

EFS Top-Level Seminar 2023

Transfer Pricing: Current State of Play and Outlook

► 3-day programme, 12 - 14 April 2023

Önder Albayrak

Barend Broen

Prof. Peter Kavelaars

Monique van Herksen

Clive Jie-A-Joen

Leticia Ortega De Caso

Manuel de Los Santos

Liu Lu

Prof. Raymond Luja

Isabel Verlinden

Suhas Sagar

Lucia Sahin

Philippe Paumier

Antonio Russo

Jan-Paul Vestering

Prof. Maarten de Wilde

**Erasmus
University
Rotterdam**

Top Level Seminar on Transfer Pricing: Current State of Play and Outlook



Erasmus Fiscal Studies

EFS is a partnership between the tax departments of the Erasmus University Rotterdam's Schools of Law and Economics.

EFS has been a leading education and research institute in the areas of international and European taxation for 30 years. Its work concentrates on the operation of indirect taxes, covering both VAT and customs duties, and direct taxes, focusing on individual taxation, corporate taxation and source taxation in an international and/or European context.

As well as regularly hosting academic symposia, conferences and lectures, EFS offers a wide range of programmes and top-level seminars.

Erasmus University Rotterdam

Erasmus University Rotterdam is a global, top-100 research university, where ambitious students prepare for an excellent career. It is one of the biggest universities in the Netherlands, with a student population of around 29,000 and a research community of around 1,600.

On the lively and modern campus, students are constantly encouraged to develop their talents and achieve their ambitions in international classrooms of more than 100 nationalities.

Its intensive, career-oriented and research-driven degree programmes are matched by an excellent student life in the dynamic and diverse city of Rotterdam. The university's research is strongly focused on societal impact, specifically on health, wealth, governance and culture.

The transfer pricing (TP) world has witnessed a perfect storm in recent years. The COVID-19 pandemic and remote work, the OECD Base Erosion and Profit Shifting project and the implementation thereof in domestic legislation and regulations, the public debate, the EC state aid examination of transfer pricing rulings, and the OECD work on the Two-Pillar Solution to address the tax challenges arising from the digitalisation of the Economy are just some of the issues impacting on daily practice in the ever-changing TP landscape.. As a top-level tax / TP specialist, you operate in an environment of constant change. You obviously have to keep abreast of developments and maintain an overview, both of your specialized field and commercially.

The EFS 3-day top-level seminar on 'Transfer Pricing: Current State of Play and Outlook' (in English) will ensure you will obtain in-depth insights in the current developments to help you frame your TP strategy for the future fully up-to-date with all the important developments in your field. As well as hearing presentations by and participating in discussions with prestigious speakers – e.g. Manuel de Los Santos, Prof. Maarten de Wilde, Philippe Paumier, Isabel Verlinden and Monique van Herksen – you will also have the opportunity to engage in discussions with your peers.

KEY BENEFITS

- In-depth, interactive sessions
- Intensive 3-day programme
- Max. 25 participants
- Bridging theory and practice
- International networking
- Diversity of participants and lecturers leading to exchange of knowledge and ideas from different perspectives

EFS is pleased to invite you and other top specialists (see Target Group on page 9) from multinationals, tax / TP advisory services, legal practice, the judiciary, government bodies, tax authorities, international organizations and academia to discuss the TP implications of a wide range of current and future TP issues, in an informal setting.

During the first day of the seminar, we will be discussing OECD developments and future OECD TP activities that will set the scene for the discussions taking place over the three days of the seminar. Further, the recent developments surrounding the tax challenges arising from the digitalisation of the economy will be discussed as well as the issue of attribution of profits to a permanent establishment including dealing with a case study. We will conclude the first day with providing you further insights in the state aid cases related to TP.

The second day of the seminar will provide a deep dive into special TP topics. A panel will discuss transfer pricing issues in practice including operational TP, sector specific issues, remote work and controversy experience. We will also cover managing intangibles in challenging economic times when flexible value chains reign, value chain analysis and TP policy, and key TP court cases.

The final day of the seminar will focus on some relevant topics you may face in practice, including the transfer pricing aspects of business restructurings. Various dispute resolution mechanisms to resolve double taxation will also be discussed. The final session will discuss transfer pricing aspects in relation to financial transactions, including practical challenges and a case study.

All the sessions will include plenty of opportunity to discuss each of the topics in detail. Each day will include a session with a case study in which you can participate. The seminar will end with a general reflection on the issues presented and some overall conclusions.

If you are looking to update and expand your TP knowledge and like to network with other professionals, sign up now for the EFS top-level seminar on 'Transfer Pricing: Current State of Play and Outlook' to be held at the Erasmus University Rotterdam on 12, 13 and 14 April 2023.

We look forward to seeing you in Rotterdam.

Kind regards,

Dr. Clive Jie-A-Joen
Seminar Coordinator

Mr. drs. Barend Broen
Seminar Coordinator

Programme | 12 - 14 April 2023

Day 1 Wednesday, 12 April 2023 Transfer Pricing Developments		
8.00-8.45	Arrival of participants at Erasmus University Rotterdam	
8.45-9.00	 Clive Jie-A-Joen Erasmus School of Law and Simmons & Simmons	Opening and welcome address
9.00-10.30	 Manuel de Los Santos Advisor at OECD (Centre for Tax Policy & Administration)	Setting the scene – OECD Transfer Pricing developments The presentation will discuss transfer pricing developments and current / future OECD TP activities. It will set the scene for the discussions taking place over the three days of our seminar.
10.30-11.00	Coffee and tea break	
11.00-12.30	 PROF. Maarten de Wilde Erasmus School of Law and Chairman of EFS	Tax Challenges arising from the digitalisation of the economy Recent developments and the TP aspects.
12.30-13.30	Lunch	
13.30-15.30	 Leticia Ortega De Caso Director of Transfer Pricing at PWC Spain	Attribution of profits to permanent establishment Guidance and challenges when applying the Authorised OECD Approach including dealing with a case study. Sharing of practical experience under different Transfer Pricing models, markets and industries.
15.30-16.00	Coffee and tea break	
16.00-17.00	 PROF. Raymond Luja Maastricht University	State aid and Transfer Pricing Recent developments, EU state aid law and TP, the arm's length principle, marginal evaluation and norm of comparability process.
18.30	Informal meeting and dinner at Fitzgerald	





Day 2	Thursday, 13 April 2023	Transfer Pricing Special Topics – Deep Dive
09.00-10.30	<div><p>Jan-Paul Vestering Head of Group Transfer Pricing & Business Models at Nestlé</p></div> <div><p>Önder Albayrak Head of Transfer Pricing - Strategy & Operations at Sanofi</p></div>	Transfer Pricing in Practice Operational transfer pricing, impact of BEPS on TP policy, TP control framework, internal and external stakeholders, controversy experience, sector specific issues, and COVID-19, and remote work.
10.30-11.00	Coffee and tea break	
11.00-12.30	<div><p>Isabel Verlinden Partner at PWC</p></div>	Managing intangibles in challenging economic times when flexible value chains reign The session will start from the definition, ownership and the use and transfer of intangibles, DEMPE functions, TP methods, valuation and hard-to-value intangibles. The focus will then be put on how an understanding of key value drivers and the internal governance around decision making can offer a framework for location flexibility within robust tax guardrails.
12.30-13.30	Lunch	
13.30-15.30	<div><p>Barend Broen Global Tax Director at Mambu and Erasmus School of Law</p></div> <div><p>Lucia Sahin TP director Deloitte</p></div>	Value Chain Analysis and TP policy In this session we will do a case study about the value chain analysis. We will cover the value chain analysis, both the qualitative and quantitative aspects, including the possible application of the VCA for TP policy design, TP documentation and TP dispute resolution.
15.30-16.00	Coffee and tea break	
16.00-17.30	<div><p>Suhas Sagar Baker McKenzie and The Hague University of Applied Sciences</p></div> <div><p>Antonio Russo Partner at Baker & McKenzie</p></div>	Overview of key TP court cases
18.30	Dinner	

Day 3	Friday, 14 April 2023	Transfer Pricing in Practice
09.00-10.30	 Philippe Paumier Founder at VECTOR TP	Transfer Pricing Aspects of Business Restructurings Transfer of something of value, compensation for the restructuring itself, remuneration of post-restructuring transactions, post-M&A restructurings, controversy and documentation.
10.30-11.00	Coffee and tea break	
11.00-12.30	 Monique van Herksen Partner at Simmons & Simmons	Dispute Resolution Mechanisms Discussion of various mechanisms that are available to resolve double taxation, including Advance Pricing Agreements, the Arbitration Directive and the Mutual Agreement Procedure of OECD Model Treaty Article 25 as adjusted by the MLI and practical issues.
12.30-13.30	Lunch	
13.30-15.30	 Liu Lu Director of Tax at Prologis  Clive Jie-A-Joen Erasmus School of Law and Simmons & Simmons	Transfer Pricing Aspects of Financial Transactions This session will provide insights into transfer pricing challenges in relation to financial transactions. A case study will be discussed.
15.30-16.00	 Clive Jie-A-Joen Erasmus School of Law and Simmons & Simmons  Barend Broen Global Tax Director at Mambu and Erasmus School of Law	Closing remarks and conclusions
16.00-17.30	Closing and drinks at Erasmus Pavilion Certificates awarded to participants by Clive Jie-A-Joen and Barend Broen on behalf of EFS	



Program Management



🔑 **PROF. DR. PETER KAVELAARS**
Seminar Director

Peter Kavelaars is Professor on Economics of Taxation at the Erasmus School of Economics and chairman of EFS. He was partner at Deloitte up to 2019. He is editor at MBB, NLF and some other fiscal journals and also on the staff at WFR, BNB and some other journals on taxation.



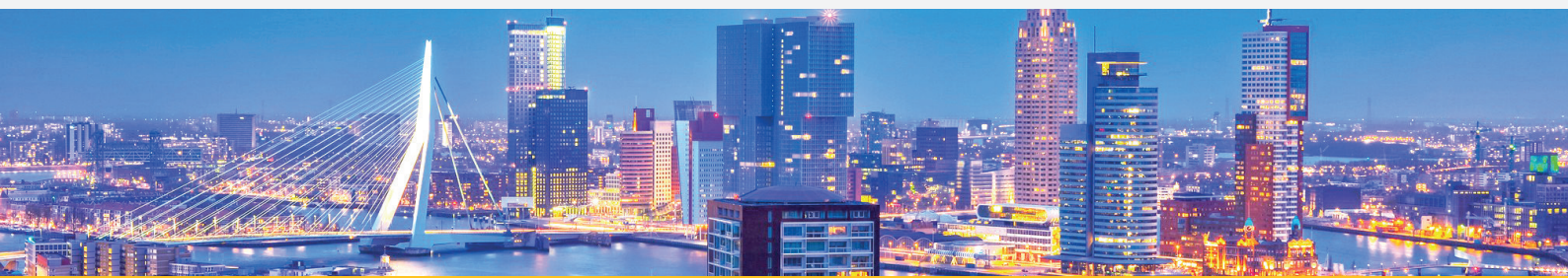
🔑 **DR. CLIVE JIE-A-JOEN MBV**
Seminar Coordinator

Clive Jie-A-Joen is a transfer pricing professional with more than two decades of experience. He lectures transfer pricing to Bachelor and Master students at the Erasmus School of Law and Erasmus School of Economics. Clive also works at Simmons & Simmons and part of a team focusing on transfer pricing controversy management. Clive holds a PhD degree in economics from the Erasmus University Rotterdam and a Master of Science degree in Business Valuation from the TiasNimbas Business School. He has published more than 70 technical articles. Clive is also a member of Transfer Pricing Economists for Development and a board member of the TP section of the Dutch Association of Tax Advisors. He is recognized as leader in TP in Legal Media's Transfer Pricing Guide and rated as highly regarded in World TP.



🔑 **MR. DRs. BAREND BROEN**
Seminar Coordinator

Barend Broen is an international tax and TP professional with almost two decades of experience. Barend spent most of his career as inhouse tax and transfer pricing specialist with multiple multinational companies (Shell, Unilever, ABN AMRO) and currently works as Head of Tax and TP at Mambu.com. He also coordinates the transfer pricing Master course at the Erasmus School of Law and lectures Transfer Pricing at multiple institutions. He holds a Master of Science degree in Fiscal Economics and a Master of Law degree in Financial Law.



Rotterdam

With a population of over 600,000, Rotterdam is the second largest city in the Netherlands and the centre of the Rotterdam–The Hague metropolitan area. With residents of over 170 different nationalities, Rotterdam is a truly multicultural city. From Brazilian, Polish and Iranian restaurants to African and Asian supermarkets: you'll find it all in Rotterdam.

Rotterdam is famous for having the largest port in Europe, while the River Maas also runs through the 'skyscraper city'. And behind the modern skyline, with its innovative and *avant garde* architecture, you'll find an atmospheric and historic city centre.

The city's international character is also reflected in its cultural activities, including the international art exhibited at the Museum Boijmans Van Beuningen (currently closed for refurbishment) and the Kunsthal. Every January you can watch movies from all around the world during the International Film Festival, while in summer you can enjoy the Summer Carnival and the North Sea Jazz festival. Depot Boijmans Van Beuningen opened in the fall of 2021 and is the first art storage facility in the world that offers access to a museum's complete collection.

General information

Dates

From Wednesday 12 April to Friday 14 April 2023.

Venue

The seminar will be held at the Erasmus University Rotterdam campus, Woudestein.

Accommodation

Hotel accommodation close to the Erasmus University Rotterdam campus is available for all participants

Fee

€ 2,650 (including all seminar materials and meals and two nights of hotel accommodation).

Language

The seminar will be in the English language.

Target Group

EFS is looking forward to welcoming top-level (international) tax and / or transfer pricing specialists (at least 5 years of relevant experience) who wish to discuss recent and future transfer pricing and to network with peers from the following backgrounds:

- Tax / TP professionals at Multinationals (*senior*) managers, directors and VPs)
- Tax / TP advisory services (*senior*) managers, directors and partners)
- Tax authorities, government bodies and international organisations (e.g., OECD, EC)
- Academia (*PhD* researchers, assistant / associate / professors)
- Legal practice (associates and partners)
- Judicial authorities (judges at courts of first instance or higher / supreme courts)

Group size

As the group will comprise a maximum of 25 participants, you can be assured of optimal and active participation.

Disclaimer

EFS reserves the right to change the policy, programme, fees and any other items referred to in this brochure.

Accreditation / Continuing professional development

The programme is accredited and you will therefore be eligible for continuing professional development ('Permanent Education') points in line with the rules applied by your own professional organisation. This programme comprises 18 hours of tax-related study, based on the professional development required by the Dutch Association of Tax Advisers. You can find more information about this on the EFS website and on the website of your professional organisation.

Certificate

All participants will receive a certificate of attendance issued by EFS, Erasmus University Rotterdam.

Contact / To apply

For more information, please contact:

Clive Jie-A-Joen

Seminar Coordinator, Top-Level Seminar
Transfer Pricing

jieajoen@ese.eur.nl

+31 (0)6 82 53 17 88



Barend Broen

Seminar Coordinator, Top-Level Seminar
Transfer Pricing

broen@law.eur.nl

+31 (0)6 21 68 50 46



EFS, Erasmus University Rotterdam

Bayle Building, J5-29
Burgemeester Oudlaan 50
3062 PA Rotterdam
The Netherlands

Tel. +31 (0) 10 408 1476
E-mail efs@eur.nl

www.eur.nl/efs

Follow us on:  

LinkedIn EFS, Erasmus University Rotterdam
YouTube EFS, Erasmus University Rotterdam



**Erasmus
University
Rotterdam**