

What is *acceptable* tax planning nowadays? - The adviser's view

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Health Warning

- The following presentation is given on the premise that tax planning actually is / can be / should be categorised as either *acceptable* or *non-acceptable*
- This premise will be up for further debate (but not in this presentation)



The adviser's commitment to the client

- advising clients to achieve the best possible results in a given framework
- if there should be an „acceptable / non-acceptable“ test for tax planning, it will be part of such framework



A (new) job profile for advisers

- tax advisers are not only tax technicians / magicians
- but have to assume a more comprehensive role
 - evaluate not only how the tax planning is working, but also how it is perceived
 - understand client's business
 - identify non-tax impact of advice
 - protect client's reputation
 - promote client's relationship with tax administration
 - measure success of tax planning longterm
- how does all this influence the client's choice of advisers?



Adviser / tax authority relationship

- The adviser is engaged only by the client
- no double agent - no dual loyalty
 - a good working relationship with tax authorities must never compromise the loyalty to clients
 - but: be careful in client acceptance
- no point in „blacklisting“ advisers
 - could have disastrous effects on adviser's (and clients) reputation
 - error-prone
 - based on a misconception of adviser's role
 - tax planning is not equal to drug trafficking
 - it rather protects a fundamental right of the client



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