



International Fiscal Association

Annual Report of the Secretary General 2010/2011

Dear fellow IFA Members,

One of our most active IFA Members Mr. Manuel Marin Arias passed away on 30 November 2010. He was Member of our Executive Committee (EC) from 1981 to 1987, 2nd Vice-President of IFA from 1986 to 1987, Member of the Permanent Scientific Committee (PSC) from 1993 to 1999, and Member of the General Council from 1988 to 2010. He was Secretary of the Spanish Branch from 1989 to 2005. We will remember him as a dear IFA friend whose longstanding and extraordinary contributions to the IFA have been of tremendous value for our Association.

At the end of the 2010 Rome Congress the General Assembly appointed Professor Augusto Fantozzi Honorary Member of IFA, as a token of appreciation for his longstanding and inspiring contributions to our Association.

The highlights in IFA since the 2010 Rome Congress are summarised hereinafter.

- **Rome Congress (64th Congress, 29 August – 3 September 2010)**

Thanks to Augusto Fantozzi, President of IFA 2010 Rome and his Organising Committee, Pietro Adonnino, Patrizio Braccioni, Luigi Ferraris, Bruno Gangemi, Massimo Giaconia, Guglielmo Maisto and Carlo Romano, the Italian Branch organised an excellent and successful Congress for 1,898 participants and 398 accompanying persons in the magnificent city of Rome. The opening ceremony, with Guest Speaker Stefano Micossi and an impressive show 'Beautiful Italia – a Tribute to Italian Cinema' and the Welcome Reception in the Cavalieri Hilton were the first highlights of the Congress. Other memorable events were the Cocktail Reception in the Etruscan National Museum of Villa Giulia, and the Gran Galà d'Opera in the Parco della Musica where the audience enjoyed an excellent performance by the Orchestra Sinfonica Abruzzese, conducted by Ciro Visco, and the Choir of the Accademia Nazionale di Santa Cecilia with Patrizia Roberti and Ivano Costantino. The Gala Dinner and Dance at Villa Miani, with magnificent fireworks against a starry night over the *Città Eterna*, was indeed the Grande Finale of this unforgettable Congress.

Scientific Programme

IFA would like to thank everyone involved for their excellent contributions to the scientific Programme of the Rome Congress.

Stef van Weeghel (Netherlands) was the General Reporter on Subject 1, "Tax treaties and tax avoidance: application of anti-avoidance provisions". Luc De Broe (Belgium) acted as Chair. The Panel consisted of Nathalie Goyette (Canada), Philippe Martin (France), Roy Rohatgi (India) and Phil West (USA). Reinout de Boer (Netherlands) acted as Secretary.

"Death as a taxable event and its international ramifications" was the topic of 2010 Subject 2 with Guglielmo Maisto (Italy) as General Reporter, Frans Sonneveldt (Netherlands) as Chair and Nicola Saccardo (Italy) as Secretary. The Members of the Panel were: Leigh Basha (USA), Catherine Brown (Canada), Christian Comolet-Tirman (France), Rik Deblauwe (Belgium) and Jorge Gebhardt (Argentina).

Seminar A, "The subsidiary as a permanent establishment", was chaired by Luis Eduardo Schoueri (Brazil). Valerio Barbantini (Italy), Xaver Ditz (Germany), Steven Hannes (USA), Anita Kapur (India) and

Michael Lennard (UN) were Members of the Panel. Oliver-Christoph Günther (Austria) acted as Secretary.

Seminar B dealt with “The privilege for tax advice”. Chair was Daniel Sandler (Canada) and Members of the Panel were Christine Bouvier (France), Guglielmo Frasoni (Italy), Don Korb (USA), Justice Tony Pagone (Australia) and Roman Seer (Germany). Walter Andreoni (Italy) acted as Secretary.

“Tax treaty regime of trust income” was the topic of Seminar C, chaired by Robert Danon (Switzerland). Panel Members were Cecilia Gunne (Sweden), Sebastian Lopez Sanson (Argentina), Carlyn McCaffrey (USA), John Prebble (New Zealand) and Joanna Wheeler (Netherlands) whilst Francisco Zamora (Mexico) acted as Secretary.

Seminar D “VAT/GST and group companies” was chaired by Andrea Parolini (Italy). The Panel was made up by Carlos Bechara (Brazil), Mariken van Hilten (Netherlands), Des Kruger (South Africa), Rebecca Millar (Australia) and Greg Sinfield (UK). Arnaldo Salvatore (Italy) was the Secretary.

Richard Vann (Australia) acted as Chair on Seminar E “IFA/OECD: Red card 17?” and Mario Tenore (Italy) as Secretary. Mary Bennett (OECD), Andrew Dawson (UK), Xavier Oberson (Switzerland), Jeffrey Owens (OECD), Michael Pfeifer (USA), Aart Roelofsen (Netherlands) and Jacques Sasseville (OECD) were the Panel Members.

“Tax havens” was the subject of Seminar F, chaired by Pasquale Pistone (Italy). Panel Members were: Eric Hess (Switzerland), Jeffrey Owens (OECD), Bill Sharp (USA) and Miranda Stewart (Australia). Natalia Quinones (Colombia) was the Secretary.

Seminar G treated “Tax indemnities in M&A and other commercial transactions”. Peter Blessing (USA) acted as Chair and Paolo Ruggiero (Italy) as Secretary. Stephan Eilers (Germany), Patrick Mears (UK), Gabriela Pellon (Mexico) and Eric Roose (Japan) were Members of the Panel.

The topic of Seminar H was “Recent developments in international taxation”, chaired by Nick Pantaleo (Canada). Panel Members were Malcolm Gammie (UK), Theo Keijzer (Netherlands) and Eric Solomon (USA). Philip Baker (UK), David Hartnett (UK, HM Revenue & Customs) and Roy Rohatgi (India) were Special Guest Panelists and Tomás Balco (Kazakhstan) acted as Secretary.

At Seminar I “International Assistance in the collection of taxes” was the theme with Liselott Kana (Chile) as Chair. Panelists were Philip Baker (UK), Ernst Czakert (Germany), Arie van Eijdsden (Netherlands) and Maria Amparo Grau Ruiz (Spain). Secretary was Lino Lunardi (Italy).

Seminar J treated “IFA/EU State Aid”. Chair was Michael Lang (Austria). The Panel Members were Tracy Kaye (USA), Raymond Luja (Netherlands), Pierpaolo Rossi-Maccanico (EC), Servaas van Thiel (Switzerland) and Carsten Zatschler (ECJ). Lisa Paterno (Austria) acted as Secretary.

Special events

The traditional Government Luncheon, also attended by the President and the Vice-Chair of the Permanent Scientific Committee, was attended by some 150 Government Officials. Mrs. Gabriella Cappelleri (Italian Tax Official) gave a presentation on “Transfer Pricing”.

For the first time at an Annual IFA Congress, a Corporate Tax Officers Luncheon took place. This luncheon, attended by the Secretary General, the General Treasurer and the Chair of the Permanent Scientific Committee was attended by some 220 Corporate Tax Officers. Speakers were P. Braccioni (Tax Director with UniCredit Group, Italy), H. Wolter (Tax Director with Lufthansa AG, Germany) and B. Ferroni (Tax Director with Ferrero SpA, Italy). IFA hopes that this is the start of a tradition to accommodate a network event for Corporate Tax Officers.

- **Branches**

At its meeting during the Rome Congress, the General Council of IFA accepted the application of new IFA Branches in Bolivia and the Dominican Republic. IFA has now 62 Branches and seven more jurisdictions have expressed their interest in establishing IFA Branches. IFA's Membership includes 12,000 in more than 100 jurisdictions.

Many IFA Branches organised conferences at local or regional level, most of which were attended by representatives of Central IFA:

- 2-3 November 2010, Trilateral UK-Netherlands-Germany conference, London (attended by Manuel Tron and Han Kogels)
- 22-23 November 2010, International Seminar on Tax Law, Rio de Janeiro, Brazil (attended by Machiel Lambooi as speaker)
- 24-25 February 2011, USA Annual meeting, Atlanta, USA (attended by Manuel Tron)
- 1-13 May 2011, 3rd Latin American Regional Tax conference, Bogota, Colombia (attended by Manuel Tron)
- 12-13 May 2011, 5th Asia/Africa Regional Conference, Flic and Flac, Mauritius (attended by Tilokchand P. Ostwal as speaker)
- 13-14 May 2011, Bilateral meeting Netherlands-Switzerland in Zurich
- 19-20 May, 2011, Canadian Annual Seminar, Toronto, Canada (attended by Manuel Tron)
- 22-23 May 2011, Bilateral meeting Mexico USA Branches, Chicago, USA (attended by Manuel Tron).

• **Executive Committee (EC)**

The EC met in Rome (28 August 2010) and in Paris (7 May 2011).

At its August 2010 meeting, the EC decided to appoint Tilokchand P. Ostwal (India) as 1st Vice President of IFA, Massimo Giaconia (Italy) as 2nd Vice President and Heleno Torres (Brazil) as 3rd Vice President. At the 2010 IFA Congress in Rome the following EC members retired from office: Jonathan Schwarz (UK) and Yukang Wang (PRC). IFA is grateful for all the work they did during their office.

The following new members of the EC were appointed: Andrés Miguel Valle Billingham (Peru), Murray Clayson (UK), Jean-Blaise Eckert (Switzerland) and Tadatsune Mizuno (Japan).

Luc de Broe (Belgium), Massimo Giaconia (Italy) and Machiel Lambooi (The Netherlands) were re-appointed for a two years term.

The Young IFA Network YIN has been asked to promote IFA through the YIN community as a means to make those Branches that do not carry out activities at Branch level or do structurally not contribute to the IFA Cahiers, more interested and active in IFA.

At its May 2011 meeting, the EC approved the financial report 2010, provided by Jos Beerepoot, General Treasurer of IFA, in which a positive result was reported. The report will be submitted to the General Council, for final approval by the General Assembly at its meeting during the 2011 Paris Congress. The EC also decided to accept the application by the UK Branch to organise the 2019 IFA Congress in London.

• **Permanent Scientific Committee (PSC)**

The PSC met in Rome (24 August 2010) and in Paris (14 and 15 January 2011).

At the 2010 IFA Congress in Rome, the following PSC members retired from office: Antonio de Abreu e Silva (Brazil), Porus Kaka (India), Gregory May (USA) and Xavier Oberson (Switzerland), Bruno Gangemi stepped down as co-opted for the 2010 Rome Congress and Peter Blessing stepped down as co-opted for the 2012 Boston Congress. IFA is grateful for the valuable contributions these PSC members and co-opted persons have made during their office.

The following new members of the PSC were appointed: Peter Blessing (USA), Mukesh Butani (India), Robert Danon (Switzerland), Ricardo Escobar (Chile), Ana Claudia Akie Utumi (Brazil) and Jin-Hyun Yoon (Republic of Korea). Gregory May (USA) and Porus Kaka (India) retired during their term, but were

appointed respectively as co-opted for the 2012 Boston Congress and co-opted for the 2014 Mumbai Congress.

Vice-Chair Wolfgang Schön (Germany) and the following PSC members were re-appointed for a two years term: Guillermo Teijeiro (Argentina), Richard Vann (Australia), Claus Staringer (Austria), Marjaana Helminen (Finland), Guglielmo Maisto (Italy), Marius van Blerck (South Africa), Ricardo Gomez (Spain) and Philip Baker (UK).

The UN representative in the PSC, Nouredine Bensouda (Morocco) has been succeeded by Armando Lara Yaffar (Mexico).

At its meetings, the PSC extensively discussed the Subjects and Seminars for the Congresses 2011-2014. Valuable contributions were made by the General Reporters, the Chairs of the Sessions, the Programme Working Group and Suat Göydeniz, the IFA Research Assistant 2010-2011.

- **Publications and website**

Volume 95a of the Cahiers 2010 (Tax treaties and tax avoidance: application of anti-avoidance provisions) includes a General Report by Stef van Weeghel (Netherlands) and 44 Branch Reports, volume 95b (Death as a taxable event and its international ramifications) counted 42 Branch Reports and an EU Report, next to the General Report by Guglielmo Maisto (Italy). Although the Cahiers together take about 1,800 pages, the General Secretariat succeeded in a cost reduction by applying more efficient printing and weight reduction.

The number of Members who prefer receiving printed Cahiers is still a majority. It has therefore been decided to make it possible for those who prefer Cahiers in digital form only to opt-out for receiving the printed version. This will be made possible as from 2012. All Cahiers will remain accessible for IFA Members through the IBFD website.

As the number of IFA Members who make use of tablets (such as i-Pad) grows, the Cahiers and other Congress documents can, also be downloaded from the IFA website in e-Pub format.

- **Young IFA Network (YIN)**

The YIN is growing and so are the YIN activities. YIN activities took place in Germany, India, The Netherlands, the USA and Russia. The traditional YIN Seminar at the IFA Congress has become an attractive session not only for YIN members. Promising initiatives like Webinars are expected to attract more young IFA Members. Through the YIN website (special part of the IFA website) the YIN Community can communicate. Around 16 to 18 Branches have organised YIN within their Branch. The YIN Committee, chaired by Kuntal Dave, approaches other IFA Branches to support them with the development of new YIN activities at local level. Central IFA is supporting these actions which may make IFA even stronger in the future.

- **IFA Prizes**

In 2011 IFA, upon proposal by the French IFA Branch, instituted the Maurice Lauré Prize, next to the Mitchell B. Caroll Prize. The Maurice Lauré Prize, named after the General Director of the French Tax Administration who introduced the VAT system for the first time (1954) in France, can be awarded to fiscalists under the age of 35 years for works devoted to international indirect tax law, comparative indirect tax law, or national indirect tax law having an important relation with indirect tax law in foreign countries.

Mitchell B. Caroll Prize

The Jury for the MBC Prize received 10 entries from Brazil (2), Germany, Austria (2), Italy, Sweden, Netherlands, United Kingdom and Colombia. We are very grateful for the time and efforts spent by the Jury members in meeting this overwhelming task. The Jury concluded to award the 2011 Prize to Jennifer. E. Farrell (UK) for her work entitled "The interface of

international trade law and taxation: Defining the role of the World Trade Organisation in the field of international taxation”.

A honorable mention was granted to the work of Jérôme Törner Monsenego (Sweden) for: “Taxation of foreign business income within the European internal market. An analysis of the conflict between the objective of achievement of the European internal market and the principles”.

Maurice Lauré Prize

The Jury for the ML Prize received 1 entry from Germany and concluded to award the 2011 Prize to Eva Oertel (Germany) for her work entitled “Die mehrwertsteuerrechtliche Behandlung des Cross-Border-Leasing im EU-Binnenmarkt: Eine vergleichende Analyse des deutschen, englischen und französischen Rechts”.

• **Contacts with international organisations**

IFA was represented at the following events:

- 4-7 April 2011, CIAT General Assembly, Quito, Ecuador (attended by Manuel Tron)
- 13 April 2011, ICC Commission on Taxation, and 14 April 2011 ABA Tax Conference, Paris, France (attended by Han Kogels)
- 7-8 July 2011, IOTA General Assembly in Nice, France (attended by Han Kogels)

The International Association of Tax Judges (IATJ) organised its first Assembly in Rome, immediately before the IFA Congress. The attendants were invited to the Welcome Reception of IFA.

• **Organisational matters**

The General Assembly of IFA approved the new Articles of Association of IFA at its meeting during the 2010 Rome Congress.

At the General Secretariat, Yvonne Riekerk left in December 2010. In May 2011 Cécile Riphagen joined the team as General Manager.

Closing remarks

We may conclude that it has been a very successful year for IFA with a memorable Congress in Rome excellently hosted by our Italian Branch. At local and regional level numerous activities were organised by our Branches. All of this would not be possible without the dedication and enthusiasm of so many Members who spend part of their precious time to contribute to IFA, for which we are most grateful. IFA has a promising agenda for the years ahead. The global economic situation may bring an extra challenge to make these plans come true, but IFA is in great shape for taking up this challenge.

September 2011
Prof. Dr. Han Kogels