

INTERNATIONAL TAX REVIEW™

presents the 9th annual

Global Transfer Pricing Forum 2009



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11 hours

**SEPTEMBER 23RD & 24TH
THE WESTIN, PARIS**

Benefits of attending:

- Talk to your peers about the transfer pricing issues you are dealing with during the downturn
- Gather tips on preparing your company's transfer pricing policy for an upturn in the economy
- Find out how you can put together a more effective transfer pricing compliance programme
- Learn more about the OECD's latest transfer pricing initiatives
- Discover what you must do to prepare for developments in key emerging markets
- Listen to the leading transfer pricing economists discussing methodologies, cost sharing and other key economic topics

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INTERNATIONAL TAX REVIEW™

Global Transfer Pricing Forum 2009

September 23rd & 24th, 2009
The Westin, Paris

Transfer pricing has never been under so much scrutiny. Profits and, consequently, tax receipts are dwindling, as the recession in the global economy has put company balance sheets and national revenues under extreme pressure. This situation has compelled tax directors to look for efficiencies at all levels of their company's tax affairs, and officials to look for any source of revenue.

Where does transfer pricing fit into these new realities? How can you apply the latest thinking on transfer pricing to the practical issues you are dealing with every day?

Clearly, profit allocation has become an even more critical concern for taxpayers at this time. They have to become adept at identifying the best locations for their company to locate their activities to derive the most tax benefits. Every part of a business's supply chain is being examined.

At the same time, tax officials want to make sure they are doing all they can to minimise the gap between what they believe they are due and what is being paid. This effort has meant that transfer pricing is a key area of contention between taxpayers and tax authorities.

International Tax Review's ninth annual **Global Transfer Pricing Forum** will bring together leading tax directors, officials and advisers to discuss these issues and help you to plan the best transfer pricing strategies for your business. The economic downturn's effect on how taxpayers deal with transfer pricing and what form of transfer pricing planning your company needs when things get better will be two of the key talking points between panellists and among the delegates.

There is much to consider. The relevance of profit-based methodologies when companies are making losses is one. The effects on transfer pricing policies in the industries that have been hit hardest by recession, is another. Dispute resolution and the feasibility of renegotiating advance pricing agreements is a third. And cost sharing rules, particularly in the US in light of the Xilinx case, is sure to attract comment.

The foremost transfer pricing experts will tackle these issues and others. It is the ideal opportunity for you to hear their views, increase your understanding and prepare for the future of transfer pricing. Over the last eight years, the **Global Transfer Pricing Forum** has proved to be the most vibrant and insightful event for the discussion of the critical issues in the field.

Who should attend:

- Corporate Tax Directors
- Corporate Transfer Pricing Executives
- Finance Directors
- Revenue officials
- Private practitioners
- Transfer pricing economists

The Hotel

The Westin Paris offers easy access to Paris' many cultural and business activities, as well as wonderful views of the Tuileries gardens and Eiffel Tower. Situated just minutes from the Louvre Museum, the beautiful city of Paris is at your doorstep. Located in the first Arrondissement, the hotel is just a few metres from the Place Vendôme, Place de la Concorde and the stylish Rue du Faubourg Saint Honoré, with its multitude of fashion boutiques.

The central courtyard, La Terrasse, provides a magnificent setting for an outdoor restaurant, serving delicious French cuisine. Designed by Jacques Garcia, Le First Restaurant Boudoir Paris invites you to taste a contemporary and refined twist on traditional Brasserie-style cuisine.

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DAY ONE: WEDNESDAY, SEPTEMBER 23RD

8:30AM	Registration	12:30PM	Lunch
9:00AM	Opening remarks Ralph Cunningham , Managing Editor, <i>International Tax Review</i> , UK John Peterson , Chair, Global Tax Practice Group, Baker & McKenzie, US Host: Marc M Levey , Chair, Global Transfer Pricing Steering Committee, Baker & McKenzie, US		Keynote address Caroline Silberztein , Head, Transfer Pricing Unit, OECD, France
9:10AM	Keynote address Yohann Benard , Deputy Director of the Cabinet of Christine Lagarde, French Minister of Finance, Economy, Industry and Employment, France	2:00PM	The latest transfer pricing developments in France: Audits, controversies and APAs <ul style="list-style-type: none"> • Current description of the French topic i.e. APA (commodities trading, commissionnaire) • New developments on documentation requirements • Experiences in tax controversies and competent authorities procedures • French perspective on arbitration procedure
9:30AM	Can the OECD play a role in assisting with transfer pricing compliance issues? What we can learn from the discussions held to date by the OECD on corresponding adjustments, documentation, and the relationship between transfer pricing and customs, plus recent developments: <ul style="list-style-type: none"> • What (if any) corresponding adjustments are considered appropriate in a recession? • Will documentation requirements expand even more and have a continuing/increasing focus beyond audit examinations? • How does the interplay between transfer pricing and customs work? • Has "control" over risk naturally changed? • Recent developments, in particular the OECD's perspective on business restructuring 		Moderator: Pierre Yves Bourtourault , Chair, Partner, Baker & McKenzie, France Catherine Damelin court , Head of Tax, EDF, France Olivier Schnebelen , Safran, France Philippe Thiria , Head of Tax, Unilever, France Pierre Kerevel , Chief Tax Inspector, National and International Audit Department (DVNI), France Cyril Maucour , Partner, Baker & McKenzie, France
	Moderator: Monique van Herksen , Chair, Head, European Transfer Pricing Team, Baker & McKenzie, The Netherlands David Ernick , Associate International Tax Counsel, US Treasury, US Bart-Jan Kalshoven , European Tax Manager, Crocs, The Netherlands Loek Helderma n, Vice President Tax Europe, Unilever, The Netherlands Bas de Mik , Deputy Tax Director, ABN Amro, The Netherlands Edward Morris , Director, Deloitte, UK	3:15PM	Coffee Break
		3:45PM	Optimising your transfer pricing structure in a recession In today's environment, MNCs are seeking cash and internal funds, which may be the best source through either planning or repatriation: <ul style="list-style-type: none"> • Sharing losses—how to minimise the extent to which profits are reported in some jurisdictions in the context of overall losses • Use of transfer pricing to repatriate cash effectively • Taking advantage of depressed IP values • How to achieve consistent treatment of asset impairments and other restructuring costs
10:45AM	Coffee break		Moderator: John Peterson , Chair, Global Tax Practice Group, Baker & McKenzie, US Brant Miller , Director of International Tax, International Game Technology, US Terry Yuen , Asia Pacific Tax Director, Dell, Singapore Ron Mulder , Senior Adviser, Transfer Pricing, Royal Bank of Canada Holly Glenn , Principal Economist, Baker & McKenzie, US
11:15AM	How is the OECD addressing tax treaty issues that regard transfer pricing? What we can learn from the OECD discussions on attribution of profits to a PE and intangibles characterisation, and recent developments: <ul style="list-style-type: none"> • What constitutes an intangible asset or other item of value, the transfer of which that must be remunerated at arm's length? • What are the key implications of the OECD business restructuring project? • How would profits be attributed to a PE under the proposed new Article 7 and Commentary? 	5:00PM	Close of day one
	Moderator: Carol Dunahoo , Chair, Partner, Baker & McKenzie, US Caroline Silberztein , Head, Transfer Pricing Unit, OECD, France Manfred Naumann , Head of Section, International Tax, Federal Ministry of Finance, Germany Scott Wilkie , Partner, Osler, Hoskin & Harcourt, Canada Diane Hay , International Tax Special Adviser, PricewaterhouseCoopers, UK Graeme Wood , Director, Global Taxes - Transfer Pricing, Procter & Gamble, US Nick Evans , Head of Transfer Pricing, BP, UK Dr Stephan Schnorberger , Partner, Baker & McKenzie, Germany	5:15PM	Cocktail reception

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PRICING FORUM 2009

14th, The Westin, Paris

DAY TWO: THURSDAY, SEPTEMBER 24TH

8:30AM **Registration**

9:00AM **Opening remarks**
Ralph Cunningham, Managing Editor, *International Tax Review*, UK
Marc M Levey, Chair, Global Transfer Pricing Steering Committee, Baker & McKenzie, US
Host: John Peterson, Chair, Global Tax Practice Group, Baker & McKenzie, US

9:20AM **Tax controversy management: APAs, MAP, arbitration and administrative resolutions**
 As tax authorities aggressively seek revenues, controversies are increasing and creative resolutions are now most critical

- How are tax controversies resolved in each jurisdiction?
- What are the local nuances and strategies that taxpayers should be aware of?
- How effective will the Arbitration Provisions under the Canadian and German treaties be?
- How does the MAP work in India?
- What is the future of APAs?

Moderator: Marc M Levey, Chair, Global Transfer Pricing Steering Committee, Baker & McKenzie, US
Ken Okawara, Head of Transfer Pricing and Economic Analysis, Baker & McKenzie, Japan
Mukesh Butani, Direct Tax Practice Leader, BMR Advisors, India
Dale Hill, National Leader, Transfer Pricing and Competent Authority Team, Gowlings, Canada
Oliver Wehnert, Head of German Transfer Pricing, Ernst & Young, Germany
Carmine Rotondaro, Worldwide Tax, Insurance and Real Estate Director, Gucci Group, Italy
François Gadel, Senior Vice President Tax, LVMH, France
Frederick Henry, Partner, Baker & McKenzie, US

10:45AM **Coffee break**

11:15AM **US Cost Sharing Rules and migration of intangibles: Global response, tax and economics and what the future holds**
 The US Cost Sharing rules are most complex and in some cases at odds with similar rules in other countries. The panellists compare and contrast the US rules, particularly the US Investor Model, with the local rules in their countries.

- Addressing the new US Cost Sharing Regulations
- Responses from OECD countries
- Practical concerns with the Buy-in/Platform Contribution Transaction
- Grandfathering CSA pre-January 2009
- Impact of the Appellate Decision in Xilinx

Moderator: Richard Boykin, Principal Economist, Baker & McKenzie, UK
Isabel Verlinden, Head, Continental European Transfer Pricing Practice, PricewaterhouseCoopers, Belgium
Ted Keen, Partner, Ernst & Young, UK
Stephane Gelin, Partner, CMS Bureau Francis Lefebvre, France
Thomas M Zollo, Principal, KPMG, US
Kristin Yoshida, Global Transfer Pricing Manager, Shell, UK

12:30PM **Lunch**

Keynote address
David Ernack, Associate International Tax Counsel, US Treasury, US

2:00PM **A global review of treatment of services transactions: US and other OECD member country perspectives and sensitivities**
 Services transactions continue to be fertile ground for transfer pricing disagreements between taxpayers and taxing authorities across a range of industries:

- Impact of US service regulations
- EUJTPF progress on centralised intra-group services
- Relevance of "significant people functions"
- Common areas for conflict between taxing jurisdictions
- Specific service industry aspects

Moderator: Richard Fletcher, Chair, Senior Director, Baker & McKenzie, UK
Gianni de Robertis, Partner and Chief Economist, KPMG, Italy
Matthew Whipp, Head of Transfer Pricing, Diageo, UK
Adrienne Curtis, Head of Transfer Pricing, HSBC, UK
Graham Fisk, Transfer Pricing Manager, Cadbury
Melinda Phelan, Partner, Baker & McKenzie, US

3:15PM **Coffee Break**

3:45PM **Transfer Pricing in emerging countries: Are they keeping up or just retaliating? A look at China, Korea, India, Israel, Asia and Latin America**

- Government activity
- Contemporaneous documentation, recommended or mandatory?
- Tax audits in light of recent developments
- Dispute resolution
- Viability of APAs in those jurisdictions
- Double taxation
- Planning for the future

Moderator: Moisés Curiel, Chair, Tax Director, Baker & McKenzie, Mexico
Jonathan Lubick, Senior Consultant, CRA International, US
Frédéric Barat, Regional Tax Counsel - EMEA, Delphi, France
Sai Ree Yun, Partner, Yulchon, Korea
Manisha Pande, Global TP COE, GE, India
Glenn DeSouza, Leader, China Transfer Pricing Services, Baker & McKenzie, China

5:00PM **Close of conference**

I would like to register for *International Tax Review's*
GLOBAL TRANSFER PRICING FORUM 2009

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Standard, private practice delegates – £1,395 or €1,506.04

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Total remittance

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ADMINISTRATIVE INFORMATION:

CANCELLATION POLICY: If you cannot attend you must cancel your registration in writing by 21st August 2009 to receive a refund less a 10% administration charge. Cancellations received after 21st August 2009 are liable for the full conference fee. You may send a substitute to attend in your place at no extra charge, however we must know by 21st September 2009 via email. We cannot accept verbal cancellations. If you make your booking via the telephone, you are automatically adhering to our terms and conditions.

REGISTRATION FEE: The registration fee includes participation in the conference, lunches, cocktail reception and documentation material, which will be distributed at the beginning of the event.

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