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**IMPLEMENTING THE REVISED
PARENT SUBSIDIARY
DIRECTIVE ACROSS THE EU**

IMPLEMENTING THE REVISED PARENT SUBSIDIARY DIRECTIVE ACROSS THE EU

A striking example of the EU's efforts to accelerate the implementation of anti-base erosion and profit shifting (BEPS) measures is the amended Parent Subsidiary Directive (PSD). Originally designed to prevent economic double taxation of profits distributed within an EU corporate, the PSD is now also being deployed to counter undesired tax planning within the EU by requiring member states to implement in their domestic laws by 31 December 2015 both a general anti-abuse provision (AAP) and a specific anti-hybrid rule. The amendments raise important implementation questions which could result in domestic tax laws varying considerably. Enough reason for making a comparison of the legislative changes and proposals implementing the amendments to the PSD in major EU member states, and Switzerland.

What is the PSD about? The aim of the PSD is to remove economic double taxation of profits realised by an EU subs with an EU parent by requiring (i) the member state of the sub to fully exempt distributions by the sub from withholding tax and (ii) the member state of the parent to eliminate double taxation of the underlying profits distributed by the sub at the level of the EU parent by means of an exemption or credit. The PSD applies in respect of parents holding at least 10% of the share capital of or voting rights in the sub, although many member states apply a lower threshold.

What does the AAP do? Under the AAP, member states may not grant PSD benefits to arrangements that (i) are not genuine (the objective test) and (ii) have been put in place for the purpose of obtaining a tax advantage that defeats the object or purpose of the PSD (the subjective test).

And the anti-hybrid rule? The anti-hybrid rule aims to tackle deduction/non-inclusion mismatches resulting from hybrid instruments issued by an EU sub to its EU parent. The rule requires the member state of the parent to tax payments received on hybrid instruments to the extent those payments are deductible by an EU sub.

Will these changes create uniform anti-abuse legislation within the EU? The simple answer is no. First, the scope of the PSD is limited to certain payments within EU groups. There are of course plenty of situations that fall outside this scope including, in the view of a number of member states, intra-group structures using transfer pricing mismatches. Second, a quick tour through member states shows that the implementation of the amended PSD is likely to vary considerably and will require further

clarification in case law. Many member states, including France, Germany and Italy, hold the view that the AAP requires no changes to their domestic laws because their existing anti-avoidance rules suffice. The scope and application of these existing domestic rules will inherently differ. These differences are expressly allowed by the PSD as long as these existing rules meet the minimum anti-abuse standard set by the AAP and otherwise comply with EU law (e.g., the fundamental EU treaty freedoms). Another example is the Dutch government's view that the amended PSD does not require them to implement an AAP in the Dutch participation exemption is based on a rather unusual statement by the European Commission in an Annex to the amended PSD proposal. Further, while most member states apply the anti-abuse rules also in respect of non-EU subs and shareholders, Luxembourg has opted to only apply the anti-abuse rule to EU subs and EU shareholders.

The Goldilocks zone. Where the fundamental EU treaty freedoms as applied by the European Court of Justice (ECJ) have put a limit on the application of domestic anti-abuse rules to cross-border activities within the EU, the amended PSD now also sets a minimum standard. The European Commission and the ECJ are likely to play a crucial role in defining the Goldilocks zone in between. On the one hand the European Commission could take enforcement action against "conduit friendly" member states on the basis that they have not properly implemented the PSD in their domestic laws or have been too lenient in enforcing these laws. On the other hand the ECJ will likely be faced with questions on whether domestic anti-abuse rules that aim to implement the PSD are not overreaching in the sense that they violate fundamental EU treaty freedoms.

What about Switzerland? Obviously, the PSD does not directly apply to Switzerland. However, the EU-Swiss Savings Agreement provides for a withholding tax exemption for dividends paid by subsidiaries resident within the EU to Swiss parents and vice versa. This exemption is based on the first version of the PSD from 1990 which uses a 25% threshold rather than the current PSD threshold of 10%. The Savings Agreement does not provide for elimination of economic double taxation by the country of the parent. The amendments to the PSD will not automatically amend the provisions set out in the Savings Agreement because this requires an official amendment of the Savings Agreement. The EU and Switzerland agreed on amendments to the Savings Agreement on 27 May 2015, implementing the OECD Common Reporting Standards, but no amendments equivalent to the PSD amendments as described above were made.

	Question	France	Germany	Italy
ANTI-HYBRID	<i>Main changes?</i>	<ul style="list-style-type: none"> No changes proposed. Receipts on hybrids already excluded from the participation exemption since 1 January 2015 	<ul style="list-style-type: none"> No changes proposed. Receipts on hybrids already excluded from the participation exemption since 1 January 2014 	<ul style="list-style-type: none"> No changes proposed. Receipts on hybrids already excluded from the participation exemption since 1 January 2004
	<i>How will capital gains on hybrids be treated?</i>	<ul style="list-style-type: none"> Gains (including forex gains) on qualifying hybrids continue to the exempt subject to a 12% recapture. The exemption may be challenged under the abuse of law theory Treatment of the accrued coupon depends on the characterisation of the hybrid instrument under French tax law 	<ul style="list-style-type: none"> 95% of gains (including forex gains and payment for an accrued coupon) on qualifying hybrids continue to be exempt If the hybrid is sold with accrued coupon to a German company and the coupon is paid after the sale, the payment is tax-neutral to the extent it does not exceed the purchase price 	<ul style="list-style-type: none"> No changes proposed. Capital gains on hybrids already excluded from the participation exemption since 1 January 2004 If hybrid is sold with accrued coupon to an Italian company and the coupon is paid after the sale, the receipt is taxed only if it is booked as a revenue in the financial statements of the recipient
	<i>Specific scope items?</i>	<ul style="list-style-type: none"> <u>In-scope (not exempt)</u>: (i) instruments qualifying as debt in the foreign jurisdiction and (ii) instruments qualifying as equity in the foreign jurisdiction but allowing a tax deduction on dividends paid. Payments are captured to the extent deductible from the taxable profits of 	<ul style="list-style-type: none"> <u>In-scope (not exempt)</u>: payments on instruments that for German tax purposes qualify as equity but have decreased the debtor's income, like Brazilian interest on equity and transfer pricing mismatches <u>Out-of-scope (exempt)</u>: based on the wording of the law, payment is not 	<ul style="list-style-type: none"> No guidance on specific items. Payments are captured to the extent they would be deductible from the taxable profits of the issuer had it been an Italian resident issuer

	Question	France	Germany	Italy
ANTI-HYBRID		the issuer. In practice, the company can prove by any means that the payments were not deducted from the taxable profits of the issuers	actually deductible due to specific or generic limitations on interest deduction	
	<i>Will the rules also apply to indirect subs and sisters?</i>	<ul style="list-style-type: none"> No. Subject to abuse of law theory 	<ul style="list-style-type: none"> Yes. Hybrids issued by other related entities that would otherwise be eligible for the participation exemption are captured as well 	<ul style="list-style-type: none"> No
	<i>Geographical scope?</i>	<ul style="list-style-type: none"> Rules apply in respect of both EU and non-EU issuers of hybrids 	<ul style="list-style-type: none"> Rules apply to both EU and non-EU issuers of hybrids 	<ul style="list-style-type: none"> Rules apply to both EU and non-EU issuers of hybrids
	<i>Grandfathering?</i>	<ul style="list-style-type: none"> No 	<ul style="list-style-type: none"> No 	<ul style="list-style-type: none"> No

	Question	Ireland	Luxembourg	Netherlands
ANTI-HYBRID	<i>Main changes?</i>	<ul style="list-style-type: none"> No changes proposed. Ireland applies a credit regime in respect of income from shares or other rights but excluding income from debt instruments. Income deemed to be income from shares under the laws of the EU member state of the issuer also qualifies for credit relief 	<ul style="list-style-type: none"> Receipts on hybrids excluded from the participation exemption 	<ul style="list-style-type: none"> Receipts on hybrids excluded from the participation exemption

	Question	Ireland	Luxembourg	Netherlands
ANTI-HYBRID	<i>How will capital gains on hybrids be treated?</i>	<ul style="list-style-type: none"> No changes proposed. The substantial shareholding exemption from Irish capital gains tax applies to the disposal of ordinary shares or assets related to ordinary shares, such as options or securities related to, or convertible into, ordinary shares. The disposal of a hybrid instrument could, depending on its terms, be subject to Irish capital gains tax 	<ul style="list-style-type: none"> Gains on disposal of hybrids (including arising from accrued coupon) and forex gains continue to be exempt 	<ul style="list-style-type: none"> Gains on disposal of hybrids (including arising from accrued coupon) and forex gains continue to be exempt If a Dutch corporate taxpayer acquires a hybrid together with accrued coupon, it will be taxed upon subsequent receipt of this coupon
	<i>Specific scope items?</i>	<ul style="list-style-type: none"> Not applicable 	<ul style="list-style-type: none"> <u>In-scope (not exempt)</u>: (i) payments on hybrids are likely to be covered, even if they are not actually deductible due to generic or specific limitations on interest deduction in the source country, (ii) substitute payments for accrued coupon <u>Out-of-scope (exempt)</u>: (i) transfer pricing mismatches and (ii) Belgian notional interest deduction 	<ul style="list-style-type: none"> <u>In-scope (not exempt)</u>: (i) payments on hybrids are covered, even if they are not actually deductible due to generic or specific limitations on interest deduction in the source country, (ii) corporate allowances, like Brazilian corporate allowance and (iii) substitute payments for accrued coupon <u>Out-of-scope (exempt)</u>: (i) transfer pricing mismatches and (ii) Belgian notional interest deduction

	Question	Ireland	Luxembourg	Netherlands
ANTI-HYBRID	<i>Will the rules also apply to indirect subs and sisters?</i>	<ul style="list-style-type: none"> Foreign tax credits and exemption from capital gains tax is available in respect of direct and indirect substantial shareholdings subject to conditions 	<ul style="list-style-type: none"> Not relevant. Luxembourg only applies the participation exemption to receipts from direct subs 	<ul style="list-style-type: none"> Yes. Hybrids issued by other related entities that would otherwise be eligible for the participation exemption are captured as well
	<i>Geographical scope?</i>	<ul style="list-style-type: none"> Current foreign tax credit and capital gains tax exemption rules apply to subs resident within EU (but not in Ireland) and countries with which Ireland has a tax treaty 	<ul style="list-style-type: none"> Rules only apply to EU issuers 	<ul style="list-style-type: none"> Rules apply to both EU and non-EU issuers
	<i>Grandfathering?</i>	<ul style="list-style-type: none"> No 	<ul style="list-style-type: none"> No 	<ul style="list-style-type: none"> No. Coupon that accrued before 1 January 2016 will also be taxed if received afterwards
	Question	Spain	Switzerland	United Kingdom
ANTI-HYBRID	<i>Main changes?</i>	<ul style="list-style-type: none"> New definition for debt/equity instruments No further changes proposed. Receipts on hybrids already excluded from the participation exemption since 1 January 2015 	<ul style="list-style-type: none"> No changes proposed. Receipts on hybrids have been excluded from the domestic participation exemption since 1995. The domestic anti-hybrid rule applies 	<ul style="list-style-type: none"> No changes proposed. Receipts on hybrids have been excluded from the participation exemption since 1 July 2009. Anti-hybrid rules have been in effect for taxpayers since 2005

	Question	Spain	Switzerland	United Kingdom
	<i>How will capital gains on hybrids be treated?</i>	<ul style="list-style-type: none"> Interest on intra-group profit participating loans is not deductible by Spanish debtors Gains on qualifying hybrids continue to be exempt 	<ul style="list-style-type: none"> to both domestic and cross-border situations The domestic anti-hybrid rule only applies to dividends and not to capital gains 	<ul style="list-style-type: none"> Generally taxed as income but taxed as capital gains in certain instances (in both cases at the prevailing corporation tax rate)
ANTI-HYBRID	<i>Specific scope items?</i>	<ul style="list-style-type: none"> <u>In-scope (not exempt)</u>: corporate allowances, like Brazilian corporate allowance <u>Out-of-scope (exempt)</u>: (i) Belgian notional interest deduction and (ii) payments not actually deductible due to specific or generic limitations on interest deduction 	<ul style="list-style-type: none"> Payments which are deductible at the level of the sub do not qualify for the participation exemption at the level of the Swiss parent 	<ul style="list-style-type: none"> <u>In-scope (not exempt)</u>: <ul style="list-style-type: none"> UK taxed recipient: payments which are deductible by the issuer; UK taxed issuer: payments pursuant to schemes the main purpose, or one of the main purposes, of which is to achieve a UK tax advantage
	<i>Will the rules also apply to indirect subs and sisters?</i>	<ul style="list-style-type: none"> Not directly applicable. Spain only applies participation exemption to receipts from direct subs 	<ul style="list-style-type: none"> No. Anti-hybrid rules only apply to direct subs 	<ul style="list-style-type: none"> Yes
	<i>Geographical scope?</i>	<ul style="list-style-type: none"> Rules apply to both EU and non-EU issuers of hybrids 	<ul style="list-style-type: none"> Rules apply to both EU and non-EU issuers of hybrids 	<ul style="list-style-type: none"> Rules apply to both EU and non-EU issuers of hybrids

	Question	Spain	Switzerland	United Kingdom
ANTI-HYBRID	<i>Grandfathering?</i>	<ul style="list-style-type: none">Limited grandfathering, meaning that interest accrued after 1 January 2015 from profit participating loans granted before 20 June 2014 continue to be deductible	<ul style="list-style-type: none">No	<ul style="list-style-type: none">No

	Question	France	Germany	Italy
AAP	<i>Main changes?</i>	<ul style="list-style-type: none"> • <u>Inbound (shares held by a non-French entity in a French sub)</u>: no changes proposed. A general anti-abuse rule (<i>French GAAR</i>) for EU parents already exists. The Amended Finance Bill for 2015 replaces this French GAAR with a rule that follows the exact wording of the AAP in the PSD • <u>Outbound (shares held by a French entity in a non-French sub)</u>: no changes proposed. Specific anti-abuse rules (<i>French SAAR</i>) for receipts from non-cooperative states and hybrids already exist. The Amended Finance Bill for 2015 implements the AAP set out in the PSD (see above). Application of the participation exemption could also be challenged based on general abuse of law rules 	<ul style="list-style-type: none"> • <u>Inbound / outbound</u>: no changes proposed. A GAAR already exists • <u>Inbound</u>: in addition, a specific and heavy substance test already applies for dividend withholding tax relief 	<ul style="list-style-type: none"> • <u>Inbound / outbound</u>: no changes proposed. A general anti-abuse rule ("<i>Italian GAAR</i>") has been effective since 1 October 2015 • <u>Inbound</u>: in addition, a specific and heavy substance test already applies for dividend withholding tax relief
	<i>Will the AAP only apply to distributions?</i>	<ul style="list-style-type: none"> • <u>Inbound / outbound</u>: general abuse of law rules apply to all taxable events 	<ul style="list-style-type: none"> • <u>Inbound / outbound</u>: no changes proposed. GAAR applies to all taxable events 	<ul style="list-style-type: none"> • <u>Inbound / outbound</u>: no changes proposed. Italian GAAR applies to all taxable events

	Question	France	Germany	Italy
		<ul style="list-style-type: none"> • <u>Inbound</u>: French GAAR only applies to distributions by a French entity to EU parents • <u>Outbound</u>: the provisions contained in the Amended Finance Bill for 2015 should apply to distributions only • The key difference between the French GAAR and abuse of law is the scope. While the French GAAR has a specific scope defined by the applicable statute, the abuse of law rule may apply to all French taxes without exception and all transactions 	<ul style="list-style-type: none"> • <u>Inbound</u>: specific substance test only applies to distributions by a German entity 	
AAP	<i>What is the relevance of substance?</i>	<ul style="list-style-type: none"> • <u>Inbound / outbound</u>: substance rules as per the wording of the PSD (specific substance rules exist for non-cooperative states) 	<ul style="list-style-type: none"> • <u>Inbound</u>: specific substance test only applies to distributions by a German entity • <u>Outbound</u>: no specific substance rules 	<ul style="list-style-type: none"> • <u>Inbound</u>: specific substance test only applies to distributions by an Italian entity
	<i>Do the rules also apply if a bilateral tax treaty applies?</i>	<ul style="list-style-type: none"> • Abuse of law rules can be applied in a treaty context. Theoretically, if the aforementioned anti-abuse rules 	<ul style="list-style-type: none"> • Yes 	<ul style="list-style-type: none"> • Yes

Question	France	Germany	Italy
	<p>apply in the context of distributions to an EU parent, a bilateral treaty with the country of the EU Parent could provide for a dividend withholding tax reduction or exemption. However, it is highly likely that in this specific case the French tax authorities would challenge the application of such treaty</p>		
<i>Geographical scope?</i>	<ul style="list-style-type: none"> • <u>Inbound</u>: French GAAR only applies to distributions to EU parents (like the domestic withholding tax exemption which is limited to intra-EU distributions) • <u>Outbound</u>: French SAARs, GAARs and abuse of law rules apply to both EU and non-EU subs 	<ul style="list-style-type: none"> • <u>Inbound / outbound</u>: GAAR applies to EU and non-EU investors in German entities and investments by German entities in EU and non-EU subs • <u>Inbound</u>: substance test applies to EU and non-EU investors in German entities 	<ul style="list-style-type: none"> • <u>Inbound / outbound</u>: Italian GAAR applies to EU and non-EU investors in Italian entities and investments by Italian entities in EU and non-EU subs
AAP <i>Grandfathering?</i>	<ul style="list-style-type: none"> • No 	<ul style="list-style-type: none"> • No 	<ul style="list-style-type: none"> • No

	Question	Ireland	Luxembourg	Netherlands
AAP	<i>Main changes?</i>	<ul style="list-style-type: none"> <u>Inbound (shares held by a non-Irish entity in an Irish sub)</u>: no specific AAP. The existing general anti-tax avoidance rules (<i>Irish GAAR</i>) could potentially apply <u>Outbound**</u>: AAP implemented in tax credit rules meaning that credits of underlying foreign taxes would not be available for transactions falling foul of the new anti-abuse provisions. These provisions could also apply to hybrid instruments 	<ul style="list-style-type: none"> <u>Inbound</u>: AAP literally implemented in dividend withholding tax exemption <u>Outbound</u>: AAP literally implemented in participation exemption 	<ul style="list-style-type: none"> <u>Inbound</u>: implementation in (i) the corporate income tax regime that taxes non-resident 5% or more shareholders of Dutch entities in abusive structures and (ii) the anti-abuse rules on the dividend withholding tax treatment of cooperatives <u>Outbound</u>: no changes to the Dutch tax treatment (participation exemption) of investments by a Dutch corporate taxpayer in EU or non-EU subs
	<i>Will the AAP only apply to distributions?</i>	<ul style="list-style-type: none"> <u>Inbound / outbound</u>: the new AAP only applies to distributions received by Irish entities and not to capital gains. However, existing Irish GAAR could potentially apply 	<ul style="list-style-type: none"> <u>Inbound / outbound</u>: Yes. AAP does not apply to capital gains derived from an EU (or non-EU sub) by a Luxembourg entity 	<ul style="list-style-type: none"> <u>Inbound</u>: No changes proposed. Capital gains on the shares in, and profits on receivables from, the Dutch entity held by the non-resident corporate taxpayer will be taxed as well

** Outbound structures: shares held by a national parent in a foreign sub

	Question	Ireland	Luxembourg	Netherlands
AAP	<i>What is the relevance of substance?</i>	<ul style="list-style-type: none"> <u>Inbound / outbound</u>: no specific guidance on required substance under new AAP as yet 	<ul style="list-style-type: none"> <u>Inbound / outbound</u>: minimum substance test expected to be provided through future administrative guidance 	<ul style="list-style-type: none"> <u>Inbound</u>: If the direct non-resident shareholder (i) runs an active business to which the shares in the Dutch entity are functionally attributable or (ii) acts as top holding with significant functions, the structure is not considered artificial <u>Inbound</u>: If the direct non-resident shareholder acts as intermediary, the structure is not considered artificial if the direct shareholder has sufficient substance in its home country determined with reference to the substance requirements for Dutch intermediary holdings
AAP	<i>Do the rules also apply if a bilateral tax treaty applies?</i>	<ul style="list-style-type: none"> New AAP will not affect application of bilateral tax treaties 	<ul style="list-style-type: none"> New AAP will not affect application of bilateral tax treaties 	<ul style="list-style-type: none"> According to the Dutch government, the new rules will not affect application of bilateral tax treaties
AAP	<i>Geographical scope?</i>	<ul style="list-style-type: none"> <u>Inbound</u>: new AAP is not applicable. The existing Irish GAAR potentially applies 	<ul style="list-style-type: none"> <u>Inbound</u>: new AAP only applies to distributions by Luxembourg entities to EU shareholders 	<ul style="list-style-type: none"> <u>Inbound</u>: changes apply to both EU and non-EU shareholders of Dutch entities

Question	Ireland	Luxembourg	Netherlands
	<ul style="list-style-type: none"> • <u>Outbound</u>: new AAP rules apply in respect of subs within EU and countries with which Ireland has a tax treaty. The existing Irish GAAR is potentially also relevant in these structures 	<ul style="list-style-type: none"> • <u>Outbound</u>: new AAP only applies to distributions by EU entities to Luxembourg parent 	
<i>Grandfathering?</i>	<ul style="list-style-type: none"> • No 	<ul style="list-style-type: none"> • No 	<ul style="list-style-type: none"> • <u>Inbound</u>: yes, step-up to FMV for structures that will become taxable

Question	Spain	Switzerland	United Kingdom
<p><i>Main changes?</i></p> <p>AAP</p>	<ul style="list-style-type: none"> • <u>Inbound (shares held by a non-Spanish entity in a Spanish sub)</u>: no further changes proposed. A general anti-abuse rule (Spanish GAAR) already exists which has been made even more restrictive since 1 January 2015 • <u>Outbound (shares held by a Spanish entity in a non-Spanish sub)</u>: no AAP applies to participation exemption that also covers non-EU subs. Requirements have become even less 	<ul style="list-style-type: none"> • <u>Inbound / outbound</u>: no changes proposed • <u>Inbound</u>: application of dividend withholding tax exemption to distributions by a Swiss entity to EU shareholders is, and continues to be, generally reviewed on the basis of (i) the beneficial ownership requirement (tax authorities generally favour a broad interpretation which was recently confirmed by the Supreme Court in the landmark <i>Swap</i> decision) 	<ul style="list-style-type: none"> • <u>Inbound / outbound</u>: no changes proposed. A general anti-abuse rule (UK GAAR) has already existed since 17 July 2013

restrictive since 1 January 2015 for subs engaged in an active trade of business

and (ii) general abuse of law doctrine with a focus on substance

Will the AAP only apply to distributions?

- Inbound / outbound: yes. But inbound capital gains tax exemption is subject to challenge based on substance over form and abuse of law rules challenge based on substance over form and abuse of law rules

- Inbound: art. 15 of the Swiss-EU Agreement covers only distributions. The Swiss tax authorities tend to deny the benefit of this provision in respect of existing retained earnings where a Swiss sub is transferred from a non-EU parent to an EU-parent

- UK GAAR is not limited to distributions, but applies to a range of transactions

AAP

What is the relevance of substance?

- Inbound / outbound: substance is the basis to support valid business reasons and qualify for the dividend and capital gains tax exemption
- Inbound / outbound: Traditionally, substance requirement has been deemed met if the parent (i) conducts a business activity directly related to the activities of the sub or (ii) manages the sub through proper human and material resources. Direct involvement of the parent in the activities of the sub has been traditionally accepted

- Inbound: Switzerland applies a pragmatic approach towards substance (business activity or sufficient equity for the shareholder's function) and the beneficial ownership requirement. Sufficient equity is usually defined as equity from a Swiss tax and thin capitalisation perspective and thus, hybrid loans at the foreign shareholder level would qualify as debt

- Substance is not part of the test imposed by the UK GAAR

AAP	Do the rules also apply if a bilateral tax treaty applies?	<ul style="list-style-type: none"> Spanish GAAR does not affect application of bilateral treaties 	<ul style="list-style-type: none"> Anti-abuse provisions agreed with the treaty partner remain applicable as well as the implicit and non-written prohibition of abusive use of the treaties 	<ul style="list-style-type: none"> Yes
	Geographical scope?	<ul style="list-style-type: none"> <u>Inbound</u>: Spanish GAAR applies to EU/EEA shareholders if the majority of votes in respect of these shareholders are held by non-EU/EEA investors. This is consistent with the scope of the dividend withholding tax exemption <u>Outbound</u>: Spanish GAAR and abuse of law rules apply to EU and non-EU countries 	<ul style="list-style-type: none"> <u>Inbound</u>: the rules above apply to both EU and non-EU parents of Swiss subs 	<ul style="list-style-type: none"> UK GAAR applies to various UK taxes, but is not otherwise geographically limited
	Grandfathering?	<ul style="list-style-type: none"> No 	<ul style="list-style-type: none"> No 	<ul style="list-style-type: none"> No

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