

**A LAW**

01 Compare and contrast the supervisory legislation for charitable foundations and trusts in Switzerland, Liechtenstein and a common law jurisdiction and the rights and duties of the supervisory authorities and trustees or members of the foundation board.

02 Compare and contrast the relative merits for using a common law trust as a tax and estate planning vehicle as opposed to a Swiss or Liechtenstein family foundation for a family resident either within or outside of Switzerland or Liechtenstein.

03 Analyze the information rights of beneficiaries of a common law trust and the possibility to enforce them at Court in Switzerland. Compare these rights with the information rights of beneficiaries of a Liechtenstein foundation and their enforcement possibilities in Liechtenstein.

**B ACCOUNTS AND ADMINISTRATION**

01 Comment upon the requirements for minuting trustee meetings and the decisions taken with particular reference to beneficiaries' and the protectors' rights to disclosure of information. Reference to statute and case law should be included.

02 Consider the accounting treatment of income and capital interests and problems that can arise in accounting fairly for both interests by reference in particular to special dividends, windfalls and share issues in place of dividends.

03 Consider the responsibilities of the trustees with respect to investment policies and the extent of involvement of beneficiaries and protectors into the decisions on investments. Consider whether trustees are required to alter investments which were settled originally by the settlor into trust, in particular an investment into a family business.

**C TAXATION**

01 Compare the fiscal regime for common law trusts in three continental European "onshore" jurisdictions. Analyze the consequences for settlors or beneficiaries domiciled in these countries.

02 Discuss how Article 26 of the OECD model for double taxation agreements treats trusts, in particular potential beneficiaries in an irrevocable discretionary trust, and how it impacts on bank-client confidentiality, as set down in Art. 47 of the Swiss Banking Act of 1934 (respectively in Art. 14 of the Liechtenstein Banking Act of 1992).

03 Discuss the taxation of trusts, settlors and beneficiaries by Switzerland. The analysis should include the planning options for foreigners (professionals or pensioners) moving to Switzerland.

**D INTERNATIONAL ISSUES**

01 Comment upon the significance of and the effect of the proper law of a foreign trust and how this is determined in Switzerland. Discuss possible conflicts of law after the settlor's death if the trust's beneficiaries live abroad and the trust assets are situated in Switzerland. Consider jurisdiction for a dispute in Switzerland.

02 Discuss the matters to be considered when advising a testator with multi-jurisdictional assets in both common law and civil law jurisdictions.

03 Discuss and explain the concept of sham in relation to offshore trusts and offshore foundations. Include reference to how such a situation can arise and how, in practical terms, it can best be avoided.