

**Taxation Seminars:  
UBS' 4 bn € fine - A political judgment in Paris against United Bank of Switzerland?**

Programme

Friday 20 March from 5:00 to 8:00 pm  
London School of Economics — Department of Law  
Moot Court Room, New Academic Building, 7th Floor  
54 Lincoln's Inn Fields, WC2A 3LJ, London

On 20 February 2019 the Paris Tribunal de Grande Instance found United Bank of Switzerland (UBS) guilty of unlawful customer acquisition and money laundering in connection with income from tax fraud by French customers in the period between 2004 and 2012. Following the prosecutor, the court imposed an unprecedented fine of EUR 3.7 billion and damages of EUR 800 million. UBS has referred the case to the Paris Court of Appeal. Under French law, an appeal has suspensive effect and there will be a full retrial before the Court of Appeal.

The question arises whether the judgment disregards that at the relevant time Swiss banking secrecy was recognized under the 2005 bilateral Taxation of Savings Agreement with the EU. In accordance with this treaty, Swiss banks levied a withholding tax to the benefit of the countries of residence of their international customers. During that time, banking secrecy was also recognized in Austria, Belgium and Luxembourg under the EU Savings Tax Directive 2003/48/EC. Bilateral agreements of the Switzerland-EU type were moreover concluded between the EU on the one hand and Andorra, Liechtenstein, Monaco and San Marino on the other.

UBS has consistently denied any criminal misconduct, both throughout the investigation and during the trial. The bank argues that there is no concrete evidence of any wrongdoing. Instead, the verdict is based on unproven allegations by former employees who were not even heard at the trial. The bank furthermore disputes the calculation of the fine and of the damages.

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| 17.00 Introduction  | Pablo Ibáñez Colomo, LSE  |
| 17.05 The case  | Markus Kaempf, University of St. Gallen                                       |
| 17.25 A view from France - Part 1   | Romane Giet (France), LLM candidate, LSE                                      |
| 17:45 A view from France – Part 2   | Amélie Champsaur, Cleary Gottlieb Steen & Hamilton<br>LLP, France (via Skype) |
| 18.05 Break   |   |
| 18.20 Savings Taxation Directive 2003/48/EC<br>and the bilateral agreement EU-Switzerland | Carl Baudenbacher, LSE  |
| 18.40 Intercontinental Panel of LLM Students  |   |
| 18:40- 18:50  | Antimo Osato (Africa), LLM candidate, LSE                                     |
| 18:50-19:00   | Vora Aditya (Asia), LLM candidate, LSE  |
| 19:00–19:10   | T. Mitropoulos (Europe), LLM candidate, LSE                                   |
| Q&A   |   |
| 19:10 – 19:30   |   |
| 19.30 Concluding Remarks  | Eduardo Baistrocchi, Ian Roxan, LSE   |

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