NEWSLETTER

IFA / INDIA BRANCH

Dear IFA Colleagues,

Greetings and welcome to monsoon

The 2019 annual IFA event in New Delhi attracted over 325 participants; a record indicating the growing importance of international tax policy in India. We hosted almost 50 speakers, including 15 members from the judiciary and senior officials from the Department of Revenue. Our endeavor, in line with IFAs ethos, as a non-partisan body was to debate issues with all stake holders. I reckon, none of these event could be delivered without participants and speaker commitments. I wish to express my gratitude to the members of the organizing team. This year in particular, the EC Members of Northern council and our dynamic YIN members were never short of energy – just like the Indian cricket team ! In anticipation, given that the event has become an annual fixture, the date for 2020 annual conference is April 24-25, 2020.

This edition of the newsletter covers a case study on GAAR coordinated by Parul Jain and Sagar Wagh. Our International tax developments cover a roundup of OECD and key jurisdictions. In the midst of past quarter, two notable developments worth mentioning are : 1) Public consultation paper on attribution of profits to PE and, 2) India ratifying the MLI.

The consultation paper on profit attribution attracted diverse views from all stake holders and I guess, the debate will continue. At the core of the issue is arms-length standard vs global formulary approach. Will India await outcome of the OECD paper on digital taxation or finalize enabling rules on profit attribution will be closely observed. Having said that, most commentators believe that Indian policy makers should await the outcome of second interim report on digital taxation, given that India's position on Pillar 1 comprising of Significant Economic Presence (SEP) and Intangibles finding wider acceptance.

India ratifying the MLI on June 25, 2019 has signaled Covered Tax Agreements (CTA) coming into force from Oct 1, 2019, impacting Indian treaties from FY 2020-21 onwards. Though India has carefully expressed its position to agree application of Article 7(1) of MLI dealing with Principal Purpose Test (PPT) alone as an interim measure, it has retained flexibility to adopt optional provision of Limitation of Benefits (LOB) by way of bilateral negotiations.

Our IFA Academy events at Noida gathered renewed momentum in peak summer with commencement of Master Class series we hosted over 4 weekends. This was followed up with Budget analysis a day after the budget. Enthused with the response, a separate series is scheduled to begin from July 13.

Finally, before I close, I wish to mention about the June 17-19 IFA Asia-Pacific meeting was led by Kuntal Dave who felt keen interest by our Asian colleagues on treaty/ MLI policy developments in India. The next years IFA regional meeting is scheduled to be hosted by Hong Kong branch in June 1-3. I look forward to seeing as many Indian colleagues as possible at the London Congress in September, where we are expecting record participation. Kindly rush your registration, in case you haven't.

Best Wishes

MUKESH BUTANI
Chairman, India branch.

NEWSLETTER

IFA / INDIA BRANCH

Dear Readers,

Warm welcome to our fourth edition of the IFA India Newsletter!

This issue opens with a detailed case study on "General Anti Avoidance Rules-GAAR" by Sagar Wagh and Parul Jain. We are delighted to share that on this case study we have the benefit of views and perspective from DR. CLIVE JIE-A-JOEN, MBV (Simmons & Simmons LLP). This Newsletter also contains key international updates and developments compiled by Sudarshan Ranjan and Saurav Bhattacharya. Also, this Newsletter provides a snapshot of IFA conferences held in India and in other parts of the world, and lists the upcoming IFA events for IFA members and all professionals to choose from and register!

Also, I am happy to share that IFA Newsletter Editorial Board has been receiving abundant positive feedback and encouragement from various corners for the quality and contents of Newsletter. Having said that, I would encourage each one of you to share with me or any of Editorial team member [write to 'info@ifaindiaacademy.in'], more ideas on what differently should or can be done in the future issues of Newsletter to keep adding value to the readers.

In meantime, Happy Reading!

Best wishes,

PAREKH
Editor-in-Chief

WHAT'S IN?

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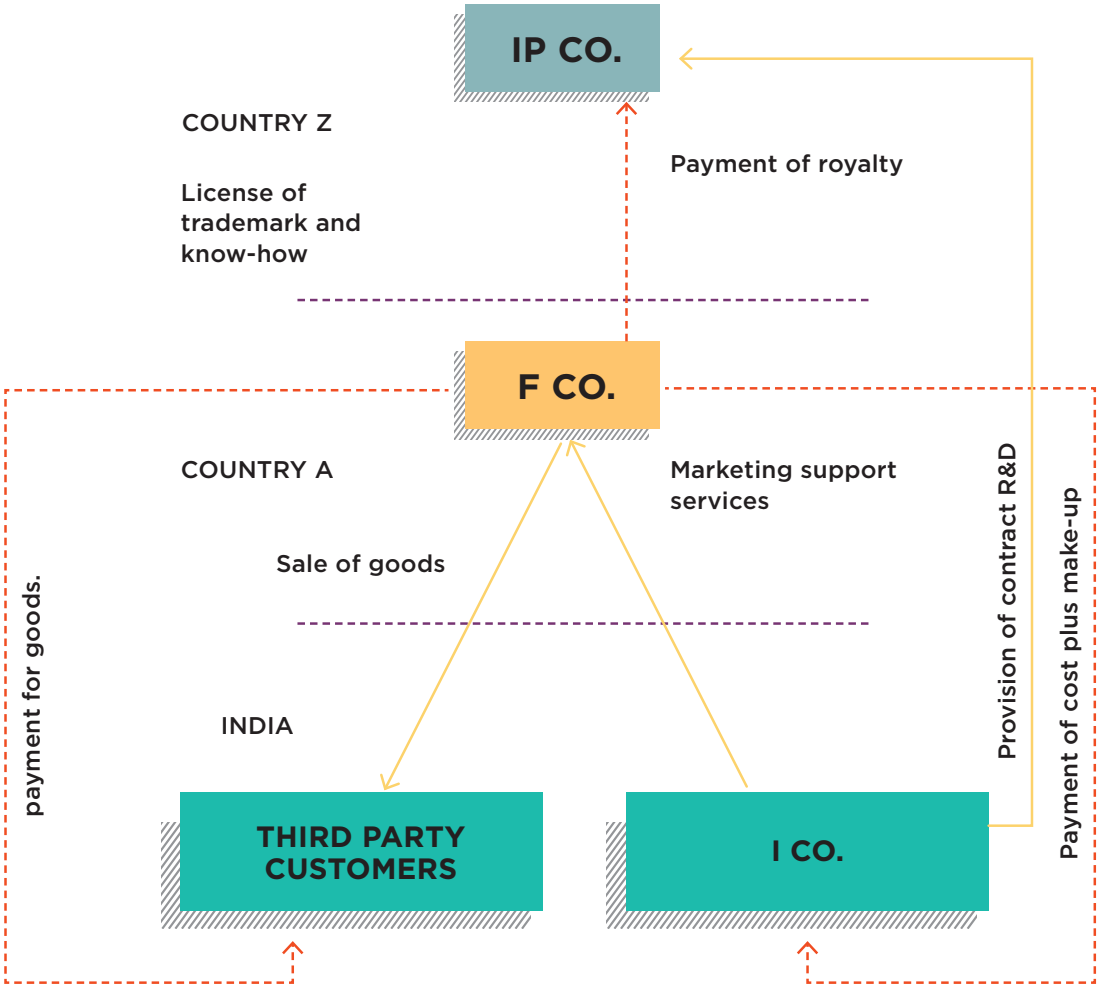
GENERAL ANTI-AVOIDANCE RULES: CASE STUDY, QUESTIONS AND EXPERTSPEAK

BY
SAGAR WAGH
PARUL JAIN

FACTS OF THE CASE:

- F Co is manufacturer of goods and sells goods directly to third party customers in India.
- IP Co is the legal owner of the trademark and know-how, for which it receives royalty from F Co.
- I Co located in India provides marketing support services to F Co. Such services involve:
  - Negotiates price and other conditions with third party customers on behalf of F Co.
  - Provides F Co with the customer list to whom goods are to be sold.
  - Incurs advertising, marketing and promotion (AMP) expenditure in India.
  - Designs F Cos marketing strategy in India.
- I Co. is remunerated with cost plus mark-up for providing marketing support services
- I Co is also engaged in provision of the contract R&D services to IP Co. for which I Co is remunerated at cost plus mark-up. Such services involve
  - Designing the R&D blueprint.
  - Conceptualization of R&D process.
  - Taking major R&D decisions
- F Co has undertaken seed funding for I Co.'s R&D facility

CASE STUDY:



CASE STUDY QUESTIONS AND RESPONSES

Please note that we answered the below questions based on the limited facts provided. Ideally, we would have collected additional information. Our answers to the transfer pricing questions are in general based on the OECD Transfer Pricing Guidelines, July 2017 version.

DR. CLIVE JIE-A-JOEN,
MBV (Simmons & Simmons LLP)

1. Whether I Co would qualify as a Dependent Agent Permanent Establishment ('DAPE') of F Co under the new tax treaty provisions introduced by Action 7 report?

For the existence of a DAPE three conditions should be satisfied:

1.1. Firstly, I Co. should act on behalf of F Co. This seems to be the case in the situation outlined in the facts.

1.2. Secondly, I Co. should "habitually" conclude contracts or habitually plays the principal role leading to the conclusion of contracts that are routinely concluded without material modification by F Co. The latter seems to apply in subject case. It follows from the facts that I Co's actions on behalf of F Co go beyond the mere promotion or advertising, since I Co also negotiates the price and other conditions with third party customers on behalf of F Co and provides F Co with the customer list. However, there is limited information to establish whether I Co's actions result in the conclusion of contracts that are routinely concluded without material modification by F Co.

1.3. Thirdly, the contracts should be in the name of F Co or meant for "the transfer of the ownership of" property owned by F Co or for the provision of services by F Co. Based on the facts, the contracts are in the name of F Co, which create rights and obligations that are legally enforceable between F Co, on behalf of which I Co is acting,

and the third party customers with which the contracts are concluded.

2. Whether answer will remain the same in case if depending on contract value the price & other terms and conditions negotiated by I Co are reviewed & modified by F CO.?

There is insufficient information to establish whether I Co's actions result in the conclusion of contracts that are routinely concluded without material modification by F Co. That is because the nature of the modification is a significant matter. Hence, further analysis would be needed to make definitive conclusions.

3. Whether AMP expenditure incurred by I Co can be considered as separate controlled transaction? If yes, then provide arm's length remuneration methodology for AMP transaction.

In our reading of the various court cases in India, it follows that AMP expenditures can be considered an international transaction. The Delhi High Court ruled in the case of Sony Ericsson Mobile Communications India Pvt. Ltd. that it is not required to consider non-routine AMP expenditures (based on the "bright line" test) as separate international transaction, however.

In subject case, the marketing and sales functions of I Co seem closely connected such that an aggregate analysis is warranted to determine an arm's length remuneration for the functions performed, risks assumed and assets used by I Co.

4. Kindly provide the DEMPE analysis for each and every intangible identified above (trademark, know-how, customer list etc)

It follows from the facts of the case that IP Co is the legal owner of the trademark and know-how. Not a lot of information is available on functions performed and risks assumed by IP Co, however. There is more detailed information on the activities conducted by I Co. It seems that this group company is of special significance.

- Trademark (in India): According to Chapter VI of the OECD Transfer Pricing Guidelines, group members should be remunerated according to the significance of the DEMPE functions performed, the risks assumed, and assets used. One of the important functions mentioned in the OECD Transfer Pricing Guidelines regards the "design and control of research and marketing programmes". The design of the marketing strategy in India is one of the functions performed by I Co. In addition, I Co incurs AMP expenditures in India, although there is no information available on whether I Co incurs excessive AMP expenditures relative to comparable companies based on the "bright line" test. The case does not contain information on whether I Co is directed and controlled in its activities by IP Co. A more detailed functional analysis is therefore needed to have a more complete picture of the DEMPE functions performed by the relevant parties, including which party controls strategic decisions regarding intangible development programmes, is engaged in the defence and protection of the trademark and which party manages and controls the AMP budget.
- Know-how: We understand that know-how relates to R&D activities. The facts only include information on so-called contract R&D services rendered by I Co to IP Co, the legal owner of the know-how. The OECD Transfer Pricing Guidelines provide that important functions may include, among others, design and control of research and marketing programmes, direction of and establishing priorities for creative undertakings including determining the course of "blue-sky" research, control over strategic decisions regarding intangible development programmes, important decisions regarding defence and protection of intangibles, and management and control of budgets. Based on the case information, I Co. takes major R&D decisions, designs the R&D blueprint and conceptualises the R&D process so it seems that I Co. performs the most important DEMPE functions.
- Customer list: I Co. has the ownership of and the control over the customer list and provides this list to F Co. for the purpose of informing to whom goods are to be sold, as is stated in the case information. It seems that I Co. conducts the most significant functions regarding the development, enhancement and maintenance of the customer list through its marketing function as well as its negotiation of the contractual terms with third-party customers. F Co. only does the exploitation by selling the products to the third-party customers on the list.

5. Identify the key risks in the above operating model. With reference to new guidance given by BEPS Action 8-10 report, which entities in the above structure undertake control over risk functions?

The significance of a risk is based on the likelihood and size of the potential profits or losses emerging from the risk. Control over risk in a controlled transaction concentrates on the capability and decision-making authority of the parties of the transaction to take on the risk and to decide whether and how to respond to the risk.

In subject case, a key risk regards R&D risk, which is the risk of success or failure of research and development activities performed to develop valuable intangibles (i.e. know-how in subject case), for which F Co has undertaken seed funding for I Co's R&D facility. Based on the facts, I Co. undertakes a significant part of the control over risk functions relating to R&D risk through taking major R&D decisions. IP Co is the legal owner of the know-how. However, there is insufficient information to determine whether IP Co also undertakes control over risks functions.

Another key risk seems to be

market risk, which is the risk that the value of future income streams will be adversely affected by sales conditions due to either increased competition in the marketplace, adverse demand conditions within the market, or the inability to develop markets or position products to service targeted customers. Market risk includes several types of business risks, such as product price risk and sales volume risk. I Co conducts control over risk functions through designing the marketing strategy and incurring AMP expenses. There is insufficient information to determine whether F Co, the manufacturer of goods, undertakes control over risk functions, such as for example the timing of investments or choosing the production levels.

6. In case if the cost-plus remuneration to I Co. is found to be arm's length, whether additional profits are to be attributed to DAPE?

We understand that an analysis of the controlled transaction between F Co and I Co under Article 9 results in the conclusion that a cost-plus remuneration to I Co is at arm's length. It is assumed that this conclusion has also considered the accurate delineation analysis, including the risk allocation analysis under paragraph 1.60 of the OECD Transfer Pricing Guidelines. The question now arises whether additional profits are to be attributed to the DAPE of F Co in India. Certain jurisdictions believe that there is normally no reason to charge an additional profit to the DAPE. However, other jurisdictions are of the view that this depends on whether the specific risk (e.g., inventory risk) and economic ownership of the asset (e.g., inventory) is attributed to the DAPE.

7. With reference to DEMPE and function, asset & risks analysis:

7.1. Kindly provide the economic characterisation of each entity in the arrangement i.e. F Co, I Co, IP Co and DAPE (if any).

Based on the limited facts of the case, it seems that IP Co is the legal owner of the know-how and the trademark. In case IP Co only funds the development of the intangibles and does not have employees to control the risks, then it can be characterised as a so-called cash-box entity to be remunerated based on a risk-free return.

Although I Co is regarded as providing contract R&D services to IP Co, it takes major R&D decisions and designs the R&D blue print. As such, I Co seems to control the R&D risk. In case it also has the financial capacity to assume the R&D risk, the R&D risk is allocated to I Co.

F Co is a manufacturer of goods sold directly to 3rd party customers in India and licenses the know-how and trademark from IP Co so it can be regarded as a licensed manufacturer.

I Co is described as rendering marketing support services to F Co. Since I Co is also negotiating the price and other conditions of the contracts with 3rd party customers, I Co seems to also be engaged in sales (support) activities.

7.2. Identify flaws/short-comings in the current TP policy

I Co. is remunerated based on a cost-plus mark-up for rendering contract R&D services. A cost-related remuneration is possible if the execution of the contract research activities takes place by I Co and IP Co controls the research activities, bears the costs and risks and becomes the economic owner of the developed know-how. IP Co should also control the R&D risk and should have the financial capacity to assume the R&D risk. However, based on the facts, I Co performs more functions than merely executing the contract R&D activities.

Based on the transfer pricing arrangements, IP Co earns a profit equal to royalty received for licensing the know-how and trademark to F Co less the costs plus mark-up paid to I Co and less its own costs. In case IP Co is merely the legal owner and cannot control risks, it should earn a risk-free return.

It seems that I Co performs more than marketing support services to F Co.

7.3. TP policy for providing arm's length remuneration to each and every entity in the arrangement

An arm's length royalty should be determined for the license of trademark and know-how by IP Co to F Co.

After deducting the risk-free return to IP Co and IP Co's own costs from the royalties received, the residual profits of IP Co should be allocated to I Co.

For rendering the marketing and sales functions, I Co should receive an arm's length remuneration based on a percentage of sales generated by F Co from 3rd party customers in India.

INTERNATIONAL TAX UPDATES

BY
SAURAV BHATTACHARYA
SUDARSHAN RANGAN

Digital Economy Taxation: OECD releases road map for arriving at a consensus-based solution.

Pursuant to the policy note issued by OECD early this year and the public consultations that emerged based on the said note on tackling the challenges arising out of taxing the digital economy, the OECD has now released a programme of work ('road map') document[1] which identifies potential solutions that may be solve the digital taxation crisis. The road map document is issued by the OECD BEPS inclusive framework committee consisting of 129 members to arrive at a global consensus-based solution for taxing the digital economy by 2020. The Report shall also act as a prelude note to the G20 meeting discussion at Japan where international tax-related evasion and avoidance is a significant agenda for discussion amongst the finance ministers. The road map identifies possible solutions based on a two-pillar approach. The first pillar focuses on nexus based, profit allocation methods such as fractional apportionment, a distribution based and residuary profit split method; new taxing rights based on users etc. The second pillar focuses on minimum taxation proposal to provide countries to protect their tax base from profit shifting to low/no tax jurisdictions.

The roadmap estimates OECD along with it's working party and steering committee to arrive at the final Report containing the long-term solution to tackle the digital economy tax challenges by the end of 2020.

[1] *http://www.oecd.org/tax/beps/programme-of-work-to-develop-a-consensus-solution-to-the-tax-challenges-arising-from-the-digitalisation-of-the-economy.pdf*

Switzerland approves a referendum for corporate tax reforms

The Switzerland corporate tax reform labelled as the 'tax proposal 17' has been approved by Swiss people on a referendum. The Swiss parliament had approved the tax proposal 17 during September 2018, and the proposal has now been upheld by the Swiss people through the referendum. The tax proposal 17 mooted for reduction of corporate income tax rates at the cantonal level, which favoured multinationals to relocate headquarters to cantonal with less canton and municipal tax rates. Now the reform has suggested the cantons to introduce a patent box regime is compliant with BEPS Action 5 and along with it can consider introducing other R&D based deductions. The tax reform 17 has also proposed increasing the dividend taxation to offset the revenue loss from these incentives.

These reforms are expected to retain jobs and more importantly shed its image as a low tax country. With the growing discontent amongst the neighbouring European countries as well as the OECD for alluring multinational investors with low taxes, these reforms will enable it to handle the tax competition in a fair way. The reforms will also ensure Switzerland avoids being blacklisted by OECD or EU for not implementing measures to curb tax avoidance.

France introduces cooperative compliance programme; a new trust-based relationship on taxation matters with Corporations

The French tax authorities have added a new trust-based relationship programme [1]with French corporations to ensure there are better relations and voluntary compliance between the taxpayers and tax administration. The initiative identifies seven main aspects which will be focused upon by the tax administration inter alia features tax support for SMEs, proactive approach to tax rulings, support for French companies abroad etc. The new scheme envisages providing tax certainty and transparency. The first 12 partnership protocols were signed on 14 March by the Minister of Action and Public Accounts, with major companies.

[1]*https://www.economie.gouv.fr/files/files/2019/dp-relation-confiance.pdf*

Malaysia Introduces Digital Service Tax (DST)

The Malaysian Government approved the bill on the DST on 08 April 2019 introduced during the Budget 2019. Under the DST regime, any foreign service provider providing digital services to consumers on or after 01 January 2020 is required to charge a 6% service tax on the digital services. Further digital services have been defined as "any service that is delivered or subscribed over the internet or other electronic network, which cannot be obtained without the use of information technology and the delivery of the service is essentially automated." The implementation of the B2C regime will be interesting as it will target individual customers as well.

The governing authority, the Royal Malaysian Customs Department (Customs) has released a frequently asked questions note on the DST regime[1].

[1]*https://www.malaymail.com/news/malaysia/2019/04/08/parliament-passes-digital-tax-bill-enforced-jan-1/1741049*

India releases a draft report on a new methodology for attribution of profits to Permanent Establishment

As part of post-BEPS developments, India released for public consultation a draft report on attribution of profits to PE[1] prepared by a specially constituted committee. Currently, very diverse methodologies are being adopted for attribution of profits, and hence to provide certainty, the Committee was formed. In the Indian context, Article 7 of most of its treaties with various countries is based upon the version of Article 7 of the UN Model Convention and it has significant similarities with the pre-2010 version of Article 7 in OECD model tax convention except the force of attraction rule And the limitation of the deductibility of expenses. The Report also reiterates India's consistent position that profit attribution must take into account contribution of demand-side factors, which are represented by sales and thus, any specific rules for Profit Attribution under Indian laws would need to include them.

The Committee considered the option of Fractional Apportionment based on apportionment of profits derived from India as the most desirable option. For this purpose, the Committee found considerable merit in a three-factor method based on equal weight accorded to sales, representing demand, and manpower and assets, which represent supply, including marketing activities. Further with regards to the taxation of the digital economy, the Committee considered it necessary to take into account the role and relevance of users in contributing to the business profits of multidimensional business enterprises. Accordingly, the Users have been taken into account for attribution of profits as the fourth factor of apportionment in addition to sales, manpower and assets.

It is also interesting to note that the OECD roadmap note has also factored the fractional apportionment model suggested by India on arriving at solutions for tackling the digital economy taxation. It will be interesting to note whether India will go ahead with this proposal or will wait for OECD final report on Action Plan 1 expected during 2020..

[1]https://www.incometaxindia.gov.in/news/public_consultation_notice_18_4_19.pdf
[2] UN Model Tax Convention provides for a "force of attraction" rule, under which, once the threshold of PE is achieved, all profits of the enterprise from a similar business derived from the other Contracting State become taxable in that State, even if they did not involve the PE. Thus, under the UN Convention, the PE is purely a threshold, and once achieved, all profits of the business in respect of which PE exists, become taxable in the source State, irrespective of any role of PE.

UNITED STATES[1]

Congressional Research Service issues report on economic effects of Tax Cuts and Jobs Act ('TCJA')

Remember the hotly debated US Tax Cuts and Jobs Act? It would lead to re-vitalising the US economy, it was envisaged. How has the TCJA fared in meeting the goal till now? The Congressional Research Service (CRS) of the US Library of Congress (the CRS is an agency within the US Library of Congress and serves the US Congress throughout the legislative process by providing legislative research and analysis for an informed national legislature) has released a report entitled *"The Economic Effects of the 2017 Tax Revision: Preliminary Observations"*. According to the CRS report, US gross domestic product (GDP) grew at 2.9% in 2018, and, on the whole, the growth effects tend to show a relatively small (if any) first-year effect on the economy of the tax cuts by TCJA.

The CRS report states that the US Congressional Budget Office (CBO) initially estimated that the TCJA would reduce individual income taxes by USD 65 billion, corporate income taxes by USD 94 billion, and other taxes by USD 3 billion, for a total reduction of USD 163 billion in Fiscal Year 2018. The CRS report further states that overall revenue changes were close to the projections, with revenues only USD 9 billion smaller than projected, due to a USD 45 billion increase in individual income tax revenues, but a USD 7 billion decrease

in payroll taxes, along with a USD 40 billion decline in corporate revenues.

[1]*https://www.ato.gov.au/law/view/document?DocID=COG/PCG20189/NAT/ATO/00001*

ITALY[1]

On April 16, 2019 the Italian Revenue Agency (IRA) issued the implementing regulation that addresses the self-disclosure procedure of a permanent establishment in Italy for foreign enterprises.

The self-disclosure procedure provides foreign multinational entities (MNEs) an opportunity to check with the IRA as to whether their operations and activities in Italy amount to a taxable presence for both corporate income tax (a permanent establishment, or 'PE') and VAT purposes (a fixed establishment, or 'FE'). If they do, the procedure allows MNEs, through an agreement with the IRA, to attribute an arm's-length profit to the PE and address any VAT ramifications.

The Italian self-disclosure procedure is a step towards Italian transparency and fair collaboration with foreign MNCs. It grants a beneficial regime in terms of applicable administrative and criminal penalties and the right to enter into the Italian cooperative compliance procedure.

For the time being, the self-disclosure procedure is the only legal measure available to deal with the IRA in relation to activities already performed that might constitute a PE in Italy. The ruling procedure, through which a foreign MNE can ask the IRA to conclude whether a PE exists, is, in fact, subject to the 'preventive' requirement (is limited to cases where no activities have been performed in Italy at the time the ruling is filed).

The main benefits of the self-disclosure procedure are:

- Administrative penalties are reduced by half in conjunction with the one-third reduction under the settlement procedure (i.e., penalties are reduced to 1/6 of the original penalty amount).
- The possibility exists to pay the amount due in installments.
- There are no criminal penalties for failing to submit the tax returns.
- It provides access to the cooperative compliance program.

[1]*https://www.pwc.com/us/en/services/tax/library/insights/italy-issues-regulation-addressing-pe-self-disclosure-procedure.html?elq_mid=17228&elq_cid=578039*

AUSTRALIA[1]

ATO finalizes controversial guideline on tax residency of foreign companies

On December 20, 2018, after almost two years, the Australian Taxation Office (ATO) released its final guidance (PCG 2018/9) related to determining tax residency for foreign incorporated companies. A company that is not incorporated in Australia will be a tax resident if:

1. the company carries on a business in Australia and has its central management and control (CM&C) in Australia (the 'CM&C test').
2. the company carries on a business in Australia and its voting power is controlled by shareholders who are residents of Australia (the 'voting power test').

The ATO has traditionally accepted both of these tests The requirement to carry on business in Australia is considered separately from either the CM&C requirement or the voting power requirement i.e., a foreign incorporated company trading outside of Australia would not be a tax resident of Australia because it is not carrying on business in Australia, notwithstanding that it's CM&C was located in Australia. Following some High Court decisions the ATO released Draft TR 2017/D2 (later finalized as TR 2018/5) which provided that CM&C is factually part of carrying on a business. Finalized PCG 2018/9 aims to provide practical guidance (with examples) to assist in applying the principles set out in TR 2018/5.

ATO collects more than AUD 500 million from illegal phoenix operators[2]

The Australian Taxation Office (ATO) announced on 29 March 2019 that it had collected more than AUD 500 million in revenue as a result of audits of illegal phoenix operators since the Phoenix Taskforce started in November 2014.

The Phoenix Taskforce comprises 34 Federal, State and Territory government agencies, including the ATO, Australian Securities and Investments Commission, Department of Jobs and Small Businesses, Fair Work Ombudsman and Australian Border Force.

Illegal phoenix activity arises if a new company is set up to continue the business of a company that has been deliberately liquidated to avoid paying its debts, including taxes, creditors and employee entitlements. The direct impact of illegal phoenix activity is estimated to cost between AUD 2.85 billion and AUD 5.13 billion annually. According to the ATO, illegal phoenix activity is particularly prevalent in major centres in building and construction, labour hire, payroll services and security services. It is also particularly prevalent in regional Australia in mining, agriculture, horticulture and transport. The Phoenix Taskforce focuses on intermediaries promoting or facilitating illegal phoenix behaviour.

It was noted that taskforce strategies and enforcement activities, as well as increased exchange of information exchange and law reforms, have strengthened the compliance powers of taskforce agencies. Sophisticated data matching tools have been developed to identify, manage and monitor suspected illegal phoenix operators.

In January 2019, a Manly-based luxury property developer, was sentenced to 6 years in prison by the NSW District Court for goods and services tax fraud relating to illegal phoenix activity in the property and construction industry. He was also ordered to pay reparations of more than AUD 1.8 million.

[1]*https://www.pwc.com/gx/en/tax/newsletters/international-tax-services/assets/pwc-international-tax-news-march-2019.pdf?elq_mid=17037&elq_cid=578039*

[2] *IBFD*

IFA CONFERENCES EVENTS

BY
AMEYA KHARE

IFA INDIA BRANCH

FORTHCOMING EVENTS:
DATE: 20-July-2019 and 03-August-2019
PLACE: IFA India Academy, Noida, India
EVENT: The top upcoming tax cases in courts- A Touchdown.
WEBSITE: *www.ifaindia.in*
E-MAIL: shelly.wadhwa@ifaindiaacademy.in, info@ifaindiaacademy.in, preeti.tyagi@ifaindiaacademy.in

DATE: 13-July-2019
PLACE: IFA India Academy, Noida, India
EVENT: Profit Attribution Rules - Recent developments
(a) Explanation of Pillar 1 proposals for the Inclusive Framework of Nexus and Allocation
(b) Practicalities of the draft rules of attribution of profit to PE
WEBSITE: *www.ifaindia.in*
E-MAIL: shelly.wadhwa@ifaindiaacademy.in, info@ifaindiaacademy.in, preeti.tyagi@ifaindiaacademy.in

EARLIER HELD EVENTS:
DATE: 06-July-2019
PLACE: IFA India Academy, Noida, India
EVENT: Discussion on Finance Bill 2019.
WEBSITE: *www.ifaindia.in*
E-MAIL: shelly.wadhwa@ifaindiaacademy.in, info@ifaindiaacademy.in, preeti.tyagi@ifaindiaacademy.in

DATE: 22-Jun-2019
PLACE: Chennai, India
EVENT: Study Circle meeting on "BEPS & impact on TP model".
WEBSITE: *www.ifasrc.org*
E-MAIL: admin@ifasrc.org

DATE: 15-June-2019
PLACE: IFA India Academy, Noida, India
EVENT: Follow up Series April 2019 Conference - Artificial avoidance of PE- BEPS Action 7.
WEBSITE: *www.ifaindia.in*
E-MAIL: shelly.wadhwa@

ifaindiaacademy.in, info@ifaindiaacademy.in, preeti.tyagi@ifaindiaacademy.in

DATE: 08-June-2019
PLACE: IFA India Academy, Noida, India
EVENT: Follow up Series April 2019 Conference - Transfer Pricing - Supply chain to value chain.
WEBSITE: *www.ifaindia.in*
E-MAIL: shelly.wadhwa@ifaindiaacademy.in, info@ifaindiaacademy.in, preeti.tyagi@ifaindiaacademy.in

DATE: 01-June-2019
PLACE: IFA India Academy, Noida, India
EVENT: Follow up Series April 2019 Conference - GAAR-Evolution, country practices, Indian perspective.
WEBSITE: *www.ifaindia.in*
E-MAIL: shelly.wadhwa@ifaindiaacademy.in, info@ifaindiaacademy.in, preeti.tyagi@ifaindiaacademy.in

DATE: 25-May-2019
PLACE: IFA India Academy, Noida, India
EVENT: Follow up Series April 2019 Conference - Digital Economy- BEPS Action 1- The emerging PE and attribution issues.
WEBSITE: *www.ifaindia.in*
E-MAIL: shelly.wadhwa@ifaindiaacademy.in, info@ifaindiaacademy.in, preeti.tyagi@ifaindiaacademy.in

DATE: 18-May-2019
PLACE: Chennai, India
EVENT: Study Circle meeting on "Tax challenges of digital economy".
WEBSITE: *www.ifasrc.org*
E-MAIL: admin@ifasrc.org

DATE: 27-Apr-2019
PLACE: Chennai, India
EVENT: Study Circle meeting on "Recent Foreign Portfolio Investment - Regulatory and tax aspects".
WEBSITE: *www.ifasrc.org*
E-MAIL: admin@ifasrc.org

DATE: 13-Apr-2019
PLACE: IFA India Academy, Noida, India
EVENT: Study Circle meeting on "Blockchain Technology".
WEBSITE: *www.ifaindia.in*
E-MAIL: shelly.wadhwa@ifaindiaacademy.in, info@ifaindiaacademy.in, preeti.tyagi@ifaindiaacademy.in

IFA WORLDWIDE

FORTHCOMING EVENTS:
DATE: 05-Sep-2019 – 06-Sep-2019
PLACE: Dublin, Ireland
EVENT: Joint meeting of the USA and Ireland Branches.
WEBSITE: *www.ifausa.org*
E-mail: info@ifausa.org

DATE: 11-Aug-2019 – 15-Aug-2019
PLACE: Storulvån, Sweden
EVENT: International Tax (T) Walk 2019
EMAIL: bertil.wiman@jur.uu.se, info@skatterattsligtforum.se

EARLIER HELD EVENTS:
DATE: 26-Jun-2019
PLACE: Vaduz, Liechtenstein
EVENT: Luncheon YIN Liechtenstein
WEBSITE: *www.ifa-fl.li*
E-MAIL: info@ifa-fl.li

DATE: 17-Jun-2019 – 19-Jun-2019
PLACE: Melbourne, Australia
EVENT: 5th Asia Pacific Regional Meeting
WEBSITE: *ifa-australia.com.au*
E-MAIL: admin@ifa-australia.com.au

DATE: 17-Jun-2019
PLACE: Vienna, Austria
EVENT: 5th Asia Pacific Regional Meeting
WEBSITE: *www.ifa-austria.at*
E-MAIL: merita.kuku@wu.ac.at

DATE: 06-Jun-2019
PLACE: Schaan, Liechtenstein
EVENT: Symposium on National & International Tax Developments.
WEBSITE: *www.ifa-fl.li*

DATE: 06-Jun-2019
PLACE: Porto, Portugal
EVENT: "Value of good faith in VAT's right to deduct – case law analysis".
WEBSITE: *www.afp.pt*
E-MAIL: afp@afp.pt

DATE: 05-Jun-2019
PLACE: Düsseldorf, Germany
EVENT: Young IFA German Branch third Annual meeting.
WEBSITE: *www.ifa-deutschland.de/english*
E-MAIL: florian.oppel@freshfields.com

DATE: 31-May-2019
PLACE: Kyiv, Ukraine
EVENT: Forum on Transfer Pricing and International Planning 2019.
WEBSITE: *www.ifa-ukraine.org*
E-MAIL: ifa@ifa-ukraine.org

DATE: 30-May-2019 – 31-May-2019
PLACE: Seoul, Korea
CONFERENCE: IFA Korea International Conference 2019.
WEBSITE: *www.ifakorea.org*
E-MAIL: ifa_korea@naver.com

DATE: 02-May-2019
PLACE: Porto, Portugal
EVENT: Seminar "The nature of the Portuguese PIT autonomous taxation"
WEBSITE: *www.afp.pt*
E-MAIL: afp@afp.pt

NEWSLETTER

IFA / INDIA BRANCH

IFA-INDIA

International Fiscal Association - India (IFA-India) is a society registered in Delhi (India) under the Societies Registration Act, 1860. It operates in India through its Head Office in the National Capital Region (NCR) and four regional chapters in North, South, East and West. IFA-India is governed by an exectutive committee which presently has 26 members with 6 elected office bearers out of that. IFA-India is engaged in promoting better understanding on the subject of international tax and the related fiscal laws. It organises conferences, seminars, workshops, training courses and encourages discussions and conversations through various other modes like webinars and social media. The membership includes tax administrators, tax policy experts, tax court judges, and tax professionals from corporates and from consultancy. It has set up an international tax Academy at Noida where regular learning and knowledge sharing programs are held on the theme subject.

IFA

IFA-India is a part of International Fiscal Association headquartered in the Netherlands (IFA). Established in the year 1938 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. IFA has played an essential role in both, the development of certain principles of international taxation and in providing possible solutions to problems arising in their practical implementation. Its objects are the study and advancement of international and comparative law in regard to public finance, specifically international and comparative fiscal law and the financial and economic aspects of taxation. IFA seeks to achieve these objects through its Annual Congresses and the scientific publications relating thereto as well as through scientific research. Although the operations of IFA are essentially scientific in character, the subjects selected take account of current fiscal developments and changes in local legislation.

The membership of IFA now stands at more than 12,000 from 106 countries. In 62 countries, including India, IFA members have established IFA branches and IFA-India is one of those 62 branches world over. IFA-India has also taken initiatives to encourage young IFA members and Women IFA members to participate in its initiatives through YIN (Young IFA Network) and WIN (Women IFA Network).

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To know more about YIN, please visit: www.ifa.nl/about-ifa/yin
www.ifaindia.in/YIN.htm

To know more about WIN, please visit: www.ifa.nl/about-ifa/win

Newsletter archives: http://www.ifaindia.in/ifa-india_newsletter.htm

IFA India Academy

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