

**Baker  
McKenzie.**

# 33<sup>rd</sup> ANNUAL ASIA PACIFIC TAX CONFERENCE

16-17 November 2017 | Kerry Hotel, Pudong | Shanghai

Event Partner

**Bloomberg  
BNA**

# ABOUT THE EVENT

These are complex times in the tax world. 2017 has seen many changes with regards to BEPS and related initiatives which continue to evolve across the globe. Keeping abreast of the changes and ways to address these developments is essential for companies across the region.

To explore these challenges and the solutions further, Baker McKenzie is holding its 33rd Annual Asia Pacific Tax Conference at the Kerry Hotel, Pudong, in Shanghai on 16 & 17 November 2017.

During the two-day conference, tax lawyers and economists from Asia Pacific, Europe, North America and Latin America will gather to discuss:

- Current and emerging tax trends in Asia Pacific and across the globe
- Technical updates from across Asia Pacific
- China tax updates and the current issues in Chinese taxation
- Insights and updates around BEPS initiatives, including CbC reporting, transfer pricing, and tax treaties

We are also delighted to partner with Bloomberg BNA, which will be hosting a special plenary session, "One Year In: How the Trump Presidency Is Impacting Asia."

**For conference inquiries or to request one-on-one meetings, please contact:**

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# AGENDA - DAY 1

## Thursday, 16 November 2017

- 08:00 – 08:45 Registration  
08:45 – 09:00 Welcome and introduction  
09:00 – 10:15 Plenary session

### Asia Pacific Tax Update - Part I

In this fast-paced session, a panel will highlight the most significant developments affecting Asia and elsewhere over the last year.

- 10:15 – 10:45 Coffee break  
10:45 – 12:15 Breakout sessions (Part I)

### Alternative A: Preparing for BEPS and Country-by-Country Reporting

As the first CbCR exchange will take place next year, MNEs need to assess their structure and address potential misalignments between value creation and profit allocation. Some MNEs are in the process of changing their transfer pricing policies, onshoring intellectual property, and removing offshore entities from the corporate structure.

This session will discuss the issues that MNEs with operations in Asia should consider when preparing for CbCR and other BEPS measures.

### Alternative B: Tax Planning for Post-Brexit Europe by Asian MNEs

The session will discuss the issues created post-Brexit for Asian MNEs with operations in both the UK and Europe and suggest ways for post-Brexit structure planning. The following issues will be covered:

- UK holding companies will become less attractive post-Brexit for Asian MNEs because of dividend withholding taxes imposed by EU member states on dividends payable to the UK.
- Post-Brexit product flow from the UK to the EU is likely to become subject to customs and corresponding delays at border crossing. This will particularly impact just-in-time production operations.
- The UK as a centre for R&D operations will become less attractive both because of the cancellation of EU R&D subsidies and because of the reintroduction of royalty withholding taxes on cross-border licence flows.

### Alternative C: How Are Non-OECD Countries in Asia Reacting to BEPS?

The BEPS Project was undertaken by the OECD/G20 with the aim of developing a single set of consensus-based international tax rules to counter base erosion and profit shifting. Whilst base erosion and profit shifting affects all countries, the issues may manifest differently for countries at different stages of development. This session looks at how non-OECD countries in the region are reacting to BEPS, and what to expect in terms of changes to local tax laws in response to the BEPS Action Plans.

- 12:15 – 13:30 Lunch

- 14:00 – 15:15 Breakout sessions (Part II)

### Alternative A: Transfer Pricing

Whilst the recent additions made to the OECD Guidelines have wide-reaching implications in judging the arm's-length nature of intra-group pricing arrangements, the technical complexity of the changes makes them subjective and challenging to implement. The uncertainty created may result in greater challenges to existing pricing policies.

This practical session will consider, through the use of brief case studies, the impact of the key changes, where audit tensions may arise and what can be done to mitigate or defend against them.

### Alternative B: Tax Controversies in Asia

In recent years we have seen countries taking increasingly aggressive positions on the substance of issues they are facing, and on the audit techniques employed to support those positions. Similarly, now that tax authorities are communicating with each other more on various tax issues, and they are likely to cooperate more on other issues in the future, taxpayers need to take a comprehensive approach when managing tax audits and resolving tax disputes.

In this session, we will look at how some countries identify key audit and dispute issues, examine some aggressive audit practices, and look at some effective ways to handle tax disputes and audits. We will also discuss how greater cooperation between tax authorities affects taxpayers.

### Alternative C: US Tax Reform – Is It Really Happening?

If Congress reduces the US corporate income tax rate to 15% and adopts a territorial tax system, as suggested by the Trump administration, this would be the largest US tax reform since 1986. This session will review the US tax reform proposals, and assess the likely scenarios and potential consequences.

- 15:15 – 15:45 Coffee break

- 15:45 – 17:00 Plenary session

### China Looks to Race Out Ahead on BEPS: Can We All Keep Up?

The past year marks a very big year in the history of China tax, specifically in China's implementation of the BEPS project. Multinational companies are now required to prepare and file new BEPS-oriented transfer pricing documentation for the first time, the transfer pricing regime being completely revamped and China signing the multilateral instrument. China's tax regime and taxation environment are changing quickly in a post-BEPS era, and arguably China has raced out ahead of many (if not most) countries to set the pace.

This session considers what it all means to the businesses of foreign investors and corporations to take these changes into account, while still focusing on the development and growth of the world's largest market and soon-to-be-largest economy.

- 19:00 onwards Dinner hosted by Bloomberg BNA

# AGENDA - DAY 2

## Friday, 17 November 2017

08:45 - 09:00 Arrival and registration

09:00 - 10:15 Plenary session

### Asia Pacific Tax Update - Part II

Part II of this session will continue the conversation from day 1 by highlighting most significant developments across Asia Pacific.

10:15 - 10:45 Coffee break

10:45 - 12:15 Breakout sessions (Part III)

### Alternative A: Managing Permanent Establishment Risks

This session will discuss whether BEPS will result in increased permanent establishment (PE) risks for multinationals based on their traditional operating models by surveying the implementation of Action 7 (Artificial Avoidance of PE status) via the Multilateral Instrument in the region.

It will also examine the interaction between direct tax and indirect tax concepts (PE versus fixed establishment/business establishment) in some key jurisdictions. Using specific examples, we will examine what these risks are and find ways to address them.

### Alternative B: Taxation of the Digital Economy

The rapid growth of international cross border e-commerce and digital services presents many tax issues where traditional tax policy must adjust to new business models. The OECD BEPS Action Plan recognizes this by providing in Action Item 1 for new arrangements to ensure that VAT/GST systems cover non-traditional cross-border transactions, while other BEPS Action Items will also affect cross border e-commerce and digital services. For taxpayers, these developments present novel tax compliance issues.

This panel reviews developing global standards for taxation in this area in light of BEPS and focuses on tax rules and practice in this area in Asia Pacific jurisdictions.

### Alternative C: Tax-Optimized Structures in a Transparent World

As BEPS and related anti-avoidance initiatives around the globe move from concept to reality, taxpayers are forced to determine their long-term impacts and respond to the same. Implementation of these initiatives have far-reaching impacts in terms of substance, how taxpayers look at effective tax rates and strategies to manage them, and otherwise. Further, enhanced coordination among tax authorities has impacted the manner in which tax authorities enforce their tax laws. This session will highlight the most significant developments in the wake of BEPS.

12:15 - 13:00 Lunch

13:00- 13:45 Keynote speech

We are delighted to be joined by Dr. Tizhong Liao, Director General of International Taxation in the State Administration of Taxation, to share his insights on China's tax administration plans and BEPS related initiatives.

13:45 - 15:00 Breakout sessions (Part IV)

### Alternative A: Developments in Tax Treaties

This session involves a review of the significant treaty cases from around the world over the last year, focusing on any possible global trends these cases show in terms of treaty interpretation.

### Alternative B: Post-M&A Integration – Making It as Painless as Possible

Despite a series of political shockwaves, global M&A activity in 2016 reached its third-highest deal value (USD 3.2 trillion) since 2007. Undoubtedly, M&A is a critical tool for MNCs to build scale, achieve market share, improve performance and in some instances, enhance profitability by removing excess capacity.

Completing the M&A exercise is a challenge in itself, what more handling the post-M&A integration issues across different jurisdictions. Integration problems are diverse, with no "one-size-fits-all" solution. Different local tax laws, legal systems and cultures make it a complex and costly exercise if post-acquisition integrations are not managed appropriately. In this session, the panel will discuss key issues for MNCs to consider and manage (and pitfalls to avoid) to achieve successful business integration.

### Alternative C: Alignment of Tax Reporting and Value Creation: Weighing the Value of IP, Employees and Markets

This session discusses the different sources of valuation creation in supply chain management, including intellectual property rights, cross-border services and marketing intangibles, etc., as well as their indirect tax and customs implications for regional supply chain planning.

These will be reviewed against a backdrop of increasingly aggressive enforcement actions in major Asian jurisdictions and the potential coordination between the tax and customs authorities with regard to information sharing and enforcement. We will also discuss the practical issues facing multinationals in this region in connection with tax reporting, customs declaration, audits and inquiries.

15:00 - 15:30 Coffee break

15:30 - 17:00 Plenary session:

### One Year In: How the Trump Presidency Is Impacting Asia

This special session provided by Bloomberg BNA will bring together an engaging panel of prominent media for a discussion on where the world is headed one year after Donald Trump's election. How has the Trump presidency impacted Asia to date, and what can we expect from his next year in office?

The conversation will provide a multi-angled view on Asian policy, business, trade, global geopolitical and economic trends, markets, business flows, and what's next in DC.

17:00 - 17:15 Closing remarks

# REGISTRATION

## Client registration form

To register and confirm your attendance, please click on the link above.

If you encounter any difficulties in accessing the online registration site, please email Padde Sani at [padde.sani@bakermckenzie.com](mailto:padde.sani@bakermckenzie.com)

## Conference location

### Kerry Hotel Pudong, Shanghai

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Pudong, Shanghai, China 201204  
Tel: +86 21 6169 8888

[Hotel website](#)

## Accommodation

All delegates are required to make their own accommodation arrangements.

The Kerry Hotel Pudong, Shanghai is offering delegates a special rate of RMB 1,807 (USD 252) single occupancy or RMB 2,041 (USD 285) double occupancy per night for the deluxe room. All rates are inclusive of daily buffet breakfast, internet access, tax and service charges. Both rooms and rates are subject to availability and are offered on a first-come, first-served basis.

To make a reservation at the Kerry Hotel Pudong, please submit your reservation online using the [hotel booking website](#).

For any further inquiries, please email the reservations team at [groupreservations.khpu@thekerryhotels.com](mailto:groupreservations.khpu@thekerryhotels.com). Rooms are subject to availability.

## Registration fees

You may register for one or both days. We offer a concession for multiple attendees from the same company attending for the same period.

	One day (per person)	Both days (per person)
Individual	*RMB 3,222 / USD 450 (Early bird) RMB 3,580 / USD 500 (Regular fee)	* RMB 5,305 / USD 741 (Early bird) RMB 5,584 / USD 780 (Regular fee)
Group of 3+	N/A	*RMB 4,625 / USD 646 (Early bird) RMB 4,868 / USD 680 (Regular fee)

Please note that rates are subject to VAT and surcharge amounting to 6.77%.

\* Early bird discounted registration fees. All registrations must be completed (including all group members) and submitted by the 29 September 2017 in order to avail of the early bird discounted fees.

## Continuing legal education

An application has been made for Hong Kong CPD points with the Law Society of Hong Kong. General CLE credit hours will be available for the State Bar of California and New York State CLE Board.

## Key contacts

Conference inquiries and one-on-one meetings:

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## Booking conditions

1. Registrations are subject to availability. Registering early is recommended. Baker McKenzie reserves the right to refuse entry. In the event of a registration not being accepted by Baker McKenzie, the total amount paid will be refunded.
2. Payments will be managed by Baker McKenzie Billing & Financial Services Centre Manila and you may be contacted directly regarding your payment.
3. Cancellations received by 2 November 2017 will receive a full refund (net of any applicable charges). All cancellations must be received in writing. Refunds cannot be made for cancellations after 2 November 2017. Requests in writing for replacement delegates will be accepted.
4. In the event of cancellation or postponement of the event by us, fees will be refunded promptly and in full. Baker McKenzie will not be held liable for circumstances beyond its control, which lead to the cancellation or variation of the conference.
5. To guarantee your place, registration fees must be received in full before Thursday, 16 November 2017. For group registrations, all group members must register by Friday, 10 November to be eligible for the group discount.



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