



To trust or not to trust: Opportunities and risks in International Estate Planning

This Working session will analyze both opportunities and problems connected with international estate planning structures established by private clients, both from a legal and tax perspective. We will particularly focus on a comparative analysis of different legal systems in terms of estate planning instruments available, with particular attention on trusts, as well as in terms of legal/public policy limitations to an effective estate planning scheme. We will also discuss conflict of laws and jurisdiction issues and harmonization issues. Related to tax, presumed tax avoidance that might be invoked in relation to trusts and foundations will be analyzed, as well as the tax authorities' reply to that. The clear and apparent differences that exist in the possibility to make use of trusts from a legal perspective in comparison to a tax perspective will be closely analyzed and commented by the various national reporters which will include both civil law as common law countries.

General reporters :

- For PCC Christian Montana
- For TLC Gerd D Goyvaerts

Program - Wednesday, August 22, 2007 - 2,00 PM to 5,00 PM
Hyatt (room University W)

- 2.00 PM Coffee from lunch
- 2,00 PM: Opening, Welcome and Introduction by the Presidents of the Private Clients Commission and the Tax Law Commission, Agnès Proton (France) and Michiel Groenland (the Netherlands).
- 2,15 PM: Panel discussion

"Estate planning in trust and non-trust countries: opportunities, risks, tax implications"

Chair: Gerd D Goyvaerts (Belgium) and Christian Montana (Italy)

Panelists for PCC & TLC : Ryan Myint (UK), Jean Louis Collart & Nicole Fragnière (Switzerland), Patrick Claude Caron (Quebec – Canada), Daniel R. Tschikof (Liechtenstein), Gretel Ciniglio (Panama), Ville Salonen (Finland), Elina Girne-Berzina (Baltic States), Guillermo Nudenberg (Argentina), Alain Goebel & Aldwin Dekkers (Luxembourg), Alessandra Tarissi & Ottorino Licci (Italy), Pedro Ramirez Mota Velazco (Mexico), Kenneth Aneckstein (USA), Paulo Rêfega (Portugal), Manuel Barrios (Peru), Paulo Shigueri Yamaguchi (Brazil), Justyna Szpara (Poland)

Some panelists in this session will participate to the discussion from the audience, others will participate from the "panel" itself. It is not intended to have all these panelists in the "genuine" panel" since this would not be possible from an organizational point of view.

- 3,30 PM: Presentation

“International Trusts as Vehicles for Asset Protection Structures”

Stefan R. Seuss J.D., LL.M., Rechtsanwalt

- 4,00 PM: Case Study

Chair: Gerd D Goyvaerts (Belgium) and Christian Montana (Italy)

Panelists: Stefan R. Seuss (USA), Ryan Myint (UK), Patrick Claude Caron (Quebec – Canada), Daniel R. Tschikof (Liechtenstein), Gretel Ciniglio (Panama), Kenneth Aneckstein (USA)

Active participation to the case study by the audience and the remaining panelists of the previous panel is applauded.

- 5,00 : End & Coffee & cakes