

# **Ahead of Tax & Legal**

**Thursday, 7 November 2024, Amsterdam**

**9.30am - 10.00am**    **Registration and Welcome**

**10.00am - 10.15am**    **Words of welcome**  
Kim Tan, Managing Partner,  
Baker McKenzie Amsterdam

**10.15am - 10.45am**    **Plenary Session**  
The future by Michiel Vos:  
Journalist, US-based correspondent,  
and son-in-law of Nancy Pelosi,  
former Speaker of the United  
States House of Representatives

- **Innovation**
- **Controversy**
- **Sustainability**

**10.45am - 11.00am**    **Coffee Break**

**11.00am - 11.45am**

1.1 Going against the grain:  
India opening up to  
the EU through FTA  
(**Jan Snel** (mod))  
**Mr. V. Lakshmikumaran**

**LEGAL & TAX SESSION**

1.2 Tax Certainty:  
To Celebrate or Commiserate the  
APAs, BAPAs, MAPs, ETACA and  
ICAP landscape?  
(**Michiel Kloes** (mod), **Margreet  
Nijhof, Harald van Dobbenburgh**)

**TAX SESSION**

1.3 A Sustainable Future:  
Navigating the Corporate  
Sustainability Directives  
(**Rebecca Kuijpers-Zimmerman**  
(mod), **Kim Tan, Laila Kouchi,  
Antonio Russo**)

**LEGAL & TAX SESSION**

1.4 The Future of AI:  
Practical Trade, M&A and Employment  
guidance for global businesses concerning  
the use and deployment of GenAI systems.  
(**Danielle Pinedo** (mod), **Frans Muller,  
Denise Ozmis, Julia Wilson** (London))

**LEGAL SESSION**

**11.45am - 12.00pm**    **Coffee break and changes rooms**

**12.00pm - 12.45pm**

2.1 Sanctions and export controls:  
Geopolitical disruption and global  
sanctions and export controls  
developments  
(**Paul Amberg (Madrid)**  
(mod), **Derk Christiaan,  
Arnoud Willems**)

**LEGAL SESSION**

2.2 A future of disputes?  
Avoiding the reversal of the burden  
of proof and other dispute risks  
(**Wibren Veldhuizen** (mod), **Mirko  
Marinć, Lynn van den Berg,  
Folkert Mulder, Frank Kroes**)

**TAX SESSION**

2.3 A Fairer Future:  
BEPS 2.0 one year on:  
where are we now?  
(Pillar 2: **Mounia Benabdallah** (New  
York) (mod), **Géry Bombeke** (Brussels),  
**Narine Movsisian** and Pillar 1 (Amount  
A): **Laura Nguyen-Lapierre** (Paris))

**TAX SESSION**

2.4 Fintech:  
Fitting new products  
into old legal frameworks  
(**Martin Morawski** (mod),  
**Tim Alferink, Maarten Hoelen**)

**LEGAL & TAX SESSION**

**12.45pm - 14.15pm**    **Lunch and Networking**

14.15pm - 15.00pm

3.1 I Robot, I Create:  
Can (A)I be a taxpayer? Value  
creation and entrepreneurship  
(**Roger van de Berg** (mod),  
**Benjamin van Kessel**,  
**Balthasar Denger**)

**LEGAL & TAX SESSION**

3.2 The Price is Right:  
Reducing customs pricing disputes  
(**Nicole Looks** (mod), **Andre  
Dekker**, **Lionel van Reet** (BE),  
**Jaap Huegens-Wajer**)

**TAX SESSION**

3.3 Future-proofing deals:  
Key considerations for M&A transactions  
(**Joost Polman** (mod),  
**Mo Almarini**, **Ilse Bosman**)

**TAX & LEGAL SESSION**

3.4 The Future of Work:  
Effectively managing risks of inappropriate  
behaviour in the global workplace  
(**Mirjam de Blécourt**, **Anna van Bracht**,  
**Julia Wilson** (UK), **David Diaz** (SP),  
**Sjef Jansen**, **Mirko Marinc**)

**LEGAL SESSION**

15.00pm - 15.15pm

**Coffee and Tea Break**

15.15pm - 16.00pm

4.1 Holistic view of online sales:  
Interaction between the legal /  
regulatory framework and Tax  
(**Jan Snel** (mod), **Michiel Kloes**,  
**Lara Unal**, **Mathieu Raas**)

**TAX & LEGAL SESSION**

4.2 Key audit themes in  
International Direct and Indirect  
Tax and Transfer Pricing landscape  
(**Hub Stolker** (mod), **Mattia  
Falcone**, **Juliana Dantas**,  
**Isabelle Bronzwaer**)

**TAX SESSION**

4.3 Will Pillar One's Amount B reduce  
transfer pricing disputes for baseline  
marketing & distribution activities?  
(**Alejandro Zavala-Rosas** (mod),  
**Laura Nguyen-Lapierre** (Paris),  
**Swarnalee Naskar** (London))

**TAX SESSION**

4.4 The Future C-suite:  
Addressing the liability dilemmas  
arising from new sustainability  
pressures and regulations  
**Frank Kroes**, **Rutger Doorduyn**,  
**Francesca Richmond** (UK)

**LEGAL SESSION**

16.00pm

**Drinks & Canapés**

18.00pm

**End of program**

### **1.1 Going against the grain:**

#### **India opening up to the EU through FTA**

Jan Snel (moderator) and Mr. V. Lakshmikumaran

(Managing Partner of Lakshmikumaran & Sridharan Attorneys)

India has signed a Free Trade Agreement (FTA) with EFTA countries consisting of Iceland, Liechtenstein, Norway, and Switzerland on 10 March 2024. The EFTA countries will gain market access for goods and services in India in return for investments from EFTA industries in India.

The EU and India restarted FTA negotiations in June 2022, and the negotiations are ongoing, with hopes of concluding them in the near future. The EU-India FTA will open up new avenues for trade and investment between India and EU countries, benefiting industries in both the EU and India. India is the EU's third-largest trade partner, accounting for about €88 billion in goods and about €30 billion in services.

During this session, our panelists will discuss the process and progress of the negotiations, as well as the expected impact of the FTA on the economies of the EU and India, with Mr. V. Lakshmikumaran, who is deeply involved in the India-EU FTA negotiations.

### **1.2 Tax Certainty:**

#### **To Celebrate or Commiserate the APAs, BAPAs, MAPs, ETACA and ICAP landscape?**

Michiel Kloes (moderator), Margreet Nijhof and Harald van Dobbenburgh

In an increasingly challenging transfer pricing controversy environment, multinational corporations strive to proactively manage risk. We anticipate that transfer pricing disputes will continue to rise across the globe as tax authorities look for additional revenue and new laws are implemented with potentially conflicting results. The growing use of data analytics and AI tools by tax authorities is also expected to lead to additional controversy.

In this context, we are seeing increased interest in reducing tax risks through advance certainty programs, in addition to Mutual Agreement Procedure (MAP) avenues for resolving treaty-related tax disputes. This session will explore the most recent experiences in achieving tax certainty.

### **1.3**

#### **A Sustainable Future:**

#### **Navigating the Corporate Sustainability Directives**

(Rebecca Kuijpers-Zimmerman (moderator),

Kim Tan, Laila Kouchi and Antonio Russo)

Keen to get an understanding of how the Corporate Sustainability Reporting Directive (CSRD) could affect your business? Starting in 2025, large companies must report their sustainability data related to FY 2024 under the CSRD. During the round-table discussion we will take an in-depth look at the key (reporting) obligations under the CSRD, as implemented under Dutch law, and their relevance to both EU and non-EU companies. We will furthermore provide critical legal and tax insights on the CSRD and its impact on corporate governance and compliance strategies. This session aims to equip you with the knowledge to guide your organization further towards a sustainable future.

### **1.4**

#### **The Future of AI:**

#### **Practical Trade, M&A and Employment guidance for global businesses concerning the use and deployment of GenAI systems**

Danielle Pinedo (moderator), Frans Muller,

Denise Ozmis, and Julia Wilson (London)

AI and machine learning offer exciting opportunities across sectors, enabling new services, automation, and informed decision-making. However, they also introduce significant risks. This seminar provides practical guidance on trade, M&A, and employment concerning Generative AI (GenAI) systems. Gain insights into the legal and regulatory landscape to navigate these complexities effectively. Equip yourself with the knowledge to leverage AI technologies responsibly, ensuring compliance and fostering innovation. Join us to learn from leading professionals and stay ahead in the evolving AI landscape.

## **2.1 Sanctions and export controls: Geopolitical disruption and global sanctions and export controls developments**

Paul Amberg (Madrid) (moderator),  
Derk Christiaans and Arnoud Willems (Brussels)

In a world of increasing geopolitical disruption, understanding the latest developments in global sanctions and export controls is essential. This seminar our expert speakers will provide practical insights and analysis on significant developments. We will cover global sanctions compliance, key trends and learnings from Russia and beyond, global trends and impacts on supply chains, export controls and more. Join us to gain an understanding of these issues and learn how to navigate the complexities of global sanctions and export controls effectively.

## **2.2 A future of disputes? Avoiding the reversal of the burden of proof and other dispute risks**

(Wibren Veldhuizen (moderator), Mirko Marinć,  
Lynn van den Berg, Folkert Mulder and Frank Kroes)

If a company fails to meet its obligations to develop thorough transfer pricing documentation or files an incorrect tax return, it may be confronted with a reversal of the burden of proof in case of a dispute. In that case, the taxpayer has the difficult task of demonstrating with sufficient evidence that the assumptions and the reasonable estimate of the tax inspector are incorrect. We see this being raised more often these days by tax authorities in audit discussions, based on recent case law. During this session, our panellists will highlight our recent audit and litigation experiences. We will share how to mitigate such audit risks early on.

## **2.3 A Fairer Future: BEPS 2.0 one year on: where are we now?**

Mounia Benabdallah (New York) (moderator), Géry Bombeke (Brussels),  
Narine Movsisian and Pillar 1 (Amount A): Laura Nguyen-Lapierre (Paris)

While Pillar Two rules are now in effect in over 30 jurisdictions, and soon with widespread effect through UTPR, Pillar Two is still very much a moving target with new Commentary and Guidance still being developed.

Pillar One is still subject to political discussion. This proposal seeks to reallocate taxing rights to the market jurisdictions for the Top 100 most profitable multinational corporations. While its adoption is still pending and increasingly unlikely, elements of the Pillar One framework may be adopted by jurisdictions, such as the EU.

In this session we will provide you the latest insights from a global and regional level on the Two-Pillar Solution, covering both policy and daily practice examples.

## **2.4 Fintech: Fitting new products into old legal frameworks**

Martin Morawski (moderator), Tim Alferink and Maarten Hoelen

The future of Fintech is set to continue to be shaped by developments in AI, blockchain and cryptocurrencies, digital payments, wallets, and open banking. All these developments pose challenges for businesses operating in the sector, but also for regulatory and tax authorities, who are being faced with a wide variety of new Fintech services. The classification of these new Fintech services is relevant for regulatory purposes, VAT, CIT, banking taxes, financial transaction taxes, and withholding tax. Fintech services may share certain characteristics with mainstream financial services products, but are often not identical. What does this mean for regulatory and tax authorities, what do we see in the market, and how can businesses actually benefit from the ambiguous nature of Fintech services?

**3.1 I Robot, I Create:****Can (A)I be a taxpayer? Value creation and entrepreneurship**

Roger van de Berg (moderator), Benjamin van Kessel and Balthasar Denger

As AI increasingly contributes to business operations and innovation, critical questions arise around the implications for tax systems, and how to navigate this uncharted territory from a tax perspective as well as from a transfer pricing and value chain point of view. In this session, will explore the evolving role of artificial intelligence in international tax issues, including permanent establishments, sourcing of services income, and erosion of DEMPE functions and other substance-based tax positions. We will consider both direct and indirect tax considerations.

**3.2 The Price is Right:****Reducing customs pricing disputes**

Nicole Looks (moderator), Andre Dekker,  
Lionel van Reet (Brussels), Jaap Huegens-Wajer

Transfer pricing remains the number one international tax issue for multinational corporations, and many multinationals continue to invest heavily in careful planning, compliance and documentation of their transfer pricing policies. However, the full benefit of these investments is not always realized, especially where customs values are connected to transfer prices, and customs authorities challenge the use of these values. We have seen an increase in customs disputes focusing on the interaction between customs valuation and transfer pricing. These disputes can result in substantial costs through additional duties, lost duty refunds and penalties. In this session we will provide key insights into how the dispute risk can be mitigated.

**3.3 Future-proofing deals:****Key considerations for M&A transactions**

Joost Polman (moderator), Mo Almarini and Ilse Bosman

In the ever-evolving landscape of mergers and acquisitions (M&A), understanding the latest trends in M&A transactions is crucial. Discover how increased regulatory scrutiny, ESG considerations, and the rise of AI and technology are transforming deal-making. Besides the legal factors, we will touch upon the latest tax developments and structuring aspects to help shape your next deal. Stay ahead of the M&A curve and ensure your approach to deal-making is future-proof.

**3.4 The Future of Work:****Effectively managing risks of inappropriate behaviour in the global workplace**

Mirjam de Blécourt (moderator), Anna van Bracht,  
Julia Wilson (London), David Diaz (Madrid), Sjef Jansen and Mirko Marinć

In today's dynamic and global business landscape, no company is exempt from the risks of inappropriate behavior at the workplace. Organizations face growing pressures to address complaints, including cases involving senior executives accused of harassment or bullying or conducting inappropriate behavior. These challenges highlight the critical need to effectively manage such issues, from addressing headline-grabbing allegations to navigating the complexities of handling complaints. Join us at this seminar, featuring a multi-jurisdictional panel of experts in employment law and dispute resolution. Attendees will receive 'The Complaints Challenge' conversation starter, designed to facilitate discussions on these critical topics. Gain actionable knowledge and insights into managing transgressive workplace behavior within relevant legal frameworks.

#### **4.1 Holistic view of online sales: Interaction between the legal / regulatory framework and Tax**

Jan Snel (moderator), Michiel Kloes, Lara Unal and Mathieu Raas

Digital platforms are crucial to the digital economy, facilitating cross-border transactions and fostering innovation. Digital platforms are often ahead of the curve of the existing legal, regulatory and tax frameworks, and policymakers are currently playing catch up. In the past three years, the EU has adopted several significant regulations to address the digital economy, such as the Digital Markets Act ("DMA"), the Digital Services Act ("DSA"), the Data Governance Act ("DGA"), the AI Act and the Pillar Two Directive. Furthermore, the EU is keen to progress Pillar One of the OECD IF's Two-Pillar Proposal and to revise its current VAT framework through its VAT in the Digital Age ("ViDA")-package. In this session, our panelists will examine the recent and upcoming changes to the regulatory/legal and tax frameworks and the impact of these changes for operators of an online business.

#### **4.2 Key audit themes in International Direct and Indirect Tax and Transfer Pricing landscape**

Hub Stolker (moderator), Mattia Falcone,  
Juliana Dantas and Isabelle Bronzwaer

In today's environment - with rapidly changing (international) tax legislation and protectionism - we are likely to continue to see proactive tax enforcement action giving rise to more big-ticket tax-related disputes. Businesses are facing an ever-changing international tax landscape with jurisdictions taking a tough approach to enforcement practices and penalties. This is exacerbated by a significant increase in both tax transparency measures and tax authority data interrogation tools. Our panel of experts will discuss what tax audit preparedness in this changing landscape looks like and address the practical ways in which businesses can get on the front foot to meet these challenges.

#### **4.3 Will Pillar One's Amount B reduce transfer pricing disputes for baseline marketing & distribution activities?**

Alejandro Zavala-Rosas (moderator),  
Laura Nguyen-Lapierre (Paris) and Swarnalee Naskar (London)

Amount B was introduced as a "fixed return" on "baseline marketing and distribution activities" in October 2020 when the Two-Pillar proposal was released. Since then, political negotiations about the Amount B regime have been ongoing. On 19 February 2024, the OECD released the penultimate guidance on Amount B, and Amount B became known as "an optional simplified and streamlined approach" for baseline marketing and distribution activities. It has now been included as an Annex to Chapter IV in the OECD TP Guidelines 2022. Amount B could apply from 1 January 2025 in certain jurisdictions. In this discussion, we will highlight what multinational corporations need to know about Amount B, present case studies illustrating how the pricing matrix could impact their intercompany pricing and explore remaining areas of uncertainty.

#### **4.4 The Future C-suite: Addressing the liability dilemmas arising from new sustainability pressures and regulations**

Frank Kroes (moderator), Rutger Doorduyn and Francesca Richmond (London)

In today's business landscape, ESG issues are a corporate imperative with significant practical and business implications. Shareholders, financial institutions, customers, employees, and other stakeholders demand transparency and sustainability. While these pressures enhance long-term value and efficiency, they also introduce substantial liability dilemmas for corporate boards and executives. With boards more engaged on ESG matters, they rely on legal teams to provide comprehensive counsel and mitigate risks. This seminar, led by our experienced litigators, will explore these liability dilemmas, offering insights into navigating the complex legal landscape of sustainability.

## **Baker McKenzie delivers integrated solutions to complex challenges.**

Complex business challenges require an integrated response across different markets, sectors and areas of law. Baker McKenzie's client solutions provide seamless advice, underpinned by deep practice and sector expertise, as well as first-rate local market knowledge. Across more than 70 offices globally, Baker McKenzie works alongside our clients to deliver solutions for a connected world.

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