



## IFA & SGH Online Webinars

# Changing the Global Tax Landscape for Foreign Direct Investments:

# **The Importance of Economic Substance**

Part I: GAAR – Structure and operation of the ATAD’s GAAR	16 March 2021   16:00-18:00
Part II: PPT – Structure and operation of the MLI’s PPT	23 March 2021   16:00-18:00
Part III: GloBE proposal under OECD Pillar 2	25 March 2021   16:00-18:00



## Chair of the Conference



**Dr. Błażej Kuźniacki**

*Amsterdam Centre for Tax Law (ACTL); Lazarski University;  
PwC Poland*

Błażej Kuźniacki (Ph.D. University of Oslo, Norway, 2017; Post-doctorate, Singapore Management University 2018); Attorney-at-law (Warsaw Bar Association, Poland) is an assistant professor of tax law at Lazarski University (Poland) and an external Senior Research Fellow at the Amsterdam Centre for Tax Law (The Netherlands) with a focus on strategic tax advice, tax controversies and policy, anti-BEPS rules, legal tech tools, and interaction of international investment agreements with tax measures. He is an immediate ex Deputy Director of Income Tax Department at the Poland's Ministry of Finance and the present Deputy Director for Strategic Tax Advice and Dispute Resolution at PwC Poland. Dr. Kuźniacki is the author of two books and around 100 other publications, including articles in the highest-ranking tax journals with national and global coverage. He is also a guest lecturer at various universities worldwide and acts as a consultant and trainer for tax officials, judges, tax advisors and business strategists. He is a member of the International Fiscal Association (IFA) and a member of the International Association for Artificial Intelligence and Law (IAAIL).

## Keynote Speakers



**Prof. Dr. Adolfo Martín Jiménez**

*Tax Law Professor and Director of the Master in Tax Law at the  
University of Cádiz, The Chairman of the European Association  
of Tax Law Professors*

Adolfo Martín Jiménez (Ph.D. European University Institute, Florence, Italy, 1997; LL.M. University of Wisconsin, US, 1995) is a professor of Tax Law at the University of Cádiz (Spain). He is author and co-author of several books and more than a hundred articles on international and EU tax law. Adolfo often participates as a speaker in international tax events in different countries around the world, including academic or professional conferences.

He has a broad practical experience in international taxation, including transfer pricing, and EU tax law and frequently acts as a consultant for multinational groups, law firms (high profile cases, expert witness, MAPs and arbitrations), States (tax reforms, meeting international tax standards, training of tax officials, high profile cases and arbitrations) or International Organizations (e.g. member of EU Transfer Pricing Forum 2015-2019, independent consultant for the UN). Since June 2018, he is the chairman of the European Association of Tax Law Professors, with more than 350 members and associates from all over the world.



**John Peterson**

*Head of Unit - Aggressive Tax Planning International Co-operation  
and Tax Administration Division (ICA), Centre for Tax Policy and  
Administration (CTPA) - OECD*

John is responsible for Working Party 11 (WP11) which developed the recommendations under BEPS Actions 2, 3, 4 and 12 (Hybrids, CFCs, Interest Limitation and Mandatory Disclosure Rules) and is the working party now tasked with developing the OECD/G20 Pillar Two solutions for addressing the tax challenges of the digitalisation of the economy (the GloBE proposal). John has previously supported the joint working group that produced the Mandatory Disclosure Rules for CRS Avoidance Arrangements and also provides support to JITSIC - a network of tax administrations committed to enhanced information exchange and collaboration to tackle global compliance risks.



**Prof. Dr. Dennis Weber**

*Professor of European Tax Law at University of Amsterdam  
Director of the ACTL, Of Counsel, Loyens & Loeff*

Dennis Weber (1970) is a Professor of European Corporate Tax Law at the University of Amsterdam (UvA). He is director of the Amsterdam Centre of Tax law (ACTL) of the UvA. As a visiting Professor, he lectured at various universities in the world (amongst them the International Tax Center of Leiden (LL.M Program in International Taxation) the Wirtschaft Universität Wien in Vienna, Sorbonne University in Paris, the University of Sao Paulo and the New York University (NYU)). He spoke on more than 200 national and international seminars and conferences. He published more than 65 academic articles, was the editor of 16 books and wrote two books. He was deputy judge in one of the High Courts of the Netherlands. He is the main supervisor and founder of the ACTL project Cashless, Platform-based and Technology-driven Society (CPT-) project.

He is of counsel at the law firm Loyens & Loeff, where he is in charge of the European tax law team. He is involved in numerous proceedings in the field of European tax law in different EU Member States and before the European Court of Justice.

He is the general editor and founder of Highlights & Insights on European taxation and one of the editors and founder of the Kluwer International Tax Law blog. He is one of the board members and founders of the Group Research on European and International Taxation (GREIT).

## Organization

The series of online conferences is organized by the Polish Branch of the International Fiscal Association (IFA) in cooperation with the SGH Warsaw School of Economics.

[www.ifa.org.pl](http://www.ifa.org.pl)

[www.sgh.waw.pl](http://www.sgh.waw.pl)

### Chair

**Dr. Błażej Kuźniacki** (ACTL/  
Lazarski University/PwC)

### Moderators

**Prof. Dr. Marcin Jamroży**  
(SGH/MoF)

**Dr. Błażej Kuźniacki** (ACTL/  
Lazarski University/PwC)

**Dr. Filip Majdowski** (MoF)

### Keynote Speakers

**Prof. Dr. Adolfo Martín Jiménez**,  
Tax Law Professor and Director  
of the Master in Tax Law at the  
University of Cádiz, The Chairman  
of the European Association of Tax  
Law Professors

**John Peterson**, Head of Unit  
– Aggressive Tax Planning  
International Co-operation and  
Tax Administration Division  
(ICA), Centre for Tax Policy and  
Administration (CTPA) – OECD

**Prof. Dr. Dennis Weber**,  
University of Amsterdam, Director  
of the ACTL, Of Counsel, Loyens  
& Loeff

### Speakers and Panelists

**Prof. Dr. hab. Hanna Litwińczuk**  
(UW)

**Prof. Dr. Dominik Gajewski**  
(SGH/SAC)

**Prof. Dr. Marcin Jamroży**  
(SGH/MoF)

**Dr. Piotr Karwat** (SGH)

**Dr. Błażej Kuźniacki** (ACTL/  
Lazarski University/PwC)

**Dr. Filip Majdowski** (MoF)

**Dr. Wojciech Sztuba** (TPA, IFA)

**Dr. Karolina Tetlak** (UW)

**Andrzej Broda** (EY)

**Magdalena Janiszewska** (SGH)

**Cezary Krysiak** (MoF)

**Michał Nowacki** (Wardyński  
& Partners)

**Anna Pęczyk-Tofel** (Crido)

**Cezary Przygodzki** (Dentons)

## About IFA

The International Fiscal Association is the only non-governmental and non-sectoral international organization dealing with fiscal matters. As a non-profit organisation, IFA provides a neutral and independent platform where representatives of all professions and interests can meet and discuss international tax issues at the highest level.

Established in

**1938**



More than

**13,500**

members



IFA Branches in

**71**

countries





## Part I: GAAR – Structure and operation of the ATAD’s GAAR

16 March 2021

16:00–16:05 **Introduction:** Chair of the Conference - Dr. Błażej Kuźniacki

16:05–16:15 **Welcoming:**

Chair of the IFA Poland Branch - Dr. Wojciech Sztuba

Director of Institute of Finance (Warsaw School of Economics/SGH) - Prof. dr. hab. Janusz Ostaszewski

16:15–17:45 **Moderator:** *Dr. Błażej Kuźniacki*

**Keynote Speaker:** *Prof. Dr. Dennis Weber*

**Speakers and Panelists:** *Dr. Błażej Kuźniacki, Dr. Wojciech Sztuba, Cezary Przygodzki, Dr. Filip Majdowski*

- ◆ Evolution EU anti-abuse-doctrine
- ◆ Differences & similarities between the ATAD’s GAAR and EU anti-abuse doctrine
- ◆ Interpretation PPT aligned with GAAR
- ◆ Recent decision in Lexel
- ◆ Decision in X GmbH
- ◆ Decisions in Danish cases
- ◆ EU members towards third countries and third countries towards EU

17:45–18:00 **Panel discussion and QA: Is the economic substance important/decisive for the application of the ATAD’s GAAR?**

## Part II: PPT – Structure and operation of the MLI’s PPT

23 March 2021

16:00–16:05 **Introduction:** Chair of the Conference - Dr. Błażej Kuźniacki

16:05–16:15 **Welcoming:**

Chair of the IFA Poland Branch - Dr. Wojciech Sztuba

Deputy Director of Institute of Finance (Warsaw School of Economics / SGH) – Prof. Dr. Michał Wrzesiński

16:15–17:45 **Moderator:** *Prof. Dr. Marcin Jamroży*

**Keynote Speaker:** *Prof. Dr. Adolfo Martín Jiménez*

**Speakers and Panelists:** *Prof. dr. hab. Hanna Litwińczuk, Dr. Błażej Kuźniacki, Andrzej Broda, Dr. Piotr Karwat, Anna Pęczyk-Tofel*

- ◆ Evolution Treaty Abuse-doctrine
- ◆ Examples on PPT
- ◆ Examples on LOB (Active conduct of a business)
- ◆ Examples on BEPS Actions 8-10
- ◆ PPT subjective test: burden of proof
- ◆ PPT objective test: object & purpose
- ◆ PPT versus ‘guiding principle’ in Commentary on Article 1 2017 OECD MC
- ◆ PPT versus beneficial ownership
- ◆ PPT versus LOB and anti-conduit

17:45–18:00 **Panel discussion and QA: Is the economic substance important/decisive for the application of the PPT?**



## Part III: GloBE proposal under OECD Pillar 2

25 March 2021

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16:00–16:05	<b>Introduction:</b> Chair of the Conference - Dr. Błażej Kuźniacki
16:05–16:15	<b>Welcoming:</b> Chair of the IFA Poland Branch - Dr. Wojciech Sztuba Head of Tax Department (Institute of Finance / SGH) – Prof. Dr. Marcin Jamroży
16:15–17:45	<b>Moderator:</b> <i>Dr. Filip Majdowski</i> <b>Keynote Speaker:</b> <i>John Peterson</i> <b>Speakers and Panelists:</b> <i>Prof. Dr. Marcin Jamroży, Cezary Krysiak, Michał Nowacki, Dr. Karolina Tetlak, Prof. Dr. Dominik Gajewski</i> <ul style="list-style-type: none"><li>◆ Background of the GLoBE proposal, incl. the 2017 US tax reform</li><li>◆ Structure and basic assumptions of the GLoBE proposal:<ul style="list-style-type: none"><li>➢ Perspective of Inclusive Framework members</li><li>➢ Income Inclusion Rule &amp; Undertaxed payment Rule</li><li>➢ Switch-over &amp; subject to tax rule</li></ul></li><li>◆ Specific issues of the GLoBE proposal:<ul style="list-style-type: none"><li>➢ Blending (global, jurisdictional and entity)</li><li>➢ Substance carve-outs (BEPS Action 5 compliant regimes, other substance carve-outs)</li></ul></li><li>◆ EU law requirements</li></ul>
17:45–18:00	<b>Panel discussion and QA: Is there a place for economic substance in GloBE?</b>
18:00–18:15	<b>Closing remarks on the conference and prospective developments of the economic substance in the global tax landscape for foreign direct investments</b> <i>by Dr. Błażej Kuźniacki, Prof. Dr. Marcin Jamroży, Dr. Wojciech Sztuba</i>
18:15	<b>End of the Conference</b>

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## Registration



Part I: [GAAR - LINK](#)

16 March 2021 | 16:00-18:00

Part II: [PPT - LINK](#)

23 March 2021 | 16:00-18:00

Part III: [GloBE proposal - LINK](#)

25 March 2021 | 16:00-18:00

Participation in the event is free but registration is required. Limited number of places. Confirmation of participation will be sent in separate correspondence. The registration process will be provided by TPA Poland (*ClickMeeting platform*) on behalf of Organizers.

**Tax Advisors program** – This conference qualifies for the Poland's tax advisor's program (7 points/7 hours).

*Amid a plethora of tax areas, one of the most important and globally relevant nowadays is tax avoidance. Targeting tax avoidance constitutes thus a priority global initiative of the OECD/G20 with the Base Erosion and Profit Shifting (BEPS) at the forefront. The Principal Purposes Test (PPT) and the General Anti-Avoidance-Rule (GAAR) as incorporated in Art. 7(1) MLI/Art. 29(9) 2017 OECD MC and Art. 6 ATAD1, respectively, includes a minimum standard for addressing tax avoidance globally. Those changes have already taken effect; for those that ratify in 2019, the effective date was January 1, 2020. Moreover, the new changes are expected in result of the most recent endeavour of the OECD – the so called GloBE standard. All those changes will inevitably shape anew global tax landscape for foreign direct investments (FDIs). One of the overarching questions in that respect regards the importance of economic substance for the FDIs under the PPT, the GAAR and the GloBE.*

**During online webinars, the PPT, the GAAR and the GloBE standard will be thoroughly reviewed by internationally renowned experts (keynote speakers) in the field of tax abuse as well as distinguished Polish tax experts (both scholars and practitioners). The international rules and the proposal of GloBE will be evaluated against the background of OECD and EU developments and the CJEU case law, the Examples provided by the OECD will be discussed, the structure and operation of the ATAD's GAAR and the MLI's PPT examined, and finally the GloBE proposal will be discussed. All this aims to evaluate the importance of economic substance for purposes of the current and upcoming changes in global tax landscape.**

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