

DAC6 and private wealth (HNWI)

What is the impact of DAC6 on the popular structures used by HNWI: private holding company, trusts, Stiftung, Unit-linked life insurance contract, donation of a securities portfolio, use of offshore companies, Luxembourg dedicated fund (SICAV SIF), transfer of financial assets to a foreign bank.

For each structure, what are the possible hallmarks? Who is an intermediary? What is the “first step of implementation” of the structure?

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What will be the impact of DAC6 on HNWI and their advisors?

Deterrence and detection, the two key words of DAC6

Use of private / family holding

Case study: use of a Luxembourg SOPARFI or of a Malta/Cyprus holding company

- When are cross-border arrangements which include a private/ family holding reportable: what about the transfer of shares to a holding? When could a holding benefitting from the parent-subsidiary privilege be targeted? What about a holding which pays interests / commissions / royalties / management fees to a related company which is lowly taxed? What if the holding's economic substance is weak? What about the liquidation of a company?
- What are the possible hallmarks?
- **Who is an intermediary:** the accountant of the holding? What about the employee of a fiduciary company who is director of the holding? What about a tax lawyer or a tax advisor (big four) who provides tax advice to the holding? What about the bank where the holding opened its account? What about the possible «in house» tax specialists of the holding? What about the statutory auditor? What about the family office? What about the UBO?
- **Who declares when there are several intermediaries?** Practical case study. How to avoid the risk of multiple /divergent declarations? Which precautions should be taken?
- **Retroactive implementation** to arrangements whose first step has been implemented after 25 June 2018: what about structures implemented many years ago? What about if the structure is subject to minor adaptations? What about is the adaptations are substantial?
- What does « first step » mean? Case studies

Use of trusts or foundations in the context of wealth planning /estate planning schemes

Case study: use of a trust or of a Liechtenstein Stiftung

- What are the possible hallmarks: is there a conversion of income? Is it a standardised arrangement?
- **Who is an intermediary:** the tax advisor / the financial advisor? The trustee? The board member of the Stiftung? The banker?
- **Retroactive implementation** to arrangements whose first step has been implemented after 25 June 2018: what is the “first step of implementation” of this type of structure: the drafting of the trust deed / the by-laws of the Stiftung? The transfer of assets by the settlor to the trustee / founder of the foundation?

Subscription of Swiss or Luxembourg life insurance contract

Case study: unit-linked life insurance contract, between a Luxembourg company and a Belgian resident

- Is the Luxembourg /Swiss contract subscribed by an EU resident an aggressive cross-border arrangement? Is it a cross-border arrangement? Is the insurance company a « participant »?

- **What are the possible hallmarks:** is it an “aggressive » arrangement? What are the relevant hallmarks (standardised arrangement)? Does the main advantage of the subscription consist in obtaining a tax advantage?
- **Who is an intermediary:** the insurance company? An employee (estate planner) of the company? The family office which subscribes the contract?
- Is it a standardised arrangement which is subject to periodical declaration by the insurance company?
- What is the “first step of implementation” of this type of structure?
- What about contracts subscribed before 25 June 2018? What if the contract subscribed before 25 June 2018 is modified after this date?

Donation of a securities portfolio or of shares of a family company

- **What are the possible hallmarks:** is a deed of donation a standardised arrangement? Is there a conversion of taxable income in tax exempted/less taxed income?
- **Who is an intermediary:** the tax advisor? The notary?
- What is the “first step of implementation” of this type of structure: the consultation of the wealth advisor / lawyer? The drafting of the project of the deed of donation? The signing of the deed before a notary?

Use of offshore companies (Cayman, Jersey, BVI...)

- What are the possible hallmarks?
- **Who is an intermediary:** the tax advisor? The fiduciary company? The director of the company? The family office?
- What is the “first step of implementation” of this type of structure?

Transfer of financial assets to a foreign bank

- Possible hallmarks: is it a CRS avoidance arrangement?
- **Who is an intermediary:** the tax advisor? The banker?
- What is the “first step of implementation” of this type of structure?

Dedicated funds (funds held by members of a family)

Case study: use of a Luxembourg dedicated fund (Luxembourg SICAV SIF)

- What are the possible hallmarks?
- **Who is an intermediary:** the asset manager? The lawyer? The custodian bank?
- What is the “first step of implementation” of this type of structure?

Special issues

- Which penalties can be inflicted to the advisors who would infringe the reporting obligation?
- A few tricky questions relatively to the advisors of HNWI established outside of the EU (Monaco, Switzerland...)
- Which information related to the HNWI / his wealth must be disclosed to the tax administrations?

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PRACTICAL INFORMATION

Venue

Kameha Grand Zurich
Dufaux-Strasse 1, Zurich

How to register

by phone: +41 (0) 22 849 01 11
by fax: +41 (0) 22 849 01 10
by e-mail: info@academyfinance.ch
by post: Academy & Finance SA
PO Box 6069, CH-1211 Geneva 6
www.academyfinance.ch

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620 CHF (+ VAT 7.7%)
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Payment is made by bank transfer or by credit card. Credit card payments will be debited immediately upon receipt of card details. In any case, we will send you an invoice by email.

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Substitutions from the same company are accepted at any time. Cancellation requests must be received in writing, by fax or by post up to the following dates end of business :

- 4 November 2020 refund of 100%
- 18 November 2020 refund 30%
- after 18 November no refund will be made for cancellation.

REGISTRATION FORM

I register for the seminar «DAC6 and private wealth (HNWI)» in Zurich on wednesday 2 December 2020.

I am member of the association:

FIRST PARTICIPANT

Full name.....
Position.....
E-mail.....

SECOND PARTICIPANT (-50%)

Full name.....
Position.....
E-mail.....
Company.....
Address.....
Postcode..... City.....
Tel Fax.....

Person to which the invoice must be sent for payment:

Name..... Email.....
Bank transfer Mastercard VISA AMEX
Credit card No : ____/____/____/____ Expiry date : ____/____
Cardholder.....
Address of AMEX cardholder
Date Signature.....

The organisers reserve the right to amend the programme if, despite their best efforts, circumstances oblige them to do so.

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