmes and regular seminars and conferences that effectively raise the professional competency, knowledge and capabilities of the tax community.