



## Tax

DLA Piper provides the full range of tax services that address the challenges of international commerce and business operations.

With more than 370 tax advisors in offices throughout the world, we help multinational companies address the complex challenges of international commerce and business operations as well as manage and resolve tax disputes.

Companies operating in the global economy experience complex tax issues, both in their home country and in the jurisdictions in which they do business; this requires a coordinated global delivery of services incorporating both knowledge of national legislation, including tax treaties, as well as the appropriate international perspective.

Our global tax group also assists clients in structuring a wide range of transactions, from private equity deals to corporate acquisitions and disposals.

We provide these international tax services while at the same time offering clients the benefits of the attorney-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.

## EXPERIENCE

- Advising a global health sciences company in the negotiation of a bilateral Advanced Pricing Agreement (APA), representing the first bilateral APA negotiated between the United States and Ireland
- Advising a private equity firm in connection with a global acquisition resulting in the creation of the largest independent global pigment dispersion platform
- Advising the world's #1 nonfiction media company in connection with its high-profile, multi-jurisdictional acquisition of TV and radio business activities in Northern Europe
- Advised a networking equipment manufacturer in connection with an international restructuring project requiring in-depth VAT and customs advice. Implementation of the new distribution models required integrated indirect tax advice covering both local customs and VAT/GST regulations primarily in the EMEA and Hong Kong
- Advising a leading cotton processing and marketing organization with comprehensive tax structuring and planning advice in connection with its joint venture arrangements with one of the world's largest commodity traders
- Advising a leading developer of IT solutions for small to mid-sized businesses in connection with the design and implementation of

### KEY CONTACTS

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an international structuring project involving Luxembourg, the British Virgin Islands, Malta, Netherlands, Germany and the UK

- Advising a provider of instruments, components, subsystems and process control solutions in the design and implementation of an international structuring project, involving the UK, Luxembourg, Germany, Hong Kong and the British Virgin Islands, to address international business expansion issues resulting from prior acquisitions and internal reorganization
- Advising a publicly listed manufacturer of networking equipment on the planning and implementation of a global restructuring to convert its distribution network from a Hong Kong principal to a Netherlands principal
- Advising a leading specialty retailer of children's clothing in the planning and implementation of an international restructuring project
- Advising one of the fastest growing cyber security companies in the design and implementation of an international structuring project involving 15 countries

## INSIGHTS

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### Publications

#### **Coronavirus: Supplier due diligence for vetting Chinese medical suppliers for quality, safety, fair pricing and anti-corruption compliance**

6 April 2020

Some key risks, and potential solutions to reduce cross-border operational risks.

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#### **COVID-19 Federal Benefit Access Tool (Canada)**

2 APR 2020

#### **CANADIAN EMPLOYMENT LAW UPDATES - COVID-19**

The Federal Government has been announcing a series of measures to aid businesses and workers during this unprecedented time. We have prepared a document with key details about federal benefits announced to date which is intended to be a tool primarily for employees.

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#### **Making UK VAT work for you: Ten top tips during the Coronavirus COVID-19 outbreak**

2 April 2020

Coronavirus COVID-19 is affecting businesses globally in ways that no one could ever have imagined. The saying, "cash is king" reflects the importance of cashflow to a business and is relevant now more than ever. Here are some key areas that UK businesses can review to hold cash longer, gain cash from VAT and help improve cashflow.

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#### **Making International VAT work for you: Eight top tips during the Coronavirus COVID-19 outbreak**

2 April 2020

Coronavirus COVID-19 is affecting businesses globally in ways that no one could ever have imagined. The saying, "cash is king" reflects the importance of cashflow to a business and is relevant now more than ever. Here are some key areas that International businesses can review to hold cash longer, gain cash from VAT and help improve cashflow during this unprecedented period.

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#### **Coronavirus COVID-19 Tax Q&A: France**

1 April 2020

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This Q&A will explore the main tax law and related issues raised by the coronavirus COVID-19 outbreak in France. This will include practical answers on main issues and risks, impacts of home working, Financial assistance to group companies, generation of additional cash and Supply chain management.

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### **Quebec economic measures due to COVID-19**

31 MAR 2020

On March 13, 2020, the Quebec Government adopted an Order in Council that declares a health emergency throughout Québec's territory. This exceptional measure empowers the government to implement an array of measures to protect the health of the population.

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### **Coronavirus: Overview of tax provisions in the Coronavirus Aid, Relief, and Economic Security Act**

31 March 2020

An outline of business tax provisions in the CARES Act.

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### **COVID-19 India: Corporate, tax, employment and bankruptcy law measures announced by the Indian government**

30 March 2020

In response to the global outbreak of coronavirus disease 2019 (COVID-19), governments in many countries have issued emergency legislation to mitigate the impact of the pandemic on companies' day-to-day operations. Since March 24, 2020, the Indian government has been announcing various measures aimed to ease corporate and tax compliance for companies doing business in India, as well as other measures pertaining to employment and bankruptcy matters. Below is a high-level overview of some of the most relevant aspects of these measures as they pertain to India subsidiaries of US companies.

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### **Economic relief for Calgary business owners impacted by COVID-19 (Canada)**

27 MAR 2020

Canadian governments have implemented numerous measures to assist business owners economically affected by COVID-19. This article outlines the measures for business focused relief available to Calgary business owners from the federal, provincial, and municipal governments.

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### **Canada's COVID-19 Economic Response Plan**

26 MAR 2020

This article provides an update on the Canadian federal government measures announced to date to support Canadian businesses and individuals facing hardship as a result of the COVID-19 outbreak.

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### **Spain introduces tax measures to address economic and social impact of coronavirus COVID-19**

25 March 2020

On Tuesday, March 17, 2020, the Spanish Government approved Royal Decree 8/2020 (the Decree) to introduce extraordinary provisions to address the economic and social impact of coronavirus COVID-19. Among other things, the Decree establishes deadline extensions on tax proceedings. Read more to discover the key features of the Royal Decree.

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## High Court rules BHP entities were associates

23 March 2020

On 11 March 2020, in an unanimous and landmark decision, the High Court of Australia handed down its decision on the technical meaning of “sufficiently influenced” which is used to determine who is an “associate” under Australia’s foreign income attribution rules. The decision has significant impact for large listed groups especially with a dual-listed company (**DLC**) structure and concerns the application of the Australian Controlled Foreign Company (**CFC**) rules.

Whilst the facts and future application of this case may principally be limited to the DLC type structures, the legal analysis of the definition of “associate” impacts on wider applications as this definition is used outside of the CFC provisions including the thin capitalisation rules, the debt/equity tests and the withholding tax rules.

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## Italian Medicines Agency tackles challenges related to clinical trial management during COVID-19 emergency

20 March 2020

In the recent UK Budget, and subsequent announcements, several initiatives have been introduced to support businesses in response to coronavirus COVID-19, but as yet there are no generally applicable leniencies on when tax has to be paid or returns filed. Read to find out more.

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## 90-day deferral for US federal income tax payments

20 March 2020

Those who decide to defer their federal tax payments will be able to do so on a penalty-free and interest-free basis, with penalties and interest beginning to accrue for payments submitted after July 15, 2020.

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## Canada announces tax flexibility measures due to COVID-19 (Canada)

18 MAR 2020

On March 18, 2020, Canadian Prime Minister Justin Trudeau announced certain tax flexibility measures as part of Canada’s COVID-19 Economic Response Plan to support Canadians and businesses during this challenging period.

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## Coronavirus: federal and state tax relief (United States)

16 March 2020

Congress and state legislatures and administrative agencies are working hard to provide necessary tax relief for those affected by the coronavirus disease (COVID-19) pandemic.

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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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## VAT - Monthly Alert - February 2020

5 March 2020

## VAT MONTHLY ALERT

A summary of important VAT developments with implications for cross-border business operations.

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### Spain publishes final guidelines on tax transparency for investment funds

27 February 2020

The Spanish Directorate General of Taxes has published a final resolution that provides guidelines to determine whether a foreign entity is to be regarded as tax transparent (entidad en régimen de atribución de rentas constituida en el extranjero) for Spanish tax purposes.

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### Austrian dividend withholding taxes fully refundable to non-resident pension funds

25 January 2020

In a landmark decision, the Federal Fiscal Court of Austria (BFG 21. 11. 2019, RV/7102891/2012) has granted an application for a full refund of withholding tax on dividends paid to a Canadian pension fund. This article provides key takeaways and insight into the decision.

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### Spain clarifies calculation of gambling tax liability

24 January 2020

The determination of the taxable base of the Gambling Tax has been unclear since the entry into force of the Spanish Gambling Act. This article provides insight into the recent public ruling and provides key takeaways.

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### China offers tax and financial incentives over coronavirus (China)

24 February 2020

The Chinese authorities including the State Administration of Taxation (SAT), the Ministry of Finance (MOF) and the Customs Tariff Commission (CTC) of the State Council have rolled out a series of emergency policies to support enterprises and individuals.

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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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### HMRC releases 2018/19 data on transfer pricing and the diverted profit tax

7 February 2020

Her Majesty's Revenue and Customs has published tax data for 2018/2019 on transfer pricing and diverted profits tax. The UK's transfer pricing rules and the DPT are both important elements in a range of measures that the UK adopted to make sure multinationals pay the right amount of tax on the share of their profits that belong to the UK.

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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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### **VAT - Monthly Alert - January 2020**

3 February 2020

#### **VAT MONTHLY ALERT**

A summary of important VAT developments with implications for cross-border business operations.

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### **Argentina suspends Promotional Regime of the Knowledge-based Economy**

28 January 2020

The regime aims to promote digital, information and communication technologies and the highly skilled human capital that creates and advances those technologies.

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### **Beginning a New Era of Foreign Investment in China**

21 January 2020

China's new Foreign Investment Law (FIL) enters into effect from January 1, 2020. As we reported in our earlier alert, the passage of the FIL opened the door to a new era of foreign investment in China by overhauling the foreign investment regime that had been in place for almost 40 years.

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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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### **New Swedish rules on postponement of withholding tax payments**

15 January 2020

On October 17, 2019, the Swedish government published an official report proposing a new regulation on postponement of payments of withholding tax charged on dividend distributions to loss-making foreign (i.e. non-Swedish) entities. The proposal has been enacted and the new legislation entered into force on January 1, 2020.

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### **VAT - Monthly Alert - November/December 2019**

20 December 2019

#### **VAT MONTHLY ALERT**

A summary of important VAT developments with implications for cross-border business operations.

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### **France publishes transposition order to implement EU DAC6 directive into domestic law**

4 December 2019

On 22 October 2019, the French government published Ordinance No. 2019-1068 of 21 October 2019 (the Ordinance) regarding the mandatory automatic exchange of tax information in relation to reportable cross-border arrangements. This article provides insight

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into the Ordinance.

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### **Taxpayers take note - first important QOZ program investment date is 12/31/2019**

3 December 2019

The first important investment date established by the QOZ Program is December 31, 2019.

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### **Spain clarifies accreditation of tax residence and guidelines on tax transparency for investment funds**

29 November 2019

Two of the most common problems that investment funds faced in Spain have been resolved in just under a month. Read this article to learn more.

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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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### **The use of the interquartile range in transfer pricing<sup>1</sup>**

7 November 2019

#### **[TRANSFER PRICING](#)**

This article first provides an overview of international guidance, after which a comparative analysis of a sample of countries' legislation is provided. The authors then conclude with their thoughts and considerations regarding the current practice.

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### **VAT - Monthly Alert - October 2019**

4 November 2019

#### **[VAT MONTHLY ALERT](#)**

A summary of important VAT developments with implications for cross-border business operations.

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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

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rate.

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## **Global Tax Alert: OECD Secretariat proposes a “Unified Approach” for the Taxation of the Digitalization of the Economy**

22 October 2019

On October 9, 2019, the Secretariat of the Organisation for Economic Cooperation and Development (OECD) released a consultation document outlining a "Unified Approach" for nexus and profit allocation rules under Pillar One of the Programme of Work (PoW) on the Taxation of the Digitalization of the Economy approved by G20 in June 2019.

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## **UAE removed from EU blacklist thanks to Economic Substance Regulations**

10 October 2019

The United Arab Emirates (UAE) was removed from the European Union's blacklist by the Code of Conduct Group on Business Taxation on 10 October 2019 following the introduction of Economic Substance Regulations in the UAE and the specific Guidance on those regulations (Ministerial Decision 2015 of 2019) issued by the UAE Ministry of Finance.

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## **Global Tax Alert: Belgium - Timing and impact of the entry into effect of the OECD Multilateral Instrument**

9 October 2019

By depositing its ratification instrument with the OECD on June 26, 2019, Belgium has taken an important step in the implementation of the Multilateral Instrument (MLI). Pursuant to that deposit, the MLI entered into force on October 1, 2019.

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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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## **Global Tax Alert: DLA Piper hosts TRIBUTE event discussing developments in international tax arbitration and dispute resolution mechanisms**

7 October 2019

### **[TRANSFER PRICING](#)**

DLA Piper hosted "An Evening with Tribute" during IFA week in London. The event brought together the most highly regarded experts in their field to discuss the latest developments in international tax arbitration and other dispute resolution instruments.

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## **OECD releases 2018 statistics on Mutual Agreement Procedure**

3 October 2019

On September 16, 2019, the OECD released the 2018 mutual agreement procedure (MAP) statistics. In this insight, the authors provide an overview of key statistics, followed by some takeaways for businesses on how the MAP process is evolving (for the better) and how it can be better employed going forward.

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## **Belgium: Deadline for filing corporate tax returns is nearing – stricter sanctions for late filing**

1 October 2019

Filing season for corporate income tax returns is coming to a close in Belgium. The deadline for resident and non-resident companies (FY 2018) has just been extended to 10 October 2019. It is very important to meet this deadline as the sanctions for late filing have increased significantly as from assessment year 2019.

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## **2020 Dutch Tax Plan - Tax Proposals**

18 September 2019

On September 17, 2019, the Dutch government published its tax proposals for 2020 and onwards. The plan mainly aims to implement a number of measures of which implementation is required by the EU. It also introduces a conditional withholding tax on interest and royalties and minor changes to other taxes. To discover what this means for multinational companies read the full proposal here.

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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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## **French Digital Services Tax enters into force**

2 September 2019

On July 24, 2019, the French Digital Services Tax (DST) became law (law n°2015-759 dated July 24, 2019). The new tax is effective as of January 1, 2019. This article gives gives helpful insight on practical application of the new tax.

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## **New double taxation treaty between US and Spain**

16 August 2019

On July 16, 2019, the US Senate ratified a new protocol that amends the 2013 Double Taxation Treaty signed between the US and Spain. The approval and ratification of the protocol had already been completed in Spain. However, there are still outstanding procedural requirements in the US before the protocol enters into force.

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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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## **VAT - Monthly Alert - July 2019**

5 August 2019

**VAT MONTHLY ALERT**

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A summary of important VAT developments with implications for cross-border business operations.

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### **Transfer Pricing Masterclass Series**

23 July 2019

The DLA Piper Transfer Pricing Team recently presented a series of Transfer Pricing Masterclasses on a variety of topics.

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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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### **VAT - Monthly Alert - June 2019**

5 July 2019

#### **[VAT MONTHLY ALERT](#)**

A summary of important VAT developments with implications for cross-border business operations.

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### **The UK ORIP tax charge – Where are we now?**

4 July 2019

On 6 April 2019, the UK's far-reaching tax regime on offshore receipts in respect of intangible property (ORIP) came into effect (with anti-avoidance provisions applying to arrangements made on or after 29 October 2018). This article provides insight into proposed amendments and some welcome changes.

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

3 July 2019

On June 28, 2019, the Dutch State Secretary of Finance published the final decree on the Dutch tax ruling practice pertaining to tax rulings relating to cross-border structures. The decree entered into force on July 1, 2019.

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### **Has your Mauritian transfer pricing documentation kept pace with the Mauritius Revenue Authority?**

25 June 2019

#### **[TRANSFER PRICING](#)**

On June 10, 2019, the Hon. Prime Minister and Ministry of Finance & Economic Development of Mauritius presented the 2019-20 Budget. In the Annex to the Budget Speech, it was indicated that the arm's length standard in the Income Tax Act (section 75) will be revised to eliminate any doubts or uncertainty as to its application. Among the other important measures, this was a signal that transfer pricing will become more of a focus in the coming years in Mauritius.

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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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### **Trade war escalating: China will blacklist "unreliable entities"**

14 June 2019

The Ministry of Commerce of China (MOFCOM) announced in a press conference on May 31, 2019 that the Chinese government will introduce an "Unreliable Entity List" regime according to the relevant laws and regulations including Foreign Trade Law, Anti-trust Law and National Security Law.

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### **Global Tax Alert: Cash pools and transfer pricing - 10 things to consider**

11 JUN 2019

#### **TRANSFER PRICING**

Cash pooling is a valuable treasury tool for practical, day-to-day cash management. Yet, it has become clear in recent years, however, that cash pooling arrangements can also create certain transfer pricing risks. This article provides ten important considerations, which will assist in the structuring of cash pooling arrangements.

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### **VAT - Monthly Alert - May 2019**

31 MAY 2019

#### **VAT MONTHLY ALERT**

A summary of important VAT developments with implications for cross-border business operations.

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### **The demise of LIBOR and its impact on intra-group financing arrangements - a transfer pricing perspective**

30 MAY 2019

The London Interbank Offered Rate (LIBOR) will cease to exist by the end of 2021. It is anticipated that this will have ramifications for the commercial loan markets, as well as for intra-group financing arrangements. This article considers the transfer pricing implications of this development and actions that multinationals need to take.

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### **New PRC Individual Income Tax rules for non-PRC-domiciled individuals effective 2019**

23 MAY 2019

This articles provides insight and clarity on the PRC Individual Income Tax (IIT) treatments for non-PRC-domiciled individuals under the Amended PRC IIT Law.

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### **APA and MAP Country Guide 2019**

17 MAY 2019

#### **TRANSFER PRICING**

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Welcome to the third edition of our APA & MAP Country Guide. The guide now lists 55 countries and informs taxpayers about the APA and MAP application procedures as they currently exist in those countries.

Since the publication of the first edition in 2017, there have been significant developments in the international tax and transfer pricing space at both global and country level. Multinationals continue to face increasing pressure to ensure that they are compliant with the tax and the transfer pricing rules in the jurisdictions in which they operate.

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### **Zambia's Tax Appeals Tribunal finds in favour of the Revenue in its first substantive transfer pricing case**

15 MAY 2019

On March 28, 2019, the Tax Appeals Tribunal (TAT) delivered its decision in Nestlé Zambia Trading Limited v Zambia Revenue Authority [2018] TAT 03. The case is very likely to have important future implications for multinationals with operations in Zambia with cross-border related party transactions. The key elements are summarised in this article.

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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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### **VAT - Monthly Alert - April 2019**

1 MAY 2019

#### **[VAT MONTHLY ALERT](#)**

A summary of important VAT developments with implications for cross-border business operations.

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### **Managing post-BEPS audits and controversies in international tax and transfer pricing**

25 APR 2019

Whether you are responding to a request for information from tax authorities, dealing with a diverted profits tax assessment, managing an international tax or transfer pricing audit, or trying to resolve disputes with tax authorities, this article summarizes our experience and highlights areas to consider.

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## VAT - Monthly Alert - March 2019

5 APR 2019

### VAT MONTHLY ALERT

A summary of important VAT developments with implications for cross-border business operations.

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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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## SAE Education Ltd -v- HM Revenue & Customs [2019] UKSC 14

2 APR 2019

A recent decision handed down by the Supreme Court in the case of SAE Education Ltd -v- HM Revenue & Customs [2019] UKSC 14 will be welcomed by commercial providers of university education, universities and students alike. Some good news, at last, for commercial providers of higher education.

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## Opening the Door to a New Era of Foreign Investment in China

27 MAR 2019

The plenary session of the National People's Congress ("NPC"), with close to 3,000 representatives, promulgated the new Foreign Investment Law (FIL) on March 15, 2019, effective from January 1, 2020.

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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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## DLA Piper in Latin America: 2018 in review

28 FEB 2019

While challenges always lie ahead, we are excited by the region's continuing growth.

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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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## **VAT Monthly Alert January/February 2019**

26 FEB 2019

### **VAT MONTHLY ALERT**

A summary of important VAT developments with implications for cross-border business operations.

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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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## **HMRC introduces a profit diversion compliance facility**

31 JAN 2019

The purpose of the Facility is to enable MNEs to bring their TP affairs up to date openly, efficiently and without a full investigation by HMRC.

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## **Significant Romanian tax changes in 2019**

31 JAN 2019

Following the adoption of new tax legislation (GEO 114/2018) in Romania late last year, the new year has brought significant changes to the tax regimes in certain sectors. Taxpayers operating in these sectors should take note of the 2019 changes while dealing with the impact of the implementation of the EU's Anti-Tax Avoidance Directive in Romania.

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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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## **Scottish Land and Buildings Transaction Tax Changes**

29 JAN 2019

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The Scottish Parliament has approved changes to the rates of Land and Buildings Transaction Tax (LBTT) for transactions with an effective date on or after 25 January 2019.

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### **Global Tax Alert: Dutch Supreme Court confirms dividend withholding tax exemption under treaty between South Africa and the Netherlands**

29 JAN 2019

In our Global Tax Alert on February 5, 2018, we discussed the decision of the Dutch Court of Appeal ('s-Hertogenbosch) which held that dividend distributions from Dutch entities to South African entities are effectively exempt from Dutch dividend withholding tax pursuant to the most favored nation (MFN) clause in the tax treaty between the Netherlands and South Africa (NL-SA Treaty).

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### **Scottish Land and Buildings Transaction Tax Changes**

28 JAN 2019

The Scottish Parliament has approved changes to the rates of Land and Buildings Transaction Tax ("LBTT") for transactions with an effective date on or after 25 January 2019.

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### **Tax reform - Off-payroll working arrangements**

22 JAN 2019

The UK Government has announced that, with effect from April 2020, it will be reforming the tax off-payroll working rules that currently apply to the private sector (commonly known as IR35) to increase compliance and to bring them into line with changes made for public sector engagements in April 2017.

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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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### **ATO guidance on inbound distribution arrangements**

21 DEC 2018

The Australian Taxation Office has published a draft practical compliance guideline outlining its compliance approach to transfer pricing issues related to inbound distribution arrangements. The Draft Guideline provides a framework for inbound distributors to

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assess their potential risk of an ATO transfer pricing review against specific "profit markers" provided by the ATO.

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

21 DEC 2018

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

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### **VAT Monthly Alert December 2018**

19 DEC 2018

#### **[VAT MONTHLY ALERT](#)**

A summary of important VAT developments with implications for cross-border business operations.

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### **APA and MAP Country Guide 2018 New paths ahead for international tax controversy**

13 DEC 2018

The OECD BEPS project has brought significant changes to the international tax system and the regulation of cross border transactions in particular. The OECD has recognised that these changes will lead to an increase in controversy, and has encouraged dispute resolution through the mutual agreement procedure ('MAP'), and dispute prevention through advance pricing agreements (APAs).

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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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### **VAT Monthly Alert November 2018**

16 NOV 2018

#### **[VAT MONTHLY ALERT](#)**

A summary of important VAT developments with implications for cross-border business operations.

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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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### **The 116th Congress: prospects for tax policy as House shifts to Democrats**



8 NOV 2018

Key issues arising from the overall shift of the House from Republican to Democratic control.

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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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### **VAT Monthly Alert October 2018**

22 OCT 2018

#### **[VAT MONTHLY ALERT](#)**

A summary of important VAT developments with implications for cross-border business operations.

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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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## **Section 301 additional tariffs on imports of Chinese products: options for high tech and manufacturing companies**

3 OCT 2018

Additional tariffs of 10 percent or 25 percent have been imposed on three different lists of thousands of imports from China. Companies can request exclusion from these tariffs.

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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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## **New law adopted to facilitate division of Delaware LLCs**

24 SEP 2018

Recent changes to the law governing Delaware LLCs will facilitate the division of Delaware LLCs and potentially provides a valuable new tool in corporate reorganizations involving this type of entity.

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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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### **The foreign pensions mismatch for Finnish pensioners in Portugal: A fundamental right (not) to tax?**

31 JUL 2018

Following increased pressure by the Finnish Government for Portugal to ratify the revised treaty between the two countries, on April 30, 2018 the Finnish Parliament voted in favor of denouncing the Portugal-Finland tax treaty signed on April 27, 1970 (the Old Treaty).

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### **Mandatory Disclosure Rules**

27 JUL 2018

The EU Directive on Mandatory Disclosure Rules "Directive" entered into force on 25 June 2018, making it obligatory for intermediaries and taxpayers, as the case may be, to file information with respect to cross-border arrangements which exhibit features of aggressive tax planning.

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### **Corporate reorganizations in the US: five key steps**

24 JUL 2018

Corporate reorganizations can be complex and time-consuming. Here are five key tips to consider, taken from our US chapter of *Corporate Reorganisations*, part of the popular "Getting the Deal Through" Q&A comparative series.

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### **The tide turns: If your company is doing business in the US, it may soon be required to collect state sales taxes**

24 JUL 2018

Companies selling online products and services to customers in US states may soon be required to register, collect and remit taxes in those states.

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### **Revised Guidance on the Application of the Transactional Profit Split Method: practical considerations for global trading**

17 JUL 2018

#### **[TRANSFER PRICING](#)**

In June 2018 the OECD published its final "Revised Guidance on the Application of the Transactional Profit Split Method" (ie Revised Guidance) to provide more clarity around the practical application of the profit split method.

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### **OECD releases new transfer pricing guidelines on intragroup financial transactions**

16 JUL 2018

On 3 July 2018, the Organisation for Economic Co-operation and Development ("OECD") published the much anticipated discussion draft on financial transactions ("discussion draft") for public comment.

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## European Court of Justice finds current German anti-treaty shopping rule violates EU law

12 JUL 2018

Following its recent joint decision on Deister Holding (C-507/16) and Juhler Holding (C-613/16) on the former version of the German anti-treaty shopping rule (see earlier insights), the European Court of Justice (ECJ) has now decided that the current version of Germany's anti-treaty shopping rule, as widely expected, is also incompatible with the EU Parent-Subsidiary Directive and infringes the EU freedom of establishment (ECJ decision C-440/17).

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## Is tax reform legislative and regulatory "fine tuning" on the way?

5 JUL 2018

Signs of growing Congressional interest in possible legislative and regulatory changes to tax reform.

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## World Customs Organization publishes updated guide to customs valuation and transfer pricing

5 JUL 2018

On 5 June 2018 the World Customs Organization (WCO) published "Revenue Package Phase III" which is a package of all available tools and instruments (including, inter alia, formal instruments and conventions, guidance notes and training materials) that are relevant to revenue collection by customs authorities. This package covers a number of new initiatives relating to Origin, Valuation, Customs Laboratories, Post-Clearance Audit, as well as Customs-Tax Cooperation. As part of the new materials on Valuation, a new version of the WCO Guide to Customs Valuation and Transfer Pricing has been published.

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## OECD releases new guidance on the application of the transactional profit split method under BEPS Actions 10

3 JUL 2018

The Guidance will likely continue the uncertainty for taxpayers as they develop and maintain their transfer pricing policies.

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## UAE signs Multilateral Instrument

2 JUL 2018

The signing of the MLI by the UAE reinforces its position as a cooperative and transparent jurisdiction.

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## *South Dakota v. Wayfair*: SCOTUS overturns *Quill*, permitting states to require Internet sellers to collect sales and use tax

25 JUN 2018

Taxpayers should expect a proliferation of state sales and use tax nexus provisions in the near future.

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## Russia's new VAT rules on cross-border e-commerce services: key points for B2B service providers

14 JUN 2018

Russia has introduced new value-added tax (VAT) rules pertaining to certain cross-border e-commerce services.

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## **Italy releases final regulations on transfer pricing**

30 MAY 2018

Italy aligns its transfer pricing rules with international standards.

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## **Multinationals take note: tax changes in Oman and considerations for foreign investors**

24 APR 2018

Services provided by foreign persons to residents of Oman will be subject to Omani withholding tax, wherever the services are performed.

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## **Tax incentives in Puerto Rico: a quick introduction**

13 JUN 2017

Puerto Rico offers a spectrum of economic incentives aiming to promote many key industries. This handbook offers a quick look at ten of the most significant of these incentives.

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## **Japan exempts virtual currencies from consumption tax**

31 MAR 2017

Comparable treatment can be found in Europe, where EU member states exempt virtual currencies from taxation as a result of a CJEU ruling.

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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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## **The Camp US tax reform proposal: what's inside?**

28 FEB 2014

We analyze key provisions of this massive proposal.

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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**

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5 NOV 2013

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### **Law à la Mode**

14 OCT 2013

#### [LAW À LA MODE](#)

A quarterly e-magazine from our Fashion, Retail & Design Group with the latest industry news, comment and legal updates.

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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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### **Law á la Mode**

31 JUL 2013

#### [LAW À LA MODE](#)

A quarterly e-magazine from our Fashion, Retail & Design Group with the latest industry news, comment and legal updates.

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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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### **Time to "get right" with the Internal Revenue Service**

5 FEB 2013

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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

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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## Are you ready for FATCA? IRS notice provides transitional rules, but deadlines remain tight

26 Jul 2011

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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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## Events

### Upcoming

#### Tax planning during a recession

9 April 2020 | 12:00 – 1:00 EST

[TAX – CONTINUING EDUCATION WEBINAR SERIES](#)

Webinar

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#### EU Mandatory DAC6 reporting rules for tax planning arrangements

16 April 2020 | 12:00 – 1:00 EST

[TAX – CONTINUING EDUCATION WEBINAR SERIES](#)

Webinar

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## [Previous](#)

### **Tax provisions of the Coronavirus Aid, Relief, and Economic Security Act: webinar**

1 April 2020 | 9:00 – 10:00 PST  
Webinar

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### **COVID-19: tax relief policy update**

26 March 2020  
Webinar

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### **Japan Tax and Transfer Pricing Seminar**

25 Feb 2020  
Transfer Pricing Masterclass Series 2019  
London

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### **Intra-group Financial Transactions Webinar – OECD's final say**

17 February 2020  
Webinar

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### **Anti-Hybrid Rules - Webinar**

5 February 2020  
Webinar

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### **IPEM 2020**

28-30 January 2020  
Paris

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### **DLA Piper Transfer Pricing Masterclass**

13 November 2019  
Transfer Pricing Masterclass Series 2019  
Johannesburg

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### **Global Tax Summit**

2 - 4 October 2019

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### **Transfer Pricing Masterclass 5 - Landing the Value: Centralized Controversy Management for Transfer Pricing**



26 September 2019  
Transfer Pricing Masterclass Series 2019  
London

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### **An Evening with Tribute**

9 September 2019  
London

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### **Transfer Pricing Masterclass 4 and drinks networking – Doing your duty: Transfer pricing, tax and beyond**

10 July 2019  
Transfer Pricing Masterclass Series 2019  
London

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### **How to comply with the EU Mandatory Disclosure Rules - Webinar**

26 JUN 2019  
Webinar

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### **Transfer Pricing Masterclass 3 - Interested in Interest: Financial Transactions in Transfer Pricing**

5 June 2019  
Transfer Pricing Masterclass Series 2019  
London

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### **Transfer Pricing Masterclass 2 - Between the Uprights: Valuations in Tax and Transfer Pricing**

8 May 2019  
Transfer Pricing Masterclass Series 2019  
London

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### **Transfer Pricing Masterclass 1 - Knowing the Issues: Identifying Transfer Pricing Risk and Opportunity**

10 April 2019  
Transfer Pricing Masterclass Series 2019  
London

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### **Eleventh Annual Latin America Tax Update CLE Webinar**

30 OCT 2018  
Webinar

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### **A Practical Guide to OECD Multilateral Instrument**

17 OCT 2018  
Webinar

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### **Webinar - Strategic use of APAs and MAP in the new tax world**

27 JUN 2018  
Webinar

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### **Tax on supply chains**

18 APR 2018  
Webinar

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## **NEWS**

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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**

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 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 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 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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### **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.

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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

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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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#### **DLA Piper Africa welcomes Zimbabwe member firm**

19 JUN 2018

DLA Piper Africa has announced that leading Zimbabwean law firm, Manokore Attorneys, is joining as the member firm in Zimbabwe.

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#### **DLA Piper takes home eight awards at 2018 International Tax Review European Tax Awards**

18 MAY 2018

DLA Piper has won eight awards at the International Tax Review European Tax Awards 2018, in a ceremony that took place on Thursday, May 17, 2018 at the Savoy Hotel in London.

The firm has been named UK Transfer Pricing Firm of the Year, Spain Tax Firm of the Year and Gulf Cooperation Council Tax Firm of the Year.

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