

**PUBLIC CONSULTATION MEETING ON THE FOLLOW UP WORK ON  
BEPS ACTION 6 (PREVENTING TREATY ABUSE)**

to be held in room CC1 at the OECD Conference Centre on 22 January 2015

**FINAL AGENDA**

- 09:00 – 09:30     **Registration**
- 09:30 – 09:40     **Introduction and consultation procedure**  
Andrew Dawson, Chair of Working Party 1 on Tax Conventions and Related Questions
- 09:40 – 09:50     **General presentation of Action 6 and the discussion draft on Follow Up Work on BEPS  
Action 6 (Preventing Treaty Abuse)**  
Jacques Sasseville, OECD, Head of the Tax Treaties Unit
- 09:50 – 10:00     **General comments from BIAC**  
Will Morris, BIAC
- 10:00 – 10:15     **Comments not related to issues referred to in the discussion draft**  
Speaker (10 minutes max.):  
*Francis WEYZIG, BEPS Monitoring Group*  
Questions and interventions

***Issues related to the LOB provision***

- 10:15 – 11:30     **Issue 1: Collective investment vehicles: application of the LOB and treaty entitlement**  
**Issue 2: Non-CIV funds: application of the LOB and treaty entitlement**  
Speakers (10 minutes max.):  
*Keith LAWSON, ICI Global*  
*Keith O'DONNELL, Association of the Luxembourg Fund Industry*  
*Harris HOROWITZ, BlackRock*  
*Paul HALE, Alternative Investment Management Association*  
*David NICOLSON, BVCA*  
*Malcolm RICHARDSON, M&G Group*  
Questions and interventions
- 11:30 – 12:00     Break
- 12:00 – 13:00     **Issues 1 and 2 (continued)**
- 13:00 – 14:00     Lunch
- 14:00 – 15:15     **Issue 3: Commentary on the discretionary relief provision of the LOB rule**  
**Issue 4: Alternative LOB provisions for EU countries**  
**Issue 5: Requirement that each intermediate owner be a resident of either Contracting  
State**



- Issue 6: Issues related to the derivative benefits provision**
- Issue 7: Provisions dealing with “dual-listed company arrangements”**
- Issue 8: Timing issues related to the various provisions of the LOB rule**
- Issue 9: Conditions for the application of the provision on publicly-listed entities**
- Issue 10: Clarification of the “active business” provision**

Speakers (10 minutes max.):

*Mary BENNETT, IAPT*

*Peter CUSSONS, PwC*

Questions and interventions

#### *Issues related to the PPT rule*

- 15:15 – 16:15 **Issue 11: Application of the PPT rule where benefits are obtained under different treaties**
- Issue 12: Inclusion in the Commentary of the suggestion that countries consider establishing some form of administrative process ensuring that the PPT is only applied after approval at a senior level**
- Issue 13: Whether the application of the PPT rule should be excluded from the issues with respect to which the arbitration provision of paragraph 5 of Article 25 is applicable**
- Issue 14: Aligning the parts of the Commentary on the PPT rule and the Commentary on the LOB discretionary relief provision that deal with the principal purposes test**
- Issue 15: Whether some form of discretionary relief should be provided under the PPT rule**
- Issue 16: Drafting of the alternative “conduit-PPT rule”**
- Issue 17: List of examples in the Commentary on the PPT rule**

Questions and interventions

16:15 – 16:45 Break

#### *Other issues*

- 16:45 – 17:15 **Issue 18: Application of the new treaty tie-breaker rule**
- Issue 19: The design and drafting of the rule applicable to permanent establishments located in third States**
- Issue 20: Proposed Commentary on the interaction between tax treaties and domestic anti-abuse rules**

Questions and interventions

- 17:15 – 17:30 **Closing remarks**  
Marlies de Ruiters, OECD, Head of the Tax Treaty, Transfer Pricing & Financial Transactions Division