



## International Tax Counsel

Companies operating in global markets have many complex legal, tax and operational issues that require an international perspective combined with a thorough knowledge of country-specific tax, legal and regulatory practices. As a leading international legal services provider, we solve these tax, legal and business challenges through a combination of local tax and legal capability, global tax and legal project management, and full-service support across borders in a multi-disciplinary manner.

With more than 380 tax lawyers and economists in offices throughout Europe, Asia and the Americas, DLA Piper's global tax advisory services help tax departments of multinational companies address the complex challenges of international commerce and business operations. Our global tax group also assists clients in structuring a wide range of transactions, from private equity deals to corporate acquisitions and disposals as well as assisting with tax audits and related compliance issues. We provide these tax services across our global platform, while at the same time offering clients the benefits of the lawyer-client and work-product privileges.

Our tax lawyers draw upon the experience of colleagues in numerous areas of law, including intellectual property and technology, corporate and finance, real estate, employment and employee benefits. In addition, DLA Piper's practices in such areas as regulatory and EU competition, public affairs and government affairs further strengthen the capabilities of our tax practitioners, resulting in fully integrated advice to our clients.

### CAPABILITIES

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We help the tax departments of multinational companies reduce their global effective tax rate.

We work closely with our clients to understand their businesses, knowing that a thorough understanding of an organization and its business objectives is necessary for developing the appropriate tax arrangements.

- **Transfer Pricing** - Our transfer pricing lawyers and economists assist clients with the development, implementation, documentation and defense of beneficial worldwide transfer pricing strategies. In conjunction with our in-house economists, we prepare transfer pricing reports that identify and document appropriate pricing pursuant to applicable tax laws for a wide range of intercompany transactions, including manufacturing, distribution, licensing, cost sharing and financing.
- **Post-Acquisition Integration** - After an acquisition, there is often duplication of entities in a jurisdiction or inherited finance structures that need to be reorganized. DLA Piper provides coordinated advice and implementation that ensures the most effective group structures are in place. Typically, this will involve movements of companies within the group, transfers of trade

### KEY CONTACTS

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between companies to maximize commercial efficiency, return of capital and liquidation of surplus companies, maximizing tax efficiency of debt funding and effective utilization of operating losses.

- **Cross-Border Licensing and Intellectual Property Management** - A company's intellectual property, such as patents and computer software, is a valuable asset, and the global ownership, licensing, exploitation and development of such property has significant tax consequences. Traditional rules of international taxation based on territorial concepts have become increasingly difficult to apply in this context. Our international tax professionals are on the cutting edge of transactions in this arena, regularly helping clients address the multitude of tax issues relating to intellectual property assets.
- **Tax Controversy** - Our lawyers represent clients in disputes and refund claims concerning international transactions, transfer pricing and related tax issues, often obtaining large refunds or assessment reductions. When defending clients in tax audits, we also focus aggressively on refund opportunities, striving to obtain optimal results in contested matters. Our experience includes devising tax strategies to minimize government assessments, managing tax audits, fact finding, communicating with the government and, where necessary, litigation.
- **VAT and Customs Duties** - The increasing globalization of business, combined with new technologies and ways of doing business, can give rise to unexpected sales tax liabilities (eg VAT in Europe and GST in Australia). Our VAT team advises clients on the incidence of VAT, planning techniques for minimizing irrecoverable input VAT, registration and compliance, negotiating successful settlements and appealing assessments, and customs duties.
- **Supply Chain and Distribution Network Restructuring** - We have extensive experience in assisting multinational companies in supply chain management and distribution arrangements. For example, our Asia offices regularly assist multinational companies structure complex supply chain arrangements throughout the region. We also regularly assist many European and US luxury brands, software companies and medical equipment suppliers in structuring their distribution and retail operations.
- **Equity Investment and Incentives Tax Services** - Our equity investments and incentives team has considerable experience advising on, designing and implementing all tax, corporate and commercial aspects of executive and employee incentive structures. In addition, we provide senior executives with access to equity value through innovative, tax-efficient share structures without requiring a substantial initial payment or tax charge.
- **Corporate Tax Advisory Services** - Our corporate tax advisory work forms the core of the tax services we provide, both within the United States and internationally. Our lawyers regularly help clients structure their international operations to lower their worldwide effective tax rate. Our lawyers also deal with all aspects of corporate and commercial taxes representing public and private companies, both buyers and sellers, in international mergers and acquisitions around the world. We know how to structure mergers, acquisitions, takeovers, reorganizations, and other corporate transactions, which very often are tax driven, and work to reduce tax both on the transaction itself and going forward. We help clients integrate acquired businesses in a tax-effective manner and also advise on the tax implications of structured finance, leasing, and collective investment arrangements.

## EXPERIENCE

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- Represented a global leader in water, hygiene and energy technologies and services in a global restructuring that involved the transfer of 300 legal entities from 90 countries into a complex Dutch and Luxembourg holding company tax structure
- Representing one of the fastest growing cybersecurity companies in the design and implementation of an international structuring project involving 15 countries
- Represented a leading networking infrastructure company in its global restructuring involving nearly every European jurisdiction and including a Dutch Advanced Pricing Agreement (APA) that achieved unprecedented results
- Advising a leading developer, marketer and distributor of branded performance apparel on global transfer pricing, international tax and IP restructuring issues
- Secured significant results for one of the largest toy and game companies: defended its international business operating structure from challenges by the IRS, and converted Asian sales affiliates to limited risk distributors

## INSIGHTS

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### Publications

#### **Termination Payments: PENP Draft Legislation published**

27 July 2020

On 21 July 2020, the UK Government published a policy paper and draft clauses for inclusion in the next Finance Bill (2020/2021) which provide an alternative post-employment notice pay (PENP) calculation in certain circumstances and make amendments to the UK tax treatment of PENP for non-UK residents.

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## **UK tax amortisation of IP**

27 July 2020

The UK does not, at present, permit tax amortisation of 'old' (i.e. pre-April 2002) IP assets. The UK Government proposes to remove this restriction in relation to IP transferred within a group to a UK company after 1 July 2020. This change may be of material benefit to some groups considering an IP transfer to the UK.

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## **Update: The meaning of a “fixed establishment”**

15 July 2020

- Dong Yang Electronics Sp. z o.o. (Case C-547/18) – Supplies held to have been made to the overseas parent and not its local subsidiary
  - Titanium Ltd (C-931/19) – CJEU referral – Can a fixed establishment exist without human or technical resources if none are needed?
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## **Key UK tax issues in distressed corporate M&A**

14 July 2020

This article provides insight into the tax aspects of UK distressed M&A transactions. The focus here is on trading businesses (as opposed to investment businesses, where many of the of the issues will be different, especially real estate investment).

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## **Spanish Constitutional Court overturns Corporate Income Tax advanced payment regime for large taxpayers**

13 July 2020

On 1 July 2020 the Spanish Constitutional Court ruled that the advance payment regime established for large taxpayers approved by Royal Decree 2/2016 of 30 September, is unconstitutional and, therefore, null and void, because it violates the limits of the power to legislate through Royal Decree.

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## **Key UK tax issues when raising new debt, or restructuring existing debt**

22 June 2020

This note outlines the key UK tax issues to consider for each of these debt options from the perspective of a corporate borrower that is a UK corporation tax payer (i.e. UK tax resident or trading through a permanent establishment in the UK or, from April 2020, carrying on a UK property business).

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## **Latin America digital services tax update**

18 May 2020

For businesses that are non-resident digital service providers in Latin America.

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## **UAE economic substance - self-assessment notification deadline fast approaching**

13 May 2020

It would be prudent for UAE entities to assume a deadline of June 30, 2020.

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## **European Commission proposes to defer DAC6 implementation**

11 May 2020

The proposal does not affect the substantive requirements in DAC6, only the deadlines for reporting obligations.

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## **COVID-19 Phase 4 federal legislation – UPDATE**

21 April 2020

Time is of the essence and the plan is to have a draft Phase 4 COVID-19 relief bill ready by the end of April.

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## **Blockchain and Digital Assets News and Trends**

25 March 2020

### **[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)**

The age of viral outbreaks – key contract considerations in a post-COVID-19 world, plus latest legal, regulatory and case law developments around blockchain and digital transformation.

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## **Coronavirus (COVID-19): ten practical steps for global employers, right now (Global)**

13 March 2020

These steps are not based on laws of any one jurisdiction but rather are designed to provide a global employer with themes to consider, understanding that what may be suitable for each employer may vary greatly depending on the employer's unique circumstances.

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## **Italy's new Digital Services Tax is now in force**

11 February 2020

Not all digital services will be taxed – only those entailing a high degree of users' involvement in value generation.

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## **OECD statement of Digital Tax Initiative highlights progress, sets timeline for consensus – key points on Pillar One and Pillar Two**

3 February 2020

The development of a new taxing right is a major initiative, and the OECD continues to work at a brisk pace.

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## **Taxation of cryptocurrency: reporting charitable contributions in the US and new developments in the UK**

16 January 2020

Charities that accept donations of cryptocurrency face a number of administrative challenges; plus new guidance from HMRC.

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### **Argentina: Promotional Regime of the Knowledge-based Economy comes into force 1.1.2020 – key points**

7 November 2019

The new tax regime seeks to put Argentina at the forefront of the knowledge economy in Latin America.

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### **Uruguay as a tax residence for individuals**

29 October 2019

Recently, many individuals from the MERCOSUR countries have expressed renewed interest in having Uruguay as their tax residence.

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### **Proposed US Treasury regulations address tax consequences of LIBOR phaseout**

28 October 2019

The Proposed Regulations address tax issues that may be implicated by the change from the LIBOR to an alternative reference rate.

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### **Mexico: 2020 tax reform proposal**

7 October 2019

The proposed reform aims to broaden the scope of activities subject to tax, as well as the reporting obligations of Mexican and foreign taxpayers.

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### **Colombia publishes guidelines on advance pricing agreements**

3 September 2019

Colombia's National Directorate of Taxes and Customs (DIAN) released detailed guidelines (the Guidelines) to clarify the procedure for Advanced Transfer Pricing Agreements (APAs) requests in order to ensure certainty between the parties regarding their transfer pricing arrangements. Key features and takeaways are provided in this article.

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### **New proposed tax regulations affecting certain PFICs – foreign reinsurance companies take note**

7 August 2019

While the new proposed regulations present compliance issues for foreign reinsurance companies, there are planning opportunities to be explored.

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### **Dutch implementation proposal on EU anti-hybrid measures**

12 July 2019

On July 2, 2019, the Dutch government published the legislative proposal implementing the EU Anti-Tax Avoidance Directive II (ATAD II) that was adopted on May 29, 2017. The ATAD II mandates EU Member States to implement rules that target hybrid mismatches by January 1, 2020 (specific sections by January 1, 2022).

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### Portuguese EU Mandatory Disclosure Rules draft legislation

21 June 2019

Portugal has published draft legislation regarding the implementing of the EU Directive on mandatory disclosure rules (Council Directive 2018/822, also known as DAC 6). In this article we list some of the key features of the draft legislation.

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### Mexico: Anti-money laundering rules / self-correction program

8 MAY 2019

Mexico's new rules aim to encourage non-compliant taxpayers to meet their reporting obligations.

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### Dutch government publishes new decree on international tax ruling practice

2 MAY 2019

On April 23, 2019, the Dutch State Secretary of Finance (the State Secretary) published a draft decree (the Decree) on the Dutch tax ruling practice pertaining to tax rulings relating to cross-border structures.

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### Brazil releases manual on Mutual Agreement Procedures

3 APR 2019

#### [TRANSFER PRICING](#)

Brazil's recently published MAP manual sets out the process through which taxpayers can request assistance to address taxation not in accordance with the relevant tax treaty.

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### Capital Gains Tax - are you prepared?

19 MAR 2019

The UK is changing the treatment of non-residents' capital gains tax (CGT) on disposals of UK property. DLA Piper has partnered with YouGov to gauge awareness of, and preparedness for the CGT changes among senior real estate professionals and, ultimately, to understand how they might impact real estate investment strategies and property values.

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### Saudi Arabia introduces final transfer pricing rules

6 MAR 2019

#### [TRANSFER PRICING](#)

The introduction of the TP Bylaws demonstrates GAZT's increased focus on tax collection.

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## **Dividend withholding tax schemes - New measures take aim at Belgian and foreign pension funds**

27 FEB 2019

The most striking aspect of the measures is the introduction of a rebuttable presumption pertaining to Belgian and non Belgian pension funds.

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## **OECD issues far-reaching proposals for restructuring the international tax framework to address the challenges caused by the digitalization of the economy**

26 FEB 2019

Proposals being considered by the OECD's 128 Inclusive Framework members for tackling the tax challenges arising from digitalization of the economy.

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## **Sweden proposes mandatory disclosure rules relating to tax arrangements**

20 FEB 2019

The proposed Swedish reporting obligation also covers purely domestic arrangements.

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## **Spanish government presents the 2019 Budget Act**

30 JAN 2019

The budget contains many changes that are likely to increase the tax burden of holding companies, banks and large multinationals in Spain

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## **New Polish decree on withholding tax obligations**

17 JAN 2019

The decree will have a significant effect on the application of the new WHT regulations.

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## **Poland introduces mandatory disclosure rules relating to tax arrangements**

14 JAN 2019

The Polish reporting obligations are broader than the EU-mandated obligations in at least three aspects.

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## **Singapore deposits OECD Multilateral Instrument**

8 JAN 2019

### **TRANSFER PRICING**

Multinationals that have a holding, financing, or intangible property company in Singapore are taking note.

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## **Global structuring and IP planning in the wake of US tax reform**

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21 DEC 2018

Tax reform has imbued global structuring with a significant amount of uncertainty.

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### **Dutch government announces stricter requirements for issuance of tax rulings**

29 NOV 2018

Companies looking for tax certainty from the Dutch tax authorities need to reconsider their substance in the Netherlands.

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### **Proposed regulations eliminate major US tax impediments to utilizing foreign subsidiaries for credit support**

14 NOV 2018

Potentially increasing the ability of US corporate borrowers to provide credit support in the form of guarantees by, and pledges of assets of, their foreign subsidiaries/CFCs.

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### **Dutch government consults on the implementation of anti-hybrid measures in EU Anti-Tax Avoidance Directive 2**

7 NOV 2018

Dutch government proposes anti-hybrid rules targeting hybrid mismatches; Netherlands-US tax treaty may no longer reduce or exempt Dutch DWT on distributions to Dutch CVs that qualify as a reverse hybrid.

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### **South Africa's Revenue Service releases updated guidance on seeking mutual agreement procedure assistance**

5 NOV 2018

The time MAP can take is sometimes conflated with advisor costs, whereas the reality is that this process often has modest cost implications.

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### **Spanish government to introduce new digital services tax**

1 NOV 2018

The proposed DST will apply only when the user's digital devices are located in Spain.

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### **Poland changes WHT rules for non-residents**

31 OCT 2018

Following these changes, WHT will become obligatory for certain cross-border payments.

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### **OECD releases 2017 statistics on Mutual Agreement Procedure**

18 OCT 2018

It is now more important than ever that taxpayers and their advisors shake off historical reservations about the MAP process.

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## **CFIUS pilot program mandates declarations for certain non-controlling investments in critical technologies**

17 OCT 2018

The pilot program covers critical technologies in 27 industries.

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## **Update: Dutch government tax proposals aim to improve the investment climate**

17 OCT 2018

Rather than abolishing the Dutch dividend withholding tax, the government is adding these 10 changes to the pending tax proposals.

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## **Saudi Arabia signs OECD multilateral instrument: key takeaways for foreign companies**

25 SEP 2018

Saudi Arabia becomes the 84th jurisdiction to join the MLI, which aims to implement tax treaty-related base erosion and profit shifting.

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## **Argentina introduces VAT on digital services**

24 SEP 2018

VAT is triggered by the "digital services" rendered by a non-resident to a resident individual or entity, when the effective use or exploitation of the service takes place inside Argentina.

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## **Poland introduces exit tax for companies and individuals**

13 SEP 2018

The Polish government has announced a draft law to introduce an exit tax.

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## **China kicks off individual income tax law reform**

6 SEP 2018

Regarded as the most influential amendment to the Individual Income Tax Law so far, the law is also a new beginning for IIT Law reform in China.

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## **HMRC releases data on transfer pricing, diverted profit tax: key takeaways**

14 AUG 2018

HMRC's publication of transfer pricing and diverted profits tax data for 2017/8 shows increasing activity and revenue collected from multinationals.

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## **International tax and withholding considerations for US companies and their directors**

19 MAY 2015

Multinationals commonly elect boards with international representation; it is also common to convene board meetings outside the US. US companies that do either – or both – of these things must be mindful of any resulting US or foreign tax implications

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**US - Swiss voluntary disclosure program: deadlines are looming - Swiss banks need not panic, but must act swiftly and thoughtfully**

21 NOV 2013

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**IRS releases long-awaited draft FFI Agreement and previews updates to FATCA regulations**

5 NOV 2013

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**US DOJ and Swiss Government Announce New Voluntary Disclosure Program for Swiss Banks**

4 OCT 2013

A first of its kind program enabling eligible Swiss banks to address and resolve their status re the DOJ's ongoing enforcement investigations

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**IRS opens online FATCA registration system: financial institutions may now sign in**

20 AUG 2013

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**OECD releases “BEPS” Action Plan – a sweeping international tax effort to combat base erosion and profit shifting**

30 JUL 2013

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**IRS announces six-month delay in FATCA implementation**

12 JUL 2013

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**The Eurozone crisis - what are the tax and transfer pricing risks?**

25 FEB 2013

Many companies are struggling to understand the effect the crisis may have on contracts whose payments are euro-denominated

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**The final FATCA Regulations: highlights**

29 JAN 2013

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**The IRS Continues to Focus on Stopping Offshore Tax Evasion and Ensuring Tax Compliance**

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2 Jul 2012

The IRS continues to make strong progress in its international compliance efforts

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### **Treasury finalizes controversial nonresident alien US bank deposit reporting regulations**

30 Apr 2012

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### **Supply chain planning in the post-BEPS era: five questions for MNEs**

22 JUL 2015

After BEPS actions are incorporated into OECD documents and local legislation, tax planning opportunities will still exist, but realizing the benefits of tax planning will require a greater emphasis on economic substance. One often-overlooked area of opportunity is tax-efficient supply chain planning.

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## **NEWS**

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### **DLA Piper announces partnership promotions for 2020**

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

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### **DLA Piper hires new partners in Australia**

23 April 2020

Global law firm DLA Piper today announces that leading tax disputes partner Paul McNab and litigation lawyer John Fogarty will be joining the firm in May.

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### **DLA Piper lawyers named Acritas Stars**

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

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### **DLA Piper advises Hahn Group on sale of Campus Center Lübeck**

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18 December 2019

DLA Piper has advised Hahn Group on the sale of Campus Center Lübeck to real estate investment manager Nuveen Real Estate, which acquired the property for its German core retail platform.

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### **DLA Piper launches Global Digital Services VAT Guide**

29 November 2019

DLA Piper has launched the fourth edition of its Global VAT Guide on Digital Services, covering cross-border supplies of digital content, intangible services and, more generally, the various forms of e-commerce.

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### **DLA Piper advises The Carlyle Group on its investment in HSO Group**

6 September 2019

DLA Piper has advised The Carlyle Group on its investment in HSO Group. Equity for the investment is provided by Carlyle European Technology Partners III Fund (CETP), a EUR635 million fund that invests in technology-focused companies in Europe and the US.

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### **DLA Piper adviseert The Carlyle Group bij investering in HSO Group**

6 September 2019

DLA Piper heeft The Carlyle Group geadviseerd bij de investering in HSO Group. Het eigen vermogen voor de investering kwam van Carlyle European Technology Partners III Fund (CETP), een fonds van EUR635 miljoen dat investeert in technologiegerichte bedrijven in Europa en de VS.

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### **DLA Piper announces launch of Artificial Intelligence practice**

14 MAY 2019

DLA Piper announced today the launch of its Artificial Intelligence practice, which will focus on assisting companies as they navigate the legal landscape of emerging and disruptive technologies, while helping them understand the legal and compliance risks arising from the creation and deployment of AI systems.

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### **DLA Piper advises BrewDog on acquisition of iconic Berlin brewery**

6 MAY 2019

DLA Piper has advised BrewDog, a multinational craft brewery and pub chain based in Scotland, on the acquisition of World Bistro & Gardens in Berlin from Stone Brewing, one of the largest craft breweries in the US.

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## **Non-resident real estate investors bullish on Capital Gains Tax changes**

19 MAR 2019

Non-resident real estate investors are holding their nerve on UK investment strategies despite impending capital gains tax (CGT) changes coming into force next month and uncertainty around Brexit. According to a DLA Piper report, more than half (58 percent) of those polled expect the new tax code will have no impact on their investment strategy.

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## **DLA Piper announces launch of Blockchain and Digital Assets practice**

26 FEB 2019

DLA Piper announced today the launch of its Blockchain and Digital Assets practice, which will offer strategic advice on a global basis to address the needs of companies implementing blockchain technology solutions and creating and deploying digital assets.

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## **DLA Piper enhances cross-border tax capability with new partner hire in Dublin**

26 FEB 2019

DLA Piper today announces the appointment of Maura Dineen as a Tax partner in the firm's newly opened Dublin office. This is the fifth partner hire for DLA Piper in Dublin in a month, following the announcements in January of Conor Houlihan (Finance & Projects), Éanna Mellett (Corporate), Mark Rasdale (Intellectual Property & Technology) and Ciara McLoughlin (Employment).

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