



Institut Luxembourgeois  
des Administrateurs

“The new legal & regulatory framework for  
tax crimes”  
*“Living in a tax transparent world”*

29 May 2018

# “Tax crime - *Living in a tax transparent world*”

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## Course outline

In a globalised economy, the financial sector is increasingly exposed to the risks of tax evasion, tax avoidance and tax fraud. In an effort to prevent and minimize respective tax related risks, the OECD launched over the past 4 years different tax driven initiatives, notably the Common Reporting Standard (hereafter “CRS”) as well as the Base Erosion Profit Shifting (hereafter “BEPS”).

With the introduction of CRS, the OECD developed a single and harmonised standard for the automatic exchange of financial information for tax purposes. Under CRS, Luxembourg Financial Institutions shall send to the Luxembourg Tax Authorities (hereafter “LTA”) personal data and financial information related to clients (individuals or entities), tax residence in another EU Member State or certain Non-EU Participating Jurisdictions. The LTA shall then provide this information to the relevant tax administrations in the client’s residence country. The financial information covers both income (interest, dividends and other income) as well as account balances and sales proceeds from financial assets.

With BEPS, a political agreement was reached and an action plan defined, in order to tackle strategies used by multinationals, exploiting gaps and mismatches in tax rules to artificially shift profits to low or no-tax locations where there is little or no economic activity. BEPS actions concentrate for instance on transparency (in relation with rulings/advance tax agreements), patent boxes regimes, qualifying tax evasion and substantial activity.

Eventually, following the BEPS initiatives launched by the OECD, new rules against tax avoidance practices have been agreed on at the EU level. The Anti-Tax-Avoidance Directives 1 and 2 (“ATAD”) have indeed been adopted in July 2016 and February 2017. All member states, including Luxembourg, have now until 31st December 2019 to implement the provisions of the ATAD in their domestic legislations.

The threats associated with money laundering and terrorist financing are constantly evolving. In May 2015, the Anti-Money Laundering Package, also known as 4th Anti-Money Laundering Directive, has been adopted by the Union and the EU Member States committed to implement the actions swiftly and preferably in advance of the agreed deadline.

The EC adopted on 5th July 2016 Action Plan against terrorist financing in order to amend the current framework of the Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and amending Directive 2009/101/EC. In line with the international context and evolution towards an international tax transparency, the Law of 23 December 2016 implementing the 2017 tax reform is, among others, extending the money laundering offence to tax crimes related to direct and indirect taxes.

## Course highlights

The main features of the program are:

- Evolution of the regulatory and legal framework from an international and national perspective
- Introduction to Tax crime as a predicate offence of money laundering
- Defining key tax structuring concepts as to identify potential tax risks
- How should professionals ensure to increase their comfort as to their client's tax compliance

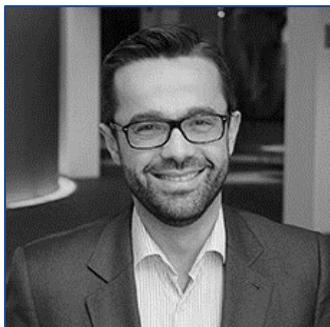
## Benefits of the program

The course shall provide you with an overview of the evolving regulatory and legal framework, in particular with regards to tax crime. The course shall allow you to gain a broad understanding of major elements that may trigger, hence increase risks related to tax crime.

## Target audience

FSI

## Our experts



### **Pierre-Jean ESTAGERIE**

Pierre-Jean is a Partner at Deloitte in the Global Employer Services department and has 10 years of experience in advising employers in a national and international context. He mainly specializes in executive reward and compensation, international mobility, social security matters as well as advice to High Net Worth Individuals. Pierre-Jean writes press articles and is a regular conference speaker on reward and compensation matters.



### **Sacha THILL**

Sacha is a Manager at Deloitte in the Global Employer Services department. He started his career as an analyst in September of 2013. During his journey at Deloitte Sacha has gained extensive knowhow on remuneration and tax compliance with regards to legal requirements under CRR, AML, UCITS, AIFMD, Mifid, etc.

As of today, Sacha leads the Compensation & Rewards and the regulatory services offered within the Human Capital Department in Deloitte Luxembourg and supports Deloitte's internal audit team for

Remuneration and tax compliant interventions.

Sacha demonstrates great interpersonal skills, speaks 5 languages (Luxembourgish, English, German, Greek, French) and has a great understanding of different cultural needs within different environments due to his involvement within a political party.



### **Pascal Noël**

Pascal is a tax adviser at A' Ventura-agence. Pascal was previously a tax partner with Deloitte Luxembourg where he started his career as auditor in 1986. After becoming qualified as Réviseur d'Entreprises and Expert Comptable, Pascal decided to specialise in taxation and became Tax partner in 2001, heading up the financial services industry tax practice.

Pascal areas of expertise are mainly Luxembourg direct taxation, international taxation and operational taxes (withholding taxes on financial income, capital gain taxation, exchange of tax information (EU Savings

Directive, FATCA, CRS...))

Pascal is also assisting Monaco financial institution in complying with new international tax requirements. (FATCA, CRS...)

Pascal holds a master in Economics from the university Louis Pasteur of Stasbourg and speaks fluent French, English and German.

# Programme

<b>8.45</b>	<i>Registration &amp; welcome coffee</i>
<b>9.00</b>	<ul style="list-style-type: none"> <li>▪ Evolution of the regulatory and legal framework from an international and national perspective</li> <li>▪ Introduction to Tax crime as a predicate offence of money laundering</li> <li>▪ Defining key tax structuring concepts as to identify potential tax risks</li> <li>▪ How should professionals ensure to increase their comfort as to their client's tax compliance</li> </ul>
<b>10.40</b>	<b>Q&amp;A</b>
<b>11.00</b>	<i>Closing of the course</i>

# Practical Information

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## DATE AND TIME

Tuesday 29 May 2018  
From 08:45AM to 11:00AM

## VENUE

Chambre de Commerce  
7, rue Alcide de Gasperi  
L-2981 Luxembourg  
(Parking available at your own expense)

## REGISTRATION FEES

- 215.00€ for ILA members (+ VAT 3%)
- 275.00€ for non-members (+ VAT 3%).

The fee covers tuition, handouts, coffee break and lunch.

ILA is authorized as a provider of continuing vocational training by the Ministry of Education (agreement dated 11 October 2011). Fees are eligible for State co-financing.

## LANGUAGE

The course is conducted in English.

## REGISTRATION

Registration available online via [www.ila.lu](http://www.ila.lu). A confirmation email will be sent to the participant together with the invoice.

## PAYMENT

Payment of the invoice is due upon receipt.

## CANCELLATION POLICY

Any cancellation should be communicated in writing to [v.vansaen@ila.lu](mailto:v.vansaen@ila.lu).

In case of cancellation received less than 5 working days prior to the event, 100% fee remains due.

Substitution of one participant by another is possible. It should be done in writing at least 2 working days prior to the event.

## CERTIFICATE OF PARTICIPATION

A certificate of participation will be provided to participants who have fully attended the course.

## CPD INFORMATION

CPD Program for ILA Certified Directors accredited: 2 hours

## CONFIDENTIALITY AGREEMENT

All ILA courses are conducted under the Chatham House Rules (confidentiality of discussions). Trainers & participants must respect the confidential nature of discussions that take place during the sessions.

*ILA reserves the rights to use photographs that may be taken during the event for its communication, and to publish them on its website/social networks and/or promotional material.*