



The 2010 OECD International Tax Conference: OECD-U.S. Business Dialogue on International Tax Washington, DC June 7-8, 2010

1:30–2:00 p.m. **Registration**

I. Welcome

2:00–2:15 p.m. Peter M. Robinson, President and CEO, USCIB

II. Opening the Dialogue for 2010

2:15–3:15 p.m. **Major Trends and Developments in the Tax World and the OECD's Role in Addressing Them**

As the new decade gets underway, the tax world is being reshaped by a series of major trends and developments. The fallout from the financial crisis, the emergence of the new economies as global players, the focus on transparency and effective tax administration, and the growth in international cooperation are just some of the currents affecting tax systems and taxpayers alike. In this session, Jeffrey Owens of the OECD and Stephen Shay of the U.S. Treasury will discuss the current climate with senior tax executives, highlighting the role the OECD plays in responding to the changing environment and its relevance to the U.S. business community.

- Jeffrey Owens, Director of CTPA, OECD
- Stephen Shay, Deputy Assistant Secretary (International Tax Affairs), U.S. Treasury
- Bill Sample, Corporate Vice President, Worldwide Tax, Microsoft; Taxation Committee Chair, USCIB
- Chris Lenon, Global Head of Tax, Rio Tinto; Tax Committee Chair, BIAC

III. Tax Reform, Growth and Competitiveness

3:15–4:15 p.m. **An International Perspective on Tax System Design**

In countries around the world, policymakers are undertaking the challenges of tax reform and striving to achieve tax systems that encourage growth, improve competitiveness and raise revenues needed to reduce deficits. This session will include an overview of recent OECD work on tax and growth, as well as a discussion of the policy choices made by OECD and non-OECD countries, including two of the United States' major trading partners, the United Kingdom and Japan, in the recent reforms of their international tax systems, including insights into their decisions regarding exemption versus credit and the design of their CFC regimes.

- Stephen Matthews, Chief Tax Economist and Head of the Tax Policy and Statistics Division, OECD
- Mike Williams, Director, Business and Indirect Tax, H.M. Treasury, UK
- Masatsugu Asakawa, Deputy Vice Minister for International Affairs, Ministry of Finance, Japan
- Will Morris, Senior International Tax Counsel and Director of European Tax Policy, GE; Tax Committee Chair-Elect, BIAC

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

IV. The OECD Looking Beyond Its Borders

4:30–6:00 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 prepares for 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: the perspective of a new member country on the mutual benefits from OECD enlargement; 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.

- Jeffrey Owens, Director of CTPA, OECD
- Ricardo Escobar, former IRS Commissioner, Chile
- Chris Lenon, Global Head of Tax, Rio Tinto; Tax Committee Chair, BIAC
- David McNair, Senior Economic Justice Advisor, Christian Aid

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 the Chair of the OECD's Forum on Tax Administration, IRS Commissioner Douglas Shulman**

Douglas H. Shulman, Commissioner of the IRS, also serves as Chairman of the OECD's Forum on Tax Administration (FTA), a body through which senior tax administrators from over 35 countries can identify, discuss and influence relevant global trends and develop new ideas to enhance tax administration around the world. In this session, Commissioner Shulman will share his views on the major challenges in tax administration today and on the initiatives the FTA is taking to improve taxpayer service and compliance.

- Douglas Shulman, Commissioner, IRS
- Michael Reilly, Vice President, Tax, Johnson & Johnson; Taxation Committee Vice Chair, USCIB

VI. **Improved International Tax Cooperation: The Impact on MNEs**

9:30-10:30 a.m. **Hot Topics in Exchange of Information of Relevance to Corporate Tax Directors**

The past year has seen a revolution in the area of countries exploring new ways to cooperate internationally in tax matters, with hundreds of new exchange of information agreements having been concluded. How will this affect multinational corporations facing information requests, joint audits, and other examples of international cooperation? What are the implications of the OECD's Treaty Relief and Compliance Enhancement (TRACE) project relating to streamlined claims for reduced treaty rates of withholding tax, coupled with enhanced information reporting and automatic exchange of information? The panel will address these questions.

- Grace Perez-Navarro, Deputy Director of CTPA, OECD
- Michael Danilack, Deputy Commissioner (International) LMSB, IRS
- Alan Granwell, Partner, DLA Piper
- Robin Beran, Director of Global Tax & Trade and Assistant Treasurer, Caterpillar
- Archie Parnell, Managing Director, Goldman Sachs

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

VII. VAT/GST: A Quick Update

10:45–11:15 a.m.

Application of VAT/GST to International Trade in Services and Intangibles

In February 2010, the OECD released draft guidelines for determining the place of consumption for purposes of allocating the jurisdiction to impose Value Added Tax or Goods and Services Tax on international trade in services and intangibles. This session will provide a quick update on the status and direction of that work.

- Jeffrey Owens, Director of CTPA, OECD
- Nancy Perks, Senior Director of International Tax, Microsoft
- Chris Faiferlick, Principal, Ernst & Young

VIII. Transfer Pricing and Intangibles

11:15–12:30 p.m.

Can the Beast be Tamed?

Transfer pricing disputes involving intangibles tend to be among the most contentious and high stakes international tax controversies companies face. The OECD is about to undertake a review of the Transfer Pricing Guidelines' guidance on intangibles. This panel will consider a number of issues, including: What do governments and business see as the hot issues that should be covered in that review? Can consensus be reached on what constitutes an intangible, or on what method(s) can be used to determine the appropriate transfer price for the transfer of an intangible?

- Caroline Silberztein, Head of the Transfer Pricing Unit, OECD
- Manal Corwin, International Tax Counsel, U.S. Treasury
- Michael McDonald, Financial Economist, U.S. Treasury
- Dan Goff, Vice President, Tax, Xilinx
- John Breen, Member, Caplin & Drysdale

12:30-1:45 p.m.

Luncheon**Keynote Speech**

Senator Max Baucus, Chairman of the Senate Finance Committee
(Invited)

IX. The Post-Copenhagen Tax Agenda

1:45-2:30 p.m.

A Quick Update

Tax is likely to figure prominently in the follow-up to the Copenhagen Conference on Climate Change. Tradable permits are likely to be one of the principal instruments used to reduce emissions of greenhouse gases, but little systematic study has been undertaken of the tax treatment of such permits or of whether the interaction between national tax systems might impede the efficient operation of a cap-and-trade regime. Many countries are reviewing the role of carbon taxes. Others are looking at the use of tax incentives to promote

environment-friendly investment. The G20 has asked the OECD to examine subsidies to fossil fuels. This session will provide a brief overview of current OECD work in these areas.

- Stephen Matthews, Chief Tax Economist and Head of the Tax Policy and Statistics Division, OECD
- Chris Lenon, Global Head of Tax, Rio Tinto; Tax Committee Chair, BIAC
- Matthew Haskins, Principal, PricewaterhouseCoopers

X. The 2010 Update to the OECD Model Tax Convention

2:30-3:15 p.m.

A Quick Preview of the Highlights

The 2010 Update to the OECD Model Tax Convention is expected to be issued during the summer of 2010. This session will provide a quick preview of the highlights of the new language, including the new Article 7 and Commentary changes dealing with collective investment vehicles, the treatment of telecommunications income, and sovereign wealth funds.

- Mary Bennett, Head of the Tax Treaty, Transfer Pricing & Financial Transactions Division, OECD
- Brian Lebowitz, Partner, Alston & Bird LLP
- Bill Sample, Corporate Vice President, Worldwide Tax, Microsoft; Taxation Committee Chair, USCIB

3:15-3:30 p.m. **Break**

XI. The International Secondment of Employees

3:30-4:00 p.m.

A Quick Overview of Tax Issues for the Employee and Employer

When employees are sent on short-term assignment abroad to work on the premises of related or unrelated companies, the situation raises a number of tax issues for both the employee and employer. This panel will examine the proposed changes to the Commentary of Article 15(2) of the OECD Model Tax Convention regarding the host country's taxing jurisdiction over the employee and will also consider related tax issues facing the employer.

- Jacques Sasseville, Head of the Tax Treaty Unit, OECD
- Jesse Eggert, Attorney Advisor, U.S. Treasury
- Jim Yager, Partner, KPMG LLP

XII. Perspectives on the Arm's Length Principle

4:00-5:00 p.m.

What Does the Future Hold for Transfer Pricing?

The arm's length principle as set forth in the OECD's 1995 Transfer Pricing Guidelines is under scrutiny as seldom before. The first major revision of the

Guidelines is scheduled to be published later in 2010. Transfer pricing legislation has spread like wildfire around the globe, but questions are increasingly raised about the administrability of the rules. How do governments and business view the direction transfer pricing is taking? Are critics' calls for replacing the arm's length principle with global formulary apportionment worth considering? Are there simplification measures that could make the arm's length principle more administrable for emerging and developing economies? This panel will address these and other questions.

- Caroline Silberztein, Head of the Transfer Pricing Unit, OECD
- David Ernick, Associate International Tax Counsel, U.S. Treasury
- Janice Lucchesi, Vice President of Tax, North American Businesses, Akzo Nobel
- Barbara Rollinson, Managing Director, Horst & Frisch

XIII.

Ask the OECD

5:00-5:45 p.m.

Your Opportunity to Ask the Questions on Your Mind

- Jeffrey Owens, Director of CTPA, OECD
- Grace Perez-Navarro, Deputy Director of CTPA, OECD
- Stephen Matthews, Chief Tax Economist and Head of the Tax Policy and Statistics Division, OECD
- Mary Bennett, Head of the Tax Treaty, Transfer Pricing & Financial Transactions Division, OECD
- Jacques Sasseville, Head of the Tax Treaty Unit, OECD
- Caroline Silberztein, Head of the Transfer Pricing Unit, OECD
- Lynda Walker, Vice President and International Tax Counsel, USCIB; Tax Committee Vice Chair, BIAC

XIV.

Conclusions

5:45-5:55 p.m.

Summing Up

- Jeffrey Owens, Director of CTPA, OECD
- Lynda Walker, Vice President and International Tax Counsel, USCIB; Tax Committee Vice Chair, BIAC