Plenary 1. Tax Morale in the Asia Pacific Region

On 19th September 2019, the OECD released its report 'Tax Morale: What Drives People and Businesses to Pay Tax'. According to the OECD, "the willingness to pay tax, can greatly assist governments in the design of tax policies and their administration, particularly in developing countries where compliance rates are low". What are however the key socio-economic and institutional drivers/factors/attitudes of tax morale and tax compliance in the Asia Pacific Region? Do local public services have an impact at all? How does tax morale differ in the various Asia Pacific Regions? The fact that in Asia 'trust' relationships are considered more important or common than 'corporate/entity' relationships, may have an impact on tax morale and thus compliance in general. The panel will shortly set-out the tax morale in each of their particular jurisdiction before the chair asks the panel critical questions on why their governments 'fail' on getting the job done.

Plenary 2. Environmental Taxes in the Asia Pacific Region: Does it Exist?

Climate activism can be found everywhere in the world. However, it seems that some of the more aggressive tactics from climate activists are more to be found in capital cities such as Amsterdam, London, Paris and New York and to a lesser extent in the Asia Pacific Region. This despite the fact that Western governments generally have put more environmental tax measurements in place than Asia Pacific governments. The panel will shortly discuss what tax measures their respective governments in the Asia Pacific Region have taken in order to address its climate issues. Thereafter, the chair will critically ask the panel members why some of their governments are more successful than others to introduce environmental taxes, such as energy and carbon taxes. A reference is also taken from the OECD's discussion on 'Taxing Energy Use 2019: Using Taxes for Climate Action.'

Workshop 1. Do Tax Treaties result into Tax Liability?

You would expect not, but a recent Australian High Court judgment answered ‘yes’ in a surprising decision. Originally, tax treaties were meant to allocate levy rights and therefore assist taxpayers with avoiding double taxation. This principle however has become now more contentious. A similar issue raises towards economic substance, i.e. can a country at a domestic level dictate the tax substance requirements of the other tax jurisdiction?

Workshop 2. Indirect Transfer Taxes in M&A deals. A Dilemma?

Indirect Transfer Taxes Issues are to be found in many jurisdictions including Mainland China and India. It includes underlying real estate and many companies are ignorant about when do a M&A deal, including internal group reorganisations. This topic would be an eye-opener to all.
Workshop 3. Source Systems in the Asia Pacific Region. Do they still work as a result of BEPS?

Taxation systems based on source are not well liked by the EU, OECD and many western tax authorities. As a result, the tax authorities of many typical source system countries, such as Hong Kong, Malaysia and Singapore have become more critical and reluctant, when allowing an offshore source to be exempt. Does this mean that the end of the era of offshore regimes has come near? Should governments of those offshore systems focus less on the critical comments made by the EU, OECD and Western tax authorities on their tax regimes on the basis that the Pillar 2 project of the OECD will sort out these source issues? Panel members will discuss how they see the future of the offshore regimes, whereby some members may be far more positive than others about the future of these regimes.

Workshop 4. Certificates of Tax Residences: Common Practices and Issues in the Asia Pacific Region

Tax authorities are under no obligation to issue tax residence certificates upon request. As a result, requesting any tax residence certificates has become more and more challenging since most tax jurisdictions would only want to issue such certificate when this would be in ‘alignment’ with being a good tax treaty partner. Panel members will discuss common practices and issues in their respective jurisdictions and by means of case examples discuss how some of the typical hurdles can be overcome.

Workshop 5. Taxation of Mobile Corporates/Individuals

The topic focuses on potential corporate PE issues created by these individuals/high management persons and all kind of personal tax related issues in case of cross border work, this either as a result of forensic travelling, permanent move, secondments and other hybrids.

Workshop 6. Investment Funds

A topic that will discuss how several countries in the Asia Pacific Region are trying to attract revenues to their respective jurisdiction, by means of tax incentives, thereby convincing investors to stay away from the traditional offshore havens.

Plenary 3. Pillar 2: The Remaining BEPS Issues. The End of profit shifting! Or Not?

In November 2019, another OECD Public Consultation was launched, with a focus on Pillar 2. Within this Consultation, the public has been able to comment specifically on how to address the continued risk of profit shifting to no or low tax jurisdictions, in particular by a) an income inclusion rule and b) a tax on base eroding systems. The era of profit shifting will be discussed by the panel members, whereby some members will argue that for profit shifting there is not much light left at the end of the tunnel, whereby others will argue that the discussion and the proposed rules have resulted into other difficulties and potentially new profit shifting opportunities.
Workshop 7. Taxing the Digital Economy. Have we found a Consensus?

The majority of highly digitalised companies do have their base in the USA. Confronting these companies with a digital tax, as initiated by the OECD and/or the EU, is considered by the USA as a bad taxing policy. The USA wants a multi-resolution and both the OECD and the EU realise it is all about reaching a political consensus. The 'Public Consultation: Proposal for a unified approach under Pillar 1', launched in late September 2019, has been trying to address this problem, but what has been the outcome? Apart from a new nexus, is a profit allocation on the basis of a three-tier mechanism really the solution on which a uniformed approach can be formed by the OECD at the end of the year 2020? Please join our panel members, who will be representatives from all sides of life, such as the OECD, Governments, in-house tax specialists and tax advisers.

Workshop 8. Indirect Taxes: VAT & Customs Duties in the Asia Pacific Region.

In Hong Kong and some other Asian tax jurisdictions indirect taxes are rarely discussed. But that does not mean that they should be swept under the rug. In fact, it is a topic that deserves much more attention than people might think. Indirect taxes for example can be considered as not only a way to broaden the tax base but are also an important tool to make societies realise that public services do come at a cost. Moreover, various jurisdictions in the Asia Pacific Region do have various indirect taxes, such as Mainland China. Basic knowledge on indirect tax systems is therefore a ‘must’ as clients, for example those dealing with import and export of goods & services within the Asia Pacific Region, are often confronted with these indirect taxes. Typic questions relate to how to deal with indirect taxes (import/export duties, VAT, etc) and how to mitigate them. Do free trade agreements, such as the Mainland China and Hong Kong Closer Economic Partnership Arrangement (CEPA), offer any relief? An expert panel from various Asian Pacific Regional countries will enlighten your knowledge on anything you did not yet know on indirect taxes in your own tax jurisdiction or next door!

Workshop 9. Latest & Hottest Tax Developments in the Asia Pacific Region: Do You Really Know What Happens Next Door?

Workshop 10. NGO’s & Tax Evasion AND Tax-Exempt Charities in General

This session exists out of two parts. The first part discusses the role of Non-Governmental Organisations, such as OXFAM, in combating tax avoidance and aggressive tax planning undertaken by global corporations. Who are they, what are their campaigns & strategies, are they successful in reaching their goals and what are their challenges ahead? The second part of the seminar will discuss charities more broadly. How easy or difficult is it for a charity in a particular Asian tax jurisdiction to obtain a tax-exempt status from its tax authorities, what are common issues and/or obstacles in relation to obtaining such exempt status and are charities actually being used to evade paying taxes?
Plenary 4. The Future of the Tax Profession: Is this an Inflection Point?

Will the harmonisation of international tax norms, and the ever-increasing influence of the OECD fundamentally change the tax profession? Perspectives from practitioners and academics in Asia will provide a fresh understanding of how the internationalisation of tax norms and rules will affect the market for tax advice, and how the profession can evolve to meet those challenges. A diverse panel of accountants and legal practitioners will share their experience in responding to the changing demands of clients and responding to often quite radical changes in Revenue policy. Major discussion points will include legal professional privilege and in which circumstances this can be an important ‘shield’ (though perhaps not a ‘sword’) for the client, the future of tax planning and tax structuring, and the emergence of normative doctrines of ‘good corporate citizenship’ that would impact both the scope and approach of tax planning.

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