



ITR Asia Tax Executives' Forum 2011 Dispute Resolution Panel: Turning a Contentious Tax Issue into a Success

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Panellists

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Interactive Discussion

1. Objectives
2. Significant issues
3. Resolving disputes
4. Summary



Objectives

- ❖ Identify various issues from a tax and administrative perspective with regard to the dispute resolution mechanism
- ❖ Seek inputs from firms in various jurisdictions on the issues identified
- ❖ Identify ideas to mitigate tax disputes

Significant issues

- ❖ Major tax disputes witnessed in the region
- ❖ Outlook of revenue authorities for offshore and cross border deal taxation
- ❖ Forms of dispute resolution mechanisms available
- ❖ Administrative versus tax treaty related resolution
- ❖ Viability of joint audits – Asian experience
- ❖ Admissibility of expert witness / evidence
- ❖ Substance over form approach – India, China, Korea experience



Resolving disputes

- ❖ Forms of alternate dispute resolution mechanism
- ❖ Resort to conciliation as means of settlement of disputes
- ❖ Reference of international tax disputes to arbitration
- ❖ Efforts required for making Mutual Agreement Procedure (MAP) more effective
- ❖ Exposure of Asian Economies with MAP

Taxand's Take

- ❖ Lessons from key cases in the region – India, China, Korea
- ❖ Permanent Establishment and Transfer Pricing assume centre stage
- ❖ Out of box thoughts for mitigating tax disputes





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