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4th Annual Conference

TRANSFER PRICING RESTRUCTURING & AUDITS

OECD Trends – Credit Crunch – Intra-Group Financing – Business Restructurings and IP assets – Cost Sharing – Emerging Markets – Dept Pushing

Workshop Day 17th May 2010 | Conference 18th – 19th May 2010 | Sheraton Frankfurt Hotel & Towers, Conference Center

Hear international case studies from leading companies and institutes:

- **Ericsson AB**, Sweden
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- **Ernst & Young AG**, Germany
- **OC Oerlikon Corporation AG**, Switzerland
- **Merck KGaA**, Germany
- **Ferrero Group**, Luxembourg
- **PKN Orlen SA**, Poland
- **TNT N.V.**, Netherlands

- Find out how to handle transfer pricing in difficult economic times – Challenges of **inter-company financing**, **debt power push** and **loss splits**, increasing **restructuring** activities
- Discuss the implementation of new and **innovative transfer pricing systems** and **profit based methods**
- Benefit from **high level exchange on tax** audits and know how to handle tough audit situations – multi country audits, solving problems with **dispute resolution and arbitration**
- Get to know the actual situation in the **BRIC countries and beyond** – Discuss with **regional experts**: Transfer pricing after the **market shift to China**, Tax risks in **Eastern Europe**
- Discuss about the **OECD guidelines** and latest **draft on transfer pricing aspects of business restructuring** after the consultation

Hear the latest developments and strategies from industry experts:



Dr. Napoleão Dagnese, Head of International Tax, **OC Oerlikon Management AG**



Jadwiga Latawiec, Tax & Legal Department, **Carlsberg Polska Sp. z o.o.**



Dick Mans, Tax Director Asian Pacific, **ASML Holding NV**



Eva Gerebäck, Transfer Pricing Specialist, **Ericsson AB, Sweden**

Come and join our interactive workshops:

- A** Tax Audit Dispute Resolution
- B** Key Challenges in Business Restructuring: Focus IP
- C** Regional Update: China
- D** Transfer Pricing of Intercompany Sales

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TRANSFER PRICING RESTRUCTURING & AUDITS

Discuss the OECD draft with
Mayra Lucas-Mas,
Transfer Pricing Advisor,
OECD Centre for Tax Policy
and Administration

OECD Trends – Credit Crunch – Intra-Group Financing – Business Restructurings
and IP assets – Cost Sharing – Emerging Markets – Dept Pushing

Dear colleagues,

In times of a **changing economic environment**, **transfer pricing** is more than ever the **number one tax topic** for multinational companies. As a result of the **financial crisis** the number of **restructurings and transferring of business** is increasing constantly.

Besides that documentation requirements and **tax audits are extended** globally, and the **OECD** is about to finalize its new regulations. The actual situation calls for **effective solutions** and a revised transfer pricing system to avoid the risk of double taxation. Be prepared and benefit from the knowledge of **top-level tax experts** from more than **10 different countries**.

Make sure that you are prepared for **tough times in global transfer pricing!**

Join our international expert panel at the 4th annual conference on

TRANSFER PRICING RESTRUCTURING & AUDITS

17th – 19th May 2010 | Sheraton Frankfurt Hotel & Towers, Conference Center

- Identify the most important challenges in transfer pricing and **business restructuring** after the **credit crunch** and be prepared for the **next upswing!**
- Gain **exclusive insights on tax audits** and spend extra hours on **networking with industry experts** in small group discussions
- Hear about transfer pricing developments and **audit experiences** in the **most dynamic markets – China, India, CEE** and beyond!
- Discuss the latest **developments on OECD and EU level**, the political **roadmap for 2010** and the impact of the regulations on national level

Save your place today and book now! We are looking forward to welcome you in Frankfurt!

Kind regards,

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TRANSFER PRICING RESTRUCTURING & AUDITS

Interactive Workshop Day | Monday 17th May 2010

Workshop A 10:00 – 13:30

Tax Audit Dispute Resolution

The **resolution and avoidance of disputes** is one of the key challenges when handling Transfer Pricing **tax audits**. Claudia Kühnlein from PricewaterhouseCoopers is going to share **inside knowledge** on how to **prepare for disputes** in regard of the latest developments on **EU and OECD level**.

- Potential reasons for disputes: tax audits
- Dispute resolution based on Double Tax Treaties or EU Arbitration Convention
- Current developments on OECD or EU level
- Advance Pricing Agreements as a tool to avoid disputes

Claudia Kühnlein, Partner, **PricewaterhouseCoopers AG**

Workshop B 10:00 – 13:30

Key Challenges in Business Restructuring: Focus IP

The impact of **IP and Brands** on Business Restructuring is constantly growing. Mike Degrandi from Shell Brands International AG is going to discuss the **role of IP within global Restructuring Processes** in the context of daily-business case studies.

- IP in the industry
- Restructuring and **transactions in IP**
- The **tax treatment of income from IP** and the competitiveness of national tax systems
- **International case studies**

For further information please visit our website: www.global-transfer-pricing.com/MM

Workshop C 14:30 – 18:00

Regional Update: China

Even after the financial crisis, China is still one of the **fastest growing markets**. The **documentation guidelines** in China have led to more strict **audits** and a new regulatory framework. Besides that **custom validation** is an ever growing topic in Asia. Discuss the **latest news from China and India** and get a deep **insight of the Asian market**.

- **Update**: One year after the **TP documentation** requirements
- Best practice: **Audit experience**
- **Customs** Validation
- **Comparison** with other Asian markets: **India**

Dr. Hans-Georg Raber, Head of Tax and Customs Law, **Volkswagen AG, Germany**
Claus Schuermann, Tax Director, **PricewaterhouseCoopers China**

Workshop D 14:30 – 18:00

Transfer Pricing of Intercompany Sales

When developing a product from the **experimental phase to an industry product** there are a lot of **Transfer Pricing** challenges that have to be considered. Discover the impact of the **OECD guidelines** on practical business.

- From **experimental products to industrial products**
- The **OECD guidelines** and common practice
- **Transfer pricing policy** associated with experimental and **pre-industrial phases**
- The **Ferrero approach**

Bruno Ferroni, Tax Planning and Custom Policy Group Director, **Ferrero Group, Luxembourg**

TRANSFER PRICING RESTRUCTURING & AUDITS

Conference Day One | Tuesday, 18th May 2010

9:30 Registration with coffee and tea

9:50 Chairman's welcome & opening address
Claudia Kühnlein, Partner,
PricewaterhouseCoopers AG

New perspectives in Transfer Pricing – Economic Downturn

10:00 **The Implementation of Innovative Transfer Pricing Systems: From Value Chain Transformation to Profit Based Methods and beyond**

- Transfer pricing and tax planning opportunities
- Possibilities of value chain transformation
- Attitude of the tax authorities towards profit based methods
- USA as innovators of transfer pricing regulations

Jörg Hanken, Partner,
PricewaterhouseCoopers AG

10:40 **Economic Downturn, Debt Pushing and the Restructuring of Intra-Group Financial Transactions**

- Addressing credit rating of group companies and fair market yield curves
- Impact of new debt conditions on inter-company loans, revolving facilities and cash pooling agreements
- Challenges facing thin cap and withholding tax
- Project roll-out, documentation and monitoring mechanisms

Dr. Napoleão Dagnese, Head of International Tax,
OC Oerlikon Corporation AG



Highlight

11:20 Networking Coffee Break

11:50 **From Experimental Products to Industry Products: Transfer Pricing Policies and Regulations**

- Characteristics of experimental and pre-industrial phases
- Overview of OECD guidelines and common practice
- T.P. policy associated with experimental and pre-industrial phases
- The Ferrero approach

Marco Del Monaco, International Tax and Transfer Pricing Manager,
Ferrero Group, Luxembourg
Bruno Ferroni, Tax Planning and Custom Policy Group Director,
Ferrero Group, Luxembourg

12:30 **Transfer Pricing after the Crisis – Preparing for the Economic Upswing?**

- Lessons from the past – Creating future flexibility
- The restructuring window
- Revisiting methods and comparables
- Gaining from past losses

Bob Brisenden, International Tax Manager – Transfer Pricing,
Solvay SA

13:10 **Interactive Panel Session: The Future of TP – Time for a New Approach?**

- TP in times of an economic downturn: How to react?
 - The future of profit-related models
 - Implement innovative TP methods
 - Transfer pricing policy of intercompany sales and financing
- Bruno Ferroni, Tax Planning and Custom Policy Group Director,**
Ferrero Group, Luxembourg
Bob Brisenden, International Tax Manager – Transfer Pricing,
Solvay SA
Dr. Napoleão Dagnese, Head of International Tax,
OC Oerlikon Corporation AG

13:40 Network Luncheon

15:00 **Customs Valuation and Transfer Pricings**

- Differences and common issues
- Consequences for MNE's
- Practical examples
- Directions for alignment

Dr. Hans-Georg Raber, Head of Tax and Customs Law,
Volkswagen AG

15:40 ROUND TABLE SESSIONS:

Planning Opportunities in the Current Economic Environment

Kati Fiehler, Partner,
PricewaterhouseCoopers AG

Litigation, Dispute Resolution and Arbitration

Oliver Wehnert, Partner,
Ernst & Young AG

Intercompany Financing after the Credit Crunch

Dr. Napoleão Dagnese, Head of International Tax,
OC Oerlikon Corporation AG

16:00 Networking Coffee Break

Business Restructuring, IP & Intangibles

16:30 **Legal, tax and economic aspects of intangible assets in a shared service center**

- Legal ownership models of intangible assets created in SSC
- Intangible assets created upon establishment of SSC and during operation of SSC
- Tax implications – Withholding tax, VAT, Permanent establishment issues
- Calculation of initial value of asset for book and tax purposes and impact for calculation of SSC fees
- Transfer pricing implications and documentation
- Exit solutions



Jadwiga Latawiec, Tax & Legal Department,
Carlsberg Polska Sp. z o.o.

Highlight

17:10 **IP and Business Restructuring: An industry perspective**

- The key role of IP in industry
- Restructuring and transactions in IP
- Some difficult issues
- The tax treatment of income from IP and the competitiveness of national tax systems

Paul Morton, Head of Group Tax,
Reed Elsevier

17:50 Closing remarks of the chairman and end of conference day one



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TRANSFER PRICING RESTRUCTURING & AUDITS

Conference Day Two | **Wednesday, 19th May 2010**

8:30 Registration with coffee and tea

8:50 Chairman's welcome & opening address
Jobst Wilmanns, Partner,
PricewaterhouseCoopers AG

International Legislations – Policy developments

9:00 **Revision of the OECD Transfer Pricing Guidelines**

- Update on OECD's revision of chapters I-III (comparability and profit methods) of the transfer pricing guidelines: Outcome of the business consultation
- The revised discussion draft of a new article 7 (Business Profits)
- OECD's discussion draft on the transfer pricing aspects of business restructurings
- A future perspective – what will come?

Mayra Lucas-Mas, Transfer Pricing Advisor,
OECD Centre for Tax Policy and Administration

Case Studies: Tax Audits

9:40 **Transfer Pricing on an Operational Level – Preparing for Audits worldwide**

- Transfer Pricing in a changing environment
- Transfer Pricing policy and documentation
- The operational handling of Transfer Pricing
- How to handle Transfer Pricing in the supporting IT systems

Eva Gerebäck, Transfer Pricing Specialist,
Ericsson AB, Sweden



Highlight

10:20 Networking Coffee Break

10:50 **Tax and Transfer Pricing Audits – The Vestas Approach and Region Specific Approaches**

- Group tax involvement in tax audits
- The relevant team
- Dispute resolution
- Region specific approaches and comments

Carsten Bonnerup, Head of Transfer Pricing,
Vestas Wind Systems A/S

11:30 **Experiences with APAS: Is a flexible Conflict Solution possible?**

- Practical experiences with APAs
- How to find a flexible approach to conflict resolution
- Advantages and disadvantages of unilateral APAs
- Advantages and disadvantages of bilateral APAs

Oliver Wehnert, Partner,
Ernst & Young AG, Germany

12:10 INTERACTIVE AUDIT SESSION:

Transfer Pricing Audits

- Managing tax audits internationally
- Risk management and documentation
- Country case studies

Arnoud van der Meer, Transfer Pricing Specialist,
TNT N.V.
Dorte Cock Nielsen, Tax Manager,
Danfoss A/S
Carsten Bonnerup, Head of Transfer Pricing,
Vestas Wind Systems A/S
Eva Gerebäck, Transfer Pricing Specialist,
Ericsson AB

12:40 Networking Luncheon

14:00 **The Centralization of Tax Audits – Managing Audits internationally and on Multiple Fronts**

- Global transfer pricing policy versus local management
 - Cooperating with local tax advisors
 - Cooperating with local tax authorities
 - Arbitration convention
- Dorte Cock Nielsen, Tax Manager,**
Danfoss A/S

14:40 ROUND TABLE SESSIONS:

Transfer Pricing in Asia
Dick Mans, Tax Director Asian Pacific,
ASML Holding NV

Financial Transfer Pricing and Intercompany Financing Models
Dr. Ulrich Moebus, Head of Tax,
Merck KGaA

Revision of the OECD Guidelines
Mayra Lucas-Mas, Transfer Pricing Advisor,
OECD Centre for Tax Policy and Administration


15:10 Networking Coffee Break

Regional Update: Emerging Markets

15:40 **Developing a consistent Transfer Pricing Strategy for Asia**

- Tax environment in China and other Asian markets
- Tax audit experiences and transaction tax risks
- How to manage transfer pricing risk in Asia
- Case Studies: Comparison of different Asian markets

Dick Mans, Tax Director Asian Pacific,
ASML Holding NV



Highlight

16:20 **Transfer Pricing and Audits in CEE**

- Managing the main tax risks in CEE
- Key regulations and documentation guidelines
- TP management in the Orlen Group: A multi-country eastern european approach
- Tax audit experiences

Robert Czekaj, Head of Tax,
PKN Orlen SA

17:00 Closing remarks of the chairman and end of the conference

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and transfer pricing people!"

Marika Nordlund, VP, Group Taxes, Kemira

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Please indicate choice of workshop on Monday, 17th May 2010

Workshop A | Workshop B | Workshop C | Workshop D

- A: Tax Audit Dispute Resolution
- B: Key Challenges in Business Restructuring: Focus IP
- C: Regional Update: China
- D: Transfer Pricing of Intercompany Sales

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- **Transfer Pricing after the crisis:** Prepare for the new challenges in critical times and discuss the impact of new debt conditions
- **Transfer Pricing under pressure:** Find out how to prepare for audits internationally and for the upcoming regulations of OECD and EU
- **Transfer Pricing in emerging markets:** Meet the experts and share ideas about the latest developments in the most dynamic countries

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