



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

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

- 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

Publications

Understanding the OECD's guidance on the transfer pricing implications of the COVID-19 pandemic

5 January 2021

A practical look at the new OECD guidance.

German implementation of EU Mandatory Disclosure Rules (DAC6)

10 November 2020

With the Act on the Introduction of an Obligation to Notify Cross-border Tax Arrangements of 21 December 2019, DAC6 was transposed into national law.

Oman introduces VAT: A law firm's perspective

22 October 2020

Prudent businesses operating in Oman are already planning for the implementation of Omani VAT and have started reviewing their legal arrangements and contracts.

Spanish case law sets forth that compensation for the termination of senior managers can be tax exempt

24 September 2020

Two recent decisions of the Spanish Supreme Court, have determined that, in case of unilateral termination by the company of senior management contracts, seven days' salary per year of service up to six monthly salary payments, qualifies as mandatory compensation, and is exempt from Personal Income Tax with a maximum of EUR180,000.

UAE overhauls Economic Substance Regulations

3 September 2020

The first ESR Report filing deadline is December 31, 2020.

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.

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.

Update: The meaning of a "fixed establishment"

15 July 2020

- o 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
-

- o Titanium Ltd (C-931/19) – CJEU referral – Can a fixed establishment exist without human or technical resources if none are needed?
-

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).

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.

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).

Latin America digital services tax update

18 May 2020

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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).

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.

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.

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.

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.

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.

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.

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.

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.

Sweden proposes mandatory disclosure rules relating to tax arrangements

20 FEB 2019

The proposed Swedish reporting obligation also covers purely domestic arrangements.

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

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

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

21 NOV 2013

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

5 NOV 2013

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

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

20 AUG 2013

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

30 JUL 2013

IRS announces six-month delay in FATCA implementation

12 JUL 2013

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

The final FATCA Regulations: highlights

29 JAN 2013

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

2 Jul 2012

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

Treasury finalizes controversial nonresident alien US bank deposit reporting regulations

30 Apr 2012

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.

Events

Previous

Part 3: The 2020 general election results – implications of tax and economic policy for business

12 January 2021 | 2:00 - 3:00 ET

Webinar

NEWS

DLA Piper boosts Tax practice in Luxembourg with new partner hire

4 January 2021

DLA Piper is pleased to announce that Luis Muñoz is joining as partner in its Tax practice, based in Luxembourg.

DLA Piper advises P3 Logistic Parks on the rental of commercial space to Makita Werkzeug GmbH

27 August 2020

DLA Piper has advised P3 Logistic Parks GmbH on the rental of commercial space to Makita Werkzeug GmbH.

DLA Piper advises Syngenta on the acquisition of South African Sensako Group

17 August 2020

DLA Piper has advised Swiss-based Syngenta Group on its acquisition of Sensako Group, a South African seeds company engaged in the breeding and the commercialization of agronomic crops.

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.

DLA Piper advises Eiffage and JOHANN BUNTE consortium on Germany's largest ever motorway PPP

14 April 2020

DLA Piper has successfully advised the consortium A3 Nordbayern with its shareholders Eiffage S.A. and JOHANN BUNTE Bauunternehmung GmbH & Co. KG on the financing of Germany's largest PPP project in the motorway sector.

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.

DLA Piper advises Hahn Group on sale of Campus Center Lübeck

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.

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.

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.

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.

DLA Piper advises Rolls-Royce on acquisition of Siemens' eAircraft business

21 June 2019

DLA Piper has advised Rolls-Royce plc on the acquisition of Siemens' electric and hybrid-electric aerospace propulsion activities, eAircraft. The acquisition will accelerate the delivery of Rolls-Royce's electrification strategy and boost its ambition to play a major role in the "third era" of aviation. The completion of the transaction is expected in late 2019, following a period of employee consultation.

DLA Piper named UK transfer pricing firm of the year for the third year running

17 MAY 2019

DLA Piper has been named UK Transfer Pricing Firm of the Year for the third year running at the International Tax Review (ITR) European Tax Awards 2019, in a ceremony held in London on 16 May. The firm was also, and for the first time this year, named Africa Transfer Pricing Firm of the Year.

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.

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.

DLA Piper announces partnership promotions for 2019

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

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.

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.

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).
