



# The 2011 OECD International Tax Conference: OECD-U.S. Business Dialogue on International Tax Washington, DC June 6-7, 2011

## Day One

1:00–1:30 p.m. **Registration**

### I. **Welcome**

1:30–2:00 p.m.

- Karen Kornbluh, U.S. Ambassador and Permanent Representative to the OECD [invited]
- Charles P. Heeter Jr., Chairman, BIAC; and Managing Director, Deloitte Touche Tohmatsu

### II. **Opening the Dialogue for 2011: Tax Reform, Growth and Competitiveness**

2:00-3:15 p.m. **Major Tax Trends and Developments including Tax Reform and Competitiveness**

*The United States corporate statutory rate is among the highest in the world: what does this mean for competitiveness? Should the rate come down? How can that be accomplished in a deficit driven environment? What are the implications of tax reform for multinational corporations?*

- Jeffrey Owens, Director, OECD Centre for Tax Policy & Administration
- Thomas Barthold, Chief of Staff, Joint Committee on Taxation
- Manal Corwin, Deputy Assistant Secretary for International Tax Affairs, U.S. Treasury
- Philip West, Partner, Steptoe & Johnson LLP

### III. The OECD Looking Beyond Its Borders

3:15–4:15 p.m. **Enlargement, Engagement with Non-OECD Economies and the New Focus on Tax and Development**

*The myth of the OECD as an insular "rich man's club" is being shattered daily as the organization absorbs a wave of new members, deepens its engagement with other major new economies, and sharply increases its focus on issues relating to tax and development. In this session, panelists will analyze these developments and their significance to business. Their discussion will touch on: how a more inclusive dialogue among nations will affect the OECD's standard-setting role; what the impact on business will be of strengthening the capacity of tax administrations around the world; what the response should be to the calls by NGOs and development agencies for the introduction of "country-by-country" reporting requirements on multinational corporations.*

- Chris Lenon, Group Strategic Adviser, Tax Policy, Rio Tinto plc and Taxation Committee Chair, BIAC
- John Bartlett, Group Head of Tax, BP plc
- Masatsugu Asakawa, Deputy Vice Minister for International Affairs, Ministry of Finance, Japan and Chair-Elect, OECD Committee on Fiscal Affairs
- Grace Perez-Navarro, Deputy Director, OECD CTPA
- David McNair, Senior Economic Justice Advisor, Christian Aid

4:15-4:30 p.m. **Break**

### IV. Permanent Establishments

4:30-6:00 p.m. **OECD Update on High Profile PE Issues**

*Permanent establishment issues keep tax directors and practitioners up at night because the consequences of being wrong on this issue are so dramatic. The OECD is working on revising the commentary to Article 5 to address a number of these thorny issues. What is the proper treatment of commissionaire arrangements, what are the implications of using subcontractors and when are premises at the disposal of an enterprise, in particular where employees of one company work in the premises of a related company? This panel will provide insight into current thinking on these and other timely permanent establishment issues.*

- Jacques Sasseville, Head of Tax Treaty Unit, OECD
- Jesse Eggert, Associate International Tax Counsel, U.S. Treasury
- Gary Sprague, Partner, Baker & McKenzie LLP
- David Sutherland, Chief Financial Officer in Asia Pacific, Morgan Stanley

6:00–7:30 p.m. **Reception**

## Day Two

8:00–8:30 a.m. **Continental Breakfast**

### V. **Global Tax Administration**

8:30-9:30 a.m. **A Conversation with Steven Miller, Deputy Commissioner, Services and Enforcement, IRS**

*Steven Miller, Deputy Commissioner for Services and Enforcement at the IRS, will share his views on the major challenges in tax administration today and on the initiatives the OECD's Forum on Tax Administration (FTA) is taking to improve taxpayer service and compliance.*

- Steven Miller, Deputy Commissioner, Services and Enforcement, IRS
- Bill Sample, Corporate Vice President, Worldwide Tax, Microsoft Corporation and Taxation Committee Chair, USCIB

### VI. **Improved International Tax Cooperation**

9:30-10:30 a.m. **MNE Guidelines and Improving Tax Compliance**

*The OECD is revising its Guidelines for Multinational Enterprises which were last revisited in 2000. The new Guidelines on tax may adopt a new "spirit of the law" concept which may guide compliance with tax filing obligations. The OECD has also recently released a report on Tackling Aggressive Tax Planning Through Improved Transparency and Disclosure. Countries are looking for more self-regulation by taxpayers, more and earlier information from taxpayers, and more cooperation between countries. How will these initiatives affect multinational corporations?*

- Grace Perez-Navarro, Deputy Director, OECD
- Michael Danilack, Deputy Commissioner (International) LB&I, IRS
- Marcos Vinicius Neder, Partner, Baker & McKenzie and Former Undersecretary, The Brazilian Federal Revenue Department
- Steven Bunson, Head of Global Tax, Goldman, Sachs & Co.

10:30-10:45 a.m. **Break**

## **VII. Developments in Treaty Implementation**

10:45 a.m.-12:00 p.m.

### **Withholding Issues including the OECD's "TRACE" (Treaty Relief and Compliance Enhancement) Project**

*The OECD, through its Treaty Relief and Compliance Enhancement (TRACE) project, is now more than five years into the development of a standardized system through which countries could offer streamlined procedures for claiming reduced treaty rates of withholding tax on portfolio investment income and could obtain improved information reporting about the recipients of that income. What are the implications of the proposed system for investors, financial intermediaries and governments? How will it change the landscape for obtaining treaty relief internationally? How will it interact with other initiatives, such as the IRS's FATCA?*

- Mary Bennett, Head of Tax Treaty & Transfer Pricing Division, OECD
- Michael Plowgian, Attorney Advisor, U.S. Treasury
- Philip Garlett, Partner, Burt, Staples & Maner LLP
- Paul Radcliffe, Director, EMEA Corporate Tax, Citigroup, Inc.

12:00-1:30 p.m.

### **Luncheon Keynote Speech**

## **VIII. OECD Work on Transfer Pricing and Intangibles**

1:30-2:45 p.m.

### **Definitional Issues, Transfer of Intangibles, and Issues of Legal Versus Economic Ownership**

*The OECD is just beginning a multi-year effort to deal with transfer pricing issues related to intangibles. What exactly is an intangible? What are the possible approaches and relevant factors to defining intangibles? Should notions such as goodwill, locational advantages, network intangibles and others be considered intangibles for transfer pricing purposes? When do employee assignments lead to the transfer of intangibles? What are the situations where an entity should at arm's length be entitled to share in the return of an intangible? What is the meaning and relevance of economic ownership, equitable ownership and other similar notions? The panel will address these issues.*

- Caroline Silberztein, Head of Transfer Pricing Unit, OECD
- David Ernick, Associate International Tax Counsel, U.S. Treasury
- Michelle Levac, Transfer Pricing Specialist, Canada Revenue Agency and Chair, OECD's Working Party 6 on the Taxation of Multinational Enterprises
- Bill Sample, Corporate Vice President, Worldwide Tax, Microsoft Corporation and Taxation Committee Chair, USCIB
- Alan Granwell, Partner, DLA Piper

2:45-3:00 p.m.

### **Break**

## **IX. OECD Work on Transfer Pricing and Intangibles (continued)**

3:00-4:15 p.m.

### **Valuation of Intangibles**

*If an intangible is transferred, how should the transfer price be determined? What is the relevance for valuing intangibles of the recognized transfer pricing methods? What is the relevance for transfer pricing purposes of financial valuation methods based on a market approach, a cost approach, or an income approach? How can the reliability of the application of forward-looking methods such as the Discounted Cash Flow analysis be assessed? Are forward-looking methods administrable for the taxpayer and for the tax authority? The panel will address these concerns.*

- Caroline Silberztein, Head of Transfer Pricing Unit, OECD
- Michael McDonald, Financial Economist, U.S. Treasury
- Chris Faiferlick, Principal, Ernst & Young LLP
- David P. Lewis, Vice President – Global Taxes, Chief Tax Executive and Assistant Treasurer, Eli Lilly & Co.

## **X. Ask the OECD**

4:15-4:55 p.m.

### **Your Opportunity to Ask the Questions on Your Mind**

- Jeffrey Owens, Director, OECD Centre for Tax Policy & Administration
- Grace Perez-Navarro, Deputy Director, OECD CTPA
- Mary Bennett, Head of Tax Treaty & Transfer Pricing Division, OECD
- Jacques Sasseville, Head of Tax Treaty Unit, OECD
- Caroline Silberztein, Head of Transfer Pricing Unit, OECD

## **XI. Conclusions**

4:55-5:00 p.m.

### **Summing Up**

- Jeffrey Owens, Director, OECD Centre for Tax Policy & Administration
- Carol Doran Klein, Vice President and International Tax Counsel, USCIB