



## Transfer Pricing

With the continuing globalization of our economy, as well as the resulting increase in cross-border transactions and the complexity of domestic and international laws and regulations, multinational companies increasingly recognize the importance of proactively managing transfer pricing to limit related tax risks and take advantage of planning opportunities. Get it right and the benefits can be substantial; get it wrong and the consequences can be devastating.

Our transfer pricing team is a global operation with professionals—including lawyers, economists and certified tax advisors—who have experience in some of the most sophisticated areas of international tax and transfer pricing. Members of our Transfer Pricing team are located throughout the Americas, Europe and Asia Pacific. We are well positioned to help companies address their transfer pricing challenges and opportunities, both locally and globally.

Our global approach to project management enables you to work with one transfer pricing advisor worldwide, giving you the following benefits:

- Consistent advice in developing and implementing a practical global transfer pricing policy, as well as supporting and defending the policy in any jurisdiction
- Reduction in time needed to learn about your business, gather pertinent information, draft intercompany agreements and produce reports
- A global project management methodology that enables one project partner to manage communication, deliverables and invoicing on a completely integrated basis

The Transfer Pricing team of DLA Piper has also direct access to our global network of business lawyers, including corporate lawyers, intellectual property lawyers and litigators who are ready to add their perspective when required. In many countries, the confidentiality provided by attorney-client privilege is an additional advantage of working with us.

### CAPABILITES

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The transfer pricing group of DLA Piper supports clients with the full range of transfer pricing services:

- Design, documentation and implementation of transfer pricing policies, compliant with the local legislation and efficient from a

### KEY CONTACTS

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management and tax point of view

- Valuation of intangibles and other assets for tax and legal purposes
- Dispute resolution, including tax audit defence, Advance Pricing Agreements, Mutual Agreement Procedures and other forms of dispute resolution like mediation
- Tax and transfer pricing litigation, including expert witness support

## EXPERIENCE

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- Preparation of annual contemporaneous documentation reports for a US high technology multinational, including 40 separate country compliant reports under the OECD framework
- Numerous valuations of IP Migration transactions, under both the pre-2009 and the new 2009 “Platform Contribution Transaction” framework of Treasury Regulation Section 1.482-7
- Analysis and support for arm's length interest rates on long term loans between affiliates of various countries, using specialized databases of credit ratings
- Valuation of trademark portfolios in the automotive industry for tax purposes. International and local tax advice related to the transfer of those trademarks across jurisdictions. Trademark registrations and related intellectual property law advice
- Valuation of assets for a company in bankruptcy proceedings. The valuation was used by the trustee and the court to negotiate minimum prices with potential buyers and to expedite winding up the company
- 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
- Valuation of several refineries and gas stations for one of the largest oil and gas companies in the world for real estate tax purposes. International and local tax advice related to the transaction
- Represented a global health sciences company in the negotiation of the first bilateral Advanced Pricing Agreement (APA) negotiated between the US and Ireland
- Valuation of shares required for tax purposes as a result of the reorganisation of a Japanese conglomerate
- Tax and transfer pricing planning advice to a US multinational during the acquisition of a European target, including all related legal advice such as corporate law, civil law and labour law
- Advice on the design, documentation and implementation of the transfer pricing policy of an international player in the renewable energy sector
- APA for several US technology companies
- Transfer pricing documentation for several companies in the pharmaceutical and medical equipment industries
- Tax and transfer pricing planning advice for Russian investors starting up businesses in Europe, including VAT and legal advice
- Tax litigation and transfer pricing expert witness support for several Fortune 500 companies in different countries. The subjects of the disputes included: intercompany pricing of loans, valuation of intangibles and commissionaire structures

## INSIGHTS

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### Publications

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

7 November 2019

#### TRANSFER PRICING SERIES

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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## 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 takeways are provided in this article.

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

11 JUN 2019

### [TRANSFER PRICING SERIES](#)

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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## APA and MAP Country Guide 2019

17 MAY 2019

### TRANSFER PRICING SERIES

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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## 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 SERIES

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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## Saudi Arabia introduces final transfer pricing rules

6 MAR 2019

### TRANSFER PRICING SERIES

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

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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

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8 JAN 2019

## TRANSFER PRICING SERIES

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

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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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### **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

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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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### **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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### **Argentina: new export duties in force; peso devaluation may impact inflation**

13 SEP 2018

The Argentine executive branch has established new export duties with the goal of reducing Argentina's fiscal deficit. Meanwhile, the peso's recent devaluation is expected to have an impact on inflation.

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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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### **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

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from multinationals.

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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 SERIES**

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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## **Intra-group loans under the arm's length principle - 10 things to know**

2 JUL 2018

### **TRANSFER PRICING SERIES**

Funding arrangements are an essential consideration for multinationals (MNEs) expanding their businesses, either through acquisition or organic growth.

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

30 MAY 2018

Italy aligns its transfer pricing rules with international standards.

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## **Section 301 trade action against Chinese products: time for quick action**

4 APR 2018

Companies wishing to seek removal of a product from the final list have the opportunity to present their views, but less than two months remain before the window completely closes.

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## **The UK releases new guidance on Mutual Agreement Procedures**

12 MAR 2018

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## TRANSFER PRICING SERIES

Multinationals should consider the improved MAP as a viable compliance risk management tool.

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### Hong Kong: ground-breaking transfer pricing legislation – key features

24 JAN 2018

Key features of Hong Kong's proposed transfer pricing rules.

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### China defers 10 percent withholding tax on dividend income reinvested into Encouraged Industries

3 JAN 2018

China works to create a more convenient and competitive tax environment for foreign investors.

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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 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

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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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### **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

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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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### **DLA Piper and cooperative firm lawyers recognized by the Latin American Corporate Counsel Association**

17 JUL 2018

DLA Piper is pleased to announce that the Latin American Corporate Counsel Association have included eleven firm and cooperative firm attorneys on their list of Latin America's leading business lawyers.

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### **Andrés González Becerra joins DLA Piper's Tax practice in Colombia**

25 JUN 2018

DLA Piper announced today that Andrés González Becerra has joined DLA Piper Martinez Beltran in Colombia as a partner and leader of the Tax practice.

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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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### **DLA Piper announces partnership promotions for 2018**

3 APR 2018

DLA Piper is proud to announce that 62 lawyers have been promoted to its partnership. The promotions are effective as of 1 April 2018 in the United States and 1 May 2018 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 42 different offices throughout 20 countries.

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### **DLA Piper advises Cabinet Group on Funcom joint venture**

9 FEB 2018

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DLA Piper represented Cabinet Group LLC on tax and Norwegian law matters in its joint venture with Funcom N.V., a Norwegian developer, to establish Heroic Signatures.

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