

“Are you in Control now” – BEPS Health check

Margie van der Valk

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I. Initiatives on disclosing tax information

The past: disclosure of tax and transfer pricing information on the basis of treaties

1. Nordic Mutual Assistance Convention on Mutual Administrative Assistance in Tax Matters (1989)
2. EU Council Directive 2011/16/EU as regards administrative cooperation in the field of taxation
3. OECD Convention on Mutual Administrative Assistance in Tax Matters (1988)

Today: OECD/G20 BEPS Project Action 13

- 2015 final Report on BEPS Action 13
- Extent of disclosure
- Considerations with respect to oral vs. written agreement with tax authorities

2016: EU Action

- EU automatic exchange of information on cross-border tax rulings (6-Oct-15)
- EU draft anti-tax avoidance package (28-Jan-16)
- Extent of disclosure

2016: EU Action, continued

- Aggressive position of the European Commission on disclosure of APAs
- Wide coverage compared to OECD
- Horizontal monitoring
- Considerations with respect to oral vs. written agreement with tax authorities

Source: MFS Investment Management

Practical consequences

- OECD consequences
- EU consequences
- Risk scan for own-risk assessment in disclosing tax information by multinational enterprises

II. Interest deduction for tax purposes under scrutiny

Interest deductibility in OECD & EU context

- Final rules by the OECD
- EU draft anti-tax avoidance directive

Implications of newly proposed interest limitation rules

- Example under the draft EU Directive
- Main issues as a result of the G20/OECD/EU tax initiatives on interest deductibility

Transfer Pricing Associates

Margie van der Valk

Partner

Transfer Pricing Associates

m.vandervalk@tpa-global.com

+31 (0)20 462 3530



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H.J.E. Wenckebachweg 210 . 1096 AS Amsterdam . The Netherlands . +31 (0)20 462 3530 . tpa-global.com

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