



## Tax

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

With more than 380 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

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- 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

### KEY CONTACTS

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- Advising a leading developer of IT solutions for small to mid-sized businesses in connection with the design and implementation of 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

#### **Brazil sets forth conditions for tax settlements in goodwill disputes: multinationals take note**

18 May 2022

A quick discussion of Public Notice n° 9/2022.

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#### **EU Commission proposes tax incentive for equity, disincentive for debt**

16 May 2022

As follow-up on the Communication on Business Taxation for the 21st Century issued in May 2021 setting-out the European Commission's (EC) long-term vision to provide a fair and sustainable business environment and European Union (EU) tax system, the Commission released on 11 May 2022 a draft directive proposing the introduction of a debt-equity bias reduction allowance (DEBRA).

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#### **Spain recognizes French FPCI accreditation of tax residence through the special regime for EU funds**

21 April 2022

In October 2019, Spain introduced a special regime to facilitate pension and collective investment funds of the European Union (EU) the evidence of their tax residence status for the purposes of the application of the domestic withholding tax exemption on interest payments and capital gains realized by residents of the EU or EEA.

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#### **Spain introduces a levy on non-reusable plastic packaging**

19 April 2022

On 9 April 2022 the Official Gazette has published Law 7/2022 of 8 April concerning waste and contaminated land for a circular economy

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#### **OECD releases draft Model Rules on Scope of Amount A under Pillar 1**

5 April 2022

Comments on the draft rules are due on April 18, 2022.

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## Implications of recent Treasury Green Book tax proposals

29 March 2022

Taken together, the Treasury Department concludes that the proposals would raise more than \$2.5 trillion over the ten-year budget cycle.

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## OECD releases commentary on the Pillar Two GloBE Rules – observations on selected topics

17 March 2022

A look at six topics found in the commentary which have particular relevance for multinational companies and other stakeholders.

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## UK consultation on potential new online sales tax

14 March 2022

The UK government has released its consultation on a potential new online sales tax (OST), which it is considering as an option to help rebalance taxation of the retail sector. This article examines why this is being considered, how it would work and what happens next.

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## Global Tax Alert - Sweden: Incentives in merger and acquisitions

23 February 2022

The purpose of this article is to provide a general overview of the principles of taxation of Swedish incentive programmes and to connect these rules to various situations that often occur in M&A transactions.

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## Exploring the metaverse: What laws will apply?

22 February 2022

Like any new foundational technology, the metaverse remains confusing and unknown to many. Writing for *Chambers TMT 2022*, we explore key questions.

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## OECD publishes draft Tax Base Determination rules for Pillar 1 Amount A

22 February 2022

As part of a rolling release of draft Model Rules for Amount A of Pillar 1, on 18 February 2022, the OECD released for public comment draft Model Rules for defining the Tax Base that is the subject of the income reallocation envisioned by Amount A of Pillar 1.

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## Blockchain and Digital Assets News and Trends

18 February 2022

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

Lawsuit tackles tax treatment of staking rewards; SEC settles with crypto lending platform; emergency measures in Canada affect financial services entities.

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## Global Tax Alert: New guidance from HMRC on Crypto 'Decentralised Finance: Lending and Staking'

7 February 2022

HMRC has expanded its internal manual on Cryptoassets published in March last year to include guidance on 'decentralised finance' (or DeFi) together with various worked examples.

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### **OECD makes progress on Pillar 1 – release of draft Sourcing and Nexus Rules of Amount A**

7 February 2022

Comments are due February 18, 2022.

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### **UAE introduces federal corporate income tax from June 2023**

31 January 2022

Details of the contours of the UAE's regime.

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### **Global Tax Alert: Spanish tax authorities deny withholding tax exemption on the grounds of the general anti-abuse clause**

19 January 2022

The Spanish tax authorities challenged and denied the applicability of a domestic exemption of interest payments made by a Spanish tax resident entity to a Dutch tax resident entity on the grounds of a general anti-abuse rule arguing that the Dutch entity did not have sufficient substance.

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### **Reform of the Belgian expat tax regime**

7 January 2021

The Belgian Parliament has recently approved a bill which reforms the existing tax regime and incorporates this special tax regime in the Belgian Income Tax Code, whereas the current system was governed by a Circular Letter issued by the Belgian tax administration.

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### **Global Tax Alert: Reform of the Spanish tax treatment of the carried interest**

6 January 2022

The bill to promote startups (*Proyecto de Ley de fomento del ecosistema de las empresas emergentes*) introduces significant changes in the tax treatment of the carried interest paid to the managers of private equity funds.

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### **EU Directive ATAD 3 proposes new minimum substance rules against the use of shell companies**

4 January 2022

The Directive introduces reporting requirements for EU tax-resident companies – irrespective of their legal form – with certain mobile and passive income streams and inadequate operational substance.

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### **Asia Pacific Tax Newsletter December 2021**

31 December 2021

Welcome to the fourth issue of our AsiaPac Tax Newsletter.

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### **Following suit, European Commission publishes draft EU Directive to swiftly implement OECD 15 percent global minimum tax**

23 December 2021

The proposal delivers on the EU's pledge to ensure swift and harmonized implementation of the historic international agreement on global tax reform.

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### **OECD issues detailed rules to implement global minimum tax: a look at the 10 chapters**

21 December 2021

The guidelines provide a detailed description of the rules that the jurisdictions under the Inclusive Framework are to implement in their local legislation.

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### **2021 Guide to VAT on Digital Services**

December 2021

This guide provides a country-by-country overview of VAT law covering cross-border supplies of digital content, intangible services and, more generally, the various forms of e-commerce.

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### **The European Commission opens infringement proceedings against Spain challenging the income tax rules re. capital gains realized by non-residents**

15 December 2021

In December 2021 the European Commission has started infringement proceedings by sending a letter of formal notice to Spain requesting to align its rules on the taxation of capital gains obtained by non-resident taxpayers with the free movement of capital (Article 63 TFEU).

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### **Inclusion of Hong Kong in the EU "Watchlist" of Non-Cooperative Jurisdictions for Tax Purposes**

11 November 2021

On 5 December 2017, the Council of the European Union (the EU) established the EU List of Non-Cooperative Jurisdictions for Tax Purposes (the List / Annex I) to promote global good governance in taxation and to inform member states on which non-EU jurisdictions engage in abusive tax practices.

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### **Global Tax Alert: Spanish Government publishes 2022 draft Budget Act**

27 October 2021

On 15 October 2021, the Spanish government approved the draft of the 2022 Budget Act ("the 2022 Budget"). The 2022 Budget includes several tax measures aimed at increasing tax revenue.

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

18 October 2021

## BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

Non-fungible tokens: What are the legal risks?

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### OECD announces global deal on international tax reform with its Two-Pillar solution

11 October 2021

In addition, the OECD sets out a detailed implementation timeline aiming to have parts of the plan ratified in 2022 and effective as early as 2023.

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### Additional comment and conclusion

7 October 2021

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### Eligibility criteria

7 October 2021

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### Regulatory analysis

7 October 2021

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### The tax proposals: a closer look

7 October 2021

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### UK Funds: New Tax Regime for UK Asset Holding Companies

7 October 2021

In private equity, the Fund vehicle is typically a limited partnership, which is tax transparent for most investors (indeed an investor treating the Fund vehicle as opaque creates all sorts of challenges for many Funds pursuant to anti-hybrid rules).

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### Australia announces expanded double tax treaty network

30 September 2021

In this update we describe how the expansion of the double tax treaty network in Australia is very timely and well supported.

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### House tax proposal: significant statutory changes include raising corporate rate, overhauling international taxation system

21 September 2021

While the Senate is likely to cut back on some of the proposals, tax increases for business and individuals are expected to be enacted

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by Thanksgiving.

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## Blockchain and Digital Assets News and Trends

17 September 2021

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

Proposed infrastructure bill would subject cryptocurrencies to wash sale and constructive sale rules.

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## Global Tax Alert: The 2019 interest deduction limitation rules in the light of the Lexel v. Skatteverket-verdict

20 September 2021

On March 22 this year, the verdict came in the well-known Lexel case (case no 4849-18 and 4849-18) where the 2013 interest deduction limitation rules were discussed. The case concerns whether the Swedish rules regarding interest deductions could be considered to restrict the freedom of establishment in a prohibited way.

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## Recent changes to CJEU rulings in relation to VAT refunds

20 September 2021

On September 9, 2021 (C-294-20) the Court of Justice of the European Union (CJEU) ruled that the Tax Authorities may reject the VAT refund of a taxable person not established in the territory of the country if the taxable person does not submit the documents justifying the request during the administrative proceeding.

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## Proposed infrastructure bill would subject cryptocurrencies to wash sale and constructive sale rules

17 September 2021

The move comes as part of the Ways and Means Committee's attempt to raise revenue to finance infrastructure spending.

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## Australia: Reform of employee share schemes - tax view

16 September 2021

As part of the 2021–2022 federal budget, the federal government has pledged to remove 'red tape' by introducing a suite of tax and regulatory changes that will assist companies in implementing employee share schemes.

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## Blockchain and Digital Assets News and Trends

23 August 2021

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

New information reporting requirements for cryptocurrency transactions; CFPB involvement in cryptocurrency oversight; NCUA seeks comments on use of DLT and DeFi by credit unions.

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## LatAm: Tax authorities address negative effects of the pandemic on national coffers

12 August 2021

The tax authorities' revenue-generating approaches vary from incentives to additional taxation.

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## Asia Pacific Tax Newsletter July 2021

6 August 2021

Welcome to the third issue of our AsiaPac Tax Newsletter. In this issue, we continue to bring you the latest tax developments in the Asia-Pacific region including governmental policies and updates on case laws.

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## VAT - Monthly Alert - July 2021

3 August 2021

### VAT MONTHLY ALERT

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

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## Blockchain and Digital Assets News and Trends

19 July 2021

### BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

IRS says tax-deferred like-kind exchange is not available for cryptocurrency trades; copyright issues plague NFTs; crypto venture investments continue to accelerate.

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## IRS concludes Section 1031 tax-deferred "like-kind" exchange treatment is not available for cryptocurrency trades

19 July 2021

It seems reasonable to assume that the IRS will apply its analysis to most cryptocurrencies.

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## Mexico: Understanding SAT's "benchmark" disclosure of effective income tax rates

14 July 2021

The effective tax rates are not binding, but it is expected that the SAT will use the rates as a reference to identify taxpayers for audits.

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## Global Tax Alert

13 July 2021

On 10 July 2021 the Law for the Prevention and Actions Against Tax Fraud (Ley de Medidas de Prevención y Lucha contra el Fraude



Fiscal) was published in the Spanish Official Gazette.

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## **Global Tax Alert**

7 July 2021

Following the entry into force of Law 4/2020 on Digital Services Tax ("DST") (see our Tax Alert of 9 February 2021) further regulations have been recently adopted.

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## **Global Tax Alert: French Supreme Administrative Court requests preliminary ruling from ECJ**

6 July 2021

The French Supreme Administrative Court has requested a preliminary ruling from the European Court of Justice (ECJ).

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## **Spain: Question of unconstitutionality against Royal Decree 3-2016**

1 July 2021

The Spanish National Court has raised a question of unconstitutionality before the Constitutional Court of Royal Decree 3/2016, dated 2 December 2016, on the grounds that (i) it is contrary to the Spanish Constitution as it violates the limits of the power to legislate by Royal Decree and (ii) it violates the principle of economic capacity.

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## **Biden Administration tax compliance plan targets cryptocurrency assets**

21 June 2021

The plan would give the IRS greater authority and resources to collect information on Americans' financial assets and transactions, including cryptocurrency transactions.

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

21 June 2021

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

Biden tax plan spotlights cryptocurrency transactions; FTC announces spike in cryptocurrency investment scams; El Salvador is first country to adopt bitcoin as legal tender.

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## **Amendment to the CIT Act in Poland - additional disclosure obligations to be considered**

2 June 2021

On 1 January 2021, an amendment to the CIT Act came into force, which requires some taxpayers to prepare and publish information on their tax strategy for a given tax year.

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## **Biden's FY 2022 budget and Treasury Green Book – additional details on international tax proposals**

2 June 2021

Fleshing out revenue proposals in the White House's American Jobs Plan and American Families Plan.

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### **European Commission Renames and Revises CCCTB Proposal**

19 May 2021

On 18 May 2021, the European Commission presented a renamed and revised proposal for the Common Consolidated Corporate Tax Base (CCCTB). The CCCTB proposal will therefore be withdrawn by the European Commission. The new proposal is called Business in Europe: Framework for Income Taxation (BEFIT).

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### **Reflections on the recently signed amendment protocol to the Dutch – German tax treaty**

18 May 2021

On 4 April 2021 the Dutch government published the amendment protocol of the Dutch – German tax treaty. The amendment protocol currently is signed by both countries, but it still must be ratified by the respective parliaments.

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### **Canadian international tax update: New interest deductibility restrictions and anti-hybrid rules**

3 May 2020

The Canadian federal budget tabled on April 19, 2021 proposes significant new interest deductibility restrictions and anti-hybrid mismatch arrangement rules.

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### **Spain implements ATAD II – our observations**

30 April 2021

On 10 March 2021, the Royal Decree-Law 4/2021 (RDL 4/2021), dated 9 March 2021, was published, implementing the Council Directive (EU) 2016/1164 of 12 July 2016, amended by Council Directive (EU) 2017/952 of 28 May 2017 (ATAD II).

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### **Starting shot for DAC6 reporting obligations in Spain**

21 April 2021

The Royal Decree 243/2021 dated 6 April 2021 (RD 243/2021) was published in the Spanish Official Gazette, further enhancing the implementation of DAC6 in Spain through the amendment of the General Regulations on Tax Proceedings, as approved by Royal Decree 1065/2007 dated 27 July 2007.

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### **Managing Mexican mandatory disclosure rules**

8 April 2021

A review of new obligations for taxpayers and advisors under Mexico's mandatory disclosure rules.

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### **Asia Pacific Tax Newsletter March 2021**

7 April 2021

Welcome to the second issue of our AsiaPac Tax Newsletter. In this issue, we bring you the latest tax developments in the Asia-Pacific region including governmental policies and updates on case laws.

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## **Update to tax treatment of cryptoassets to incorporate staking**

6 April 2021

On 30 March 2021, Her Majesty's Revenue & Customs (HMRC) updated its Cryptoassets Manual to take into account staking in proof-of-stake networks.

HMRC confirmed that such passively earned cryptoassets will likely be subject to Capital Gains Tax or Corporation Tax on chargeable gains when the cryptoassets are subsequently sold. This position is largely the same as the established tax treatment of cryptoasset mining activities.

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## **Noteworthy rule changes impacting transfer pricing documentation requirements for fiscal year 2020 and beyond**

10 March 2021

A highlight of key transfer pricing documentation updates from various countries that are effective for fiscal year beginning on or after January 1, 2020.

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## **HM Treasury's (second) consultation on taxation of alternative fund structures**

9 March 2021

As announced at last year's Spring Budget, the government has been pursuing a review of the UK funds regime, from a tax perspective. HM Treasury (HMT) closed its second consultation on the proposals on 23 February 2021.

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## **The Netherlands initiates public consultation procedure addressing transfer pricing mismatches**

9 March 2021

Aiming to avoid non-taxation due to international transfer pricing mismatches.

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## **Luxembourg 2021 Budget bill – changes for personal tax and domestic real estate investments**

5 March 2021

In the on-going COVID-19 context, the Luxembourg Ministry of Finance has disclosed, on 14 October, several tax measures as part of the budget bill for the tax year 2021 ("Budget Bill").

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## **Country-specific guidance on the transfer pricing implications of the COVID-19 pandemic**

4 March 2021

Businesses may wish to consider the guidance from several countries on the appropriate transfer pricing treatment for governmental subsidies related to the COVID-19 pandemic.

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## **VAT - Monthly Alert – February 2021**

2 March 2021

## VAT MONTHLY ALERT

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

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### COVID-19 Federal Benefit Access Tool

26 February 2021

You may access this publication in English [here](#).

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### Spain: General Tax Control Plan for 2021

22 February 2021

On 1 February 2021, the Spanish Tax and Customs Annual Plan for 2021 was published in the Official Gazette, in the context of significant tax reforms including the latest implementation of the Digital Services Tax and the Financial Transactions Tax.

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### Withholding tax claims in Spain: How to maximize investment performance of foreign funds

11 February 2021

The Spanish Supreme Court (Tribunal Supremo) has recently confirmed the right to claim and obtain, by a U.S. Regulated Investment Company (RIC), the refund of withholding taxes paid on dividends received from Spanish entities.

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### Announced, proposed and implemented: Developments in Digital Services Tax in key European jurisdictions

9 February 2021

While the OECD and G20 work toward a global agreement on digital services taxes, some European countries have forged ahead on their own.

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### Announced, proposed and implemented: Key features of France's DST

9 February 2021

The French definition of "taxable service" under the DST differs from the definition of "taxable services" as used for VAT purposes.

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### Announced, proposed and implemented: Key features of Italy's DST

9 February 2021

The Italian DST applies only to revenues deriving from the provision of tax-relevant digital services linked to Italian-located users.

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### Announced, proposed and implemented: Key features of Spain's DST

9 February 2021

The annual worldwide revenue threshold is not limited to revenues generated by the provision of digital services, meaning that non-tech businesses may also need to comply.

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## **Announced, proposed and implemented: Key features of the United Kingdom's DST**

9 February 2021

The UK's DST is intended to be an interim measure pending a long-term global solution to the tax challenges arising from digitalization.

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## **Saudi Arabia extends tax amnesty scheme enabling international groups to regularize historic tax exposure**

1 February 2021

An increasing number of international taxpayers are using the KSA scheme.

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## **VAT - Monthly Alert – January 2021**

29 January 2021

### **VAT MONTHLY ALERT**

See our January summary of important VAT developments with implications for cross-border business operations.

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## **OECD publishes guidance on the tax impact of cross-border working arrangements during the COVID-19 pandemic**

27 January 2021

Our observations on the new OECD guidelines and their implications for employers.

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## **The Qualified Maquiladora Approach Agreement has been renewed: Implications for multinationals' transfer pricing**

26 January 2021

US-based multinationals using the maquiladora structure to manufacture goods in Mexico are taking note.

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## **Global Tax Alert: Implementation of DAC6 in Spain**

14 January 2021

On 30 December 2020, one year after the deadline imposed by the European Union, the Spanish Legal Act 10/2020 was published in the Spanish official gazette implementing the Council Directive (EU) 2018/822 of 25 May 2018 (commonly known as "DAC6").

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## **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.

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## **UK VAT changes on the sale of goods to customers from 1 January 2021**

23 December 2020

With the end of the Brexit implementation period approaching at 11pm on 31 December 2020, the UK's tax authority, Her Majesty's Revenue and Customs (HMRC) on 5 October 2020, updated its guidance, "Changes to VAT treatment of overseas goods sold to customers from 1 January 2021".

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### **Foreign investment in Australian real estate: 2020/2021 tax update**

16 December 2020

This update provides an overview of the key Australian taxation developments in 2020 that impact on foreign investment in Australian real estate. While the Australian Federal and State Governments have focussed on expenditure measures to stimulate the economy this year, due to the significant impact of COVID-19, there are still a number of important tax developments that foreign investors and managers should be aware of in relation to their existing and future investments in Australia. We are optimistic that 2021 will see growing interest and foreign investment into the Australian real estate sector as the global economy gradually recovers from COVID-19.

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### **Belgium introduces the tax free "recovery reserve" in response to the COVID-19 pandemic**

26 November 2020

Following the introduction of the one-off carry-back of tax losses, Belgium has recently introduced a complementary measure intended to strengthen the solvency and cash-flow position of Belgian companies that have suffered a loss pursuant to the COVID-19 pandemic.

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### **Regulatory framework for CBDs and GSCs: IMF's policy paper, "Digital Money Across Borders: Macro-Financial Implications"**

23 November 2020

The Report discusses the pros and cons of two important virtual currencies: central bank digital currencies and global stable coins.

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### **Global Tax Alert: Spanish Government publishes 2021 draft Budget Act**

12 November 2020

On October 28, 2020, the Spanish government sent the draft of the 2021 Budget Act (the 2021 Budget) to the Congress for debate and approval. The 2021 Budget includes several tax measures aimed at increasing tax revenue. In this alert we want to highlight some of the main tax measures included in the 2021 Budget Act.

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### **VAT Monthly Alert October 2020**

2 November 2020

#### **VAT MONTHLY ALERT**

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

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### **AEO Certification Series (I)**

27 October 2020

It is believed that most enterprises are no stranger to customs authorized economic operator (AEO) certification, and probably understand that this is a classified management approach of enterprises adopted by Customs. However, many enterprises still have reservations about whether it is necessary to apply for AEO certification and become an AEO.

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### **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.

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### **COVID-19 British Columbia Benefit Access Tool**

21 October 2020

#### **[CANADIAN EMPLOYMENT LAW UPDATES - COVID-19](#)**

The B.C. Government has been announcing a series of measures to aid businesses and workers during this unprecedented time.

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### **DLA Piper acts for Mid Ulster District Council (as lead appellant) in successful VAT repayment claim at First Tier Tribunal**

19 October 2020

Mid Ulster District Council (formerly Magherafelt District Council), in a group litigation action, as the lead case on behalf of Northern Ireland Councils, represented by the DLA Piper London's VAT group, with Counsels Melanie Hall QC and Harry Gillow, have won an important case against HM Revenue & Customs.

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### **China Enforces Tax Collection on Employees Working for Chinese-invested Enterprises Overseas**

16 October 2020

With the recent IIT reform in 2019, and the introduction of a number of implementation rules (particularly the tax policy on overseas income), it appears the China tax authorities are taking a harder stance on how overseas income derived by China tax residents will be taxed in China, starting with Chinese expatriates working for Chinese state-owned enterprises.

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### **Luxembourg 2021 Budget bill – changes for personal tax and domestic real estate investments**

16 October 2020

In the on-going COVID-19 context, the Luxembourg Ministry of Finance has disclosed, on 14 October, several tax measures as part of the budget bill for the tax year 2021 (Budget Bill). The Budget Bill aims to increase tax and social equity as well as economic sustainability.

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### **Updated guidance on early termination and compensation payments - impact for real estate**

30 September 2020

Following the CJEU decisions in *Vodafone Portugal (C-43/19)* and *MEO (C-295/17)*, HMRC has surprisingly changed its published guidance to make it clear that early termination and compensation payments relating to commercial contracts are in most cases consideration for goods or services and subject to VAT.

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## Updated guidance on early termination and compensation payments

25 September 2020

Following the CJEU decisions in Vodafone Portugal (C-43/19) and MEO (C-295/17), HMRC has updated its guidance to make it clear that early termination and compensation payments are in most cases consideration for goods or services and subject to VAT.

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## 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.

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## UAE overhauls Economic Substance Regulations

3 September 2020

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

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## Our responses to HM Treasury's consultation on taxation of alternative fund structures

2 September 2020

As announced at Spring Budget 2020, the government is pursuing a review of the UK funds regime. HM Treasury opened a consultation, which seeks to gather evidence and explore the attractiveness of the UK as a location for the intermediate entities through which alternative funds hold fund assets.

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## Asia Pacific Tax Newsletter August 2020

31 August 2020

DLA Piper contributes to the first issue of 2020 Asia Pacific Tax Newsletter: this newsletter addresses the newest tax developments in the major business hubs in the Asia-Pacific region. We hope you enjoy it.

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## DLA Piper achieves a successful result in *Auctus Resources Pty Ltd v Commissioner of Taxation* [2020] FCA 1096

5 August 2020

DLA Piper's tax team has been successful in representing its client, the taxpayer, in *Auctus Resources Pty Ltd v Commissioner of Taxation* [2020] FCA 1096. The case relates to specific tax assessment and tax recovery powers of the Commissioner of Taxation relating to an R&D tax offset refund in the 2013 income year. It is also a reminder to legal practitioners to raise all grounds and contentions during the hearing. This article will explore these issues in further detail.

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## Advocate General of the Court of Justice of the EU



31 July 2020

The *Wellcome Trust* (C-459/19) case involved a charitable organisation (Wellcome Trust Limited) which used the services of investment managers to assist it in managing its large endowment portfolio.

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### Country Specific: UK

31 July 2020

The UK tax authority has published a note explaining that its internal working arrangements as a result of the COVID-19 pandemic have led to VAT refunds to some overseas (non-EU) businesses (under the Overseas Refund Scheme (historically known as 13th Directive claims)), being made outside its objective of making the refund within six months of the submission deadline of 31 December.

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### Country-specific: Italy

31 July 2020

The Legislative Decree dated 1 June 2020, No. 45, concerning the implementation of EU Directive No. 2017/2455, amending the VAT Directive and Directive No. 2009/132/EC as regards certain value added tax obligations for the supply of services and distance selling of goods, was published in the Official Journal (Gazzetta Ufficiale) No. 145 of 9 June 2020 and entered into force since 10 June 2020.

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### Court of Justice of the EU

31 July 2020

In *Veronsaajien oikeudenvallontayksikkö (Service d'hébergement en centre de données)* (Case C-215/19) the Court (proceeding to judgment without an Advocate General opinion) has said that a supply of hosting computer servers in a computer centre, did not amount to an exempt supply of leasing land nor could the service be regarded as connected with land, (the place of supply of which would be the location of the property).

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### EU

31 July 2020

As part of its package to aid economic recovery, the European Commission outlined several VAT initiatives to be formally proposed and implemented between now and 2024. They included:

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### VAT - Monthly Alert - July 2020

31 July 2020

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

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

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### Termination Payments: PENP Draft Legislation published

27 July 2020

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

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## UK tax amortisation of IP

27 July 2020

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

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## VAT cash saving tips for the return to office

17 July 2020

Our International VAT leadership team, Daan Arends, Bjoern Enders, Giovanni Iaselli and Richard Woolich, have produced 10 tips concerning VAT strategies that can be used to benefit businesses.

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## Update: The meaning of a "fixed establishment"

15 July 2020

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

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

13 July 2020

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

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## Private equity: Guide to key management tax issues in Europe

6 July 2020

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## New Section 301 investigations into digital services taxes involving multiple countries

29 June 2020

The US Trade Representative will investigate whether these DSTs discriminate against or place an unreasonable burden upon or restrict US commerce.

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

22 June 2020

This note outlines the key UK tax issues to consider for each of these debt options from the perspective of a corporate borrower that is a

UK corporation tax payer (i.e. UK tax resident or trading through a permanent establishment in the UK or, from April 2020, carrying on a UK property business).

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### **Australia tightens rules on foreign investment**

17 June 2020

In this article we summarise the tax-related developments from early June 2020, as Australia takes a more stringent approach towards compliance procedures involving foreign investments.

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### **VAT - Monthly Alert - May/June 2020**

9 June 2020

#### **VAT MONTHLY ALERT**

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

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### **IR35 reforms: Updated draft legislation published**

2 June 2020

The Government has published an updated version of the draft legislation implementing the proposed reforms to the private sector off-payroll working regime. Due to the impact of the coronavirus outbreak the implementation of these reforms has been postponed to 6 April 2021. Here we consider the key changes to be aware of.

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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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**Law à la Mode: Falling foul of China's trademark system; Retailers need to prepare for the new EU Data Protection Regulation; and New developments in the framework of the copyright protection of handbags**

2 FEB 2015

**LAW À LA MODE**

A quarterly e-magazine from our Fashion, Retail and Design Group with the latest industry news, comment and legal updates. This edition has been edited by our Italian colleagues.

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**Law à la Mode - Edition 14**

24 OCT 2014

**LAW À LA MODE**

A quarterly e-magazine from our Fashion, Retail & Design Group with the latest industry news, comment and legal updates, with a particular focus on technology in this edition.

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**Law à la Mode**

13 MAY 2014

**LAW À LA MODE**

A quarterly e-magazine from our Fashion, Retail & Design Group with the latest industry news, comment and legal updates, with a particular focus on technology in this edition.

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**Singapore aims to promote business by enhancing corporate tax incentives: key points in one chart**

26 MAR 2014

Singapore proposes enhanced incentives to support business transformation and upgrading, in particular for small to medium sized enterprises

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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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**Law à la Mode Edition 12 - Winter 2013/14**

13 JAN 2014

**LAW À LA MODE**

The Middle East editorial team is delighted to bring you the Winter edition of Law à la Mode, the quarterly legal magazine from our

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global Fashion, Retail, and design group.

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

21 NOV 2013

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

5 NOV 2013

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**Law à la Mode**

14 OCT 2013

**LAW À LA MODE**

An 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**

An 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](#)**

## **[Previous](#)**

## **Key considerations in OECD Pillar Two global minimum tax model rules**

5 May 2022  
Webinar

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### **Key considerations in OECD Pillar Two global minimum tax model rules**

5 May 2022  
Webinar

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### **2022 OECD Transfer Pricing Guidelines**

23 March 2022  
Webinar

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### **English-language webinar series: DLA Piper – Transfer Pricing Insights Germany**

17 March 2022  
English-language webinar series: DLA Piper – Transfer Pricing Insights Germany  
Webinar

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### **Climate Change and Tax Policy: What Tax Directors need to know**

7 December 2021  
Webinar

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### **Tax treatment of software development and sale: Perspectives from the US, Australia and NZ**

28 October 2021  
Webinar

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### **An update for US companies on the OECD global tax deal**

21 October 2021 | 12:00 - 1:00 ET  
Webinar

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### **Cash repatriation: What are your options?**

29 September 2021  
Webinar

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## **The essential legal update for consumer goods businesses**

29 September 2021  
Webinar

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## **English-language webinar series: DLA Piper – Transfer Pricing Insights Germany**

22 September 2021  
English-language webinar series: DLA Piper – Transfer Pricing Insights Germany  
Webinar

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## **The Impact of Biden's Tax Proposals**

21 September 2021  
Dublin 2

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## **Embracing Digital Evolution**

15 September 2021  
Webinar

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## **IPEM 2021**

8-9 September 2021  
IPEM 2022  
Paris

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## **Session three: EU tax updates and what they mean for cross-border companies**

7 July 2021  
International Tax and Transfer Pricing Webinar Series  
Webinar

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## **Luxembourg: your go-to platform for Iberoamerican investments**

30 June 2021  
Webinar

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## **EU tax updates and what they mean for US companies**

30 June 2021 | 12:00 - 1:00 ET  
Webinar

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## English-language webinar series: DLA Piper – Transfer Pricing Insights Germany

17 June 2021

English-language webinar series: DLA Piper – Transfer Pricing Insights Germany  
Webinar

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## Session two: Digital Services Tax Webinar

12 May 2021

International Tax and Transfer Pricing Webinar Series  
Webinar

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## Carried interest – everything you always wanted to know and didn't ask

7 May 2021

Luxembourg

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## Session one: Transfer Pricing Controversy in Europe: Insights and Solutions from the Front Lines

21 April 2021

International Tax and Transfer Pricing Webinar Series  
Webinar

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## English-language webinar series: DLA Piper – Transfer Pricing Insights Germany

18 March 2021

English-language webinar series: DLA Piper – Transfer Pricing Insights Germany  
Webinar

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

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

Webinar

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## 2020 general election results: Implications for tax and economic policy for business

2 December 2020

2020 general election results: Implications for tax and economic policy for business  
Webinar

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## 2020 general election results: Implications for tax and economic policy for business

5 November 2020 | 3:00 - 4:00 ET

2020 general election results: Implications for tax and economic policy for business

Webinar

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### **Doing Business Globally: Singapore**

4 November 2020  
Webinar

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### **Challenging choices for businesses: Restructure, downsize or liquidate**

14 October 2020  
Webinar

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### **Doing Business Globally: Spotlight Hong Kong**

22 September 2020  
Webinar

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### **Doing Business Globally: Italy**

7 July 2020  
Webinar

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### **Brave new world of CPaaS, SaaS and telecom: Globally managing the intersection of telecom regulations and tax webinar**

25 June 2020 | 12:00 - 1:00 ET  
Tax – Continuing Education Webinar Series  
Webinar

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### **Doing Business Globally: Ireland**

10 June 2020  
Webinar

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## **NEWS**

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### **DLA Piper advises VIYI Algorithm on its acquisition by SPAC Venus**

11 June 2021  
DLA Piper has advised VIYI Algorithm Inc. (VIYI) on its acquisition by Venus Acquisition Corporation (Nasdaq: VENA), a publicly traded special purpose acquisition company (SPAC).

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## **Recognition in China Business Law Awards 2021**

19 May 2021

DLA Piper has been recognised by China Business Law Journal in the annual China Business Law Awards 2021 in nine categories, including best international law firm.

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## **DLA Piper appoints new International Head for Tax**

4 May 2021

DLA Piper has appointed Jacques Wantz as International Group Head of the firm's Tax practice, with effect from 1 May 2021.

Jacques joined DLA Piper from Allen & Overy in December 2018 and is a highly regarded international tax planning lawyer. He has significant experience in international and corporate tax law, focusing on the tax aspects of cross-border private equity, real estate and debt investments and the tax structuring of regulated and unregulated investment funds. Jacques also advises on the tax elements of corporate restructurings, securitisation and capital markets transactions.

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## **DLA Piper promotes Investment Funds lawyer in Luxembourg to global partnership**

28 April 2021

DLA Piper is pleased to announce that Luxembourg-based Investment Funds lawyer Caroline Pimpaud has been promoted to partner, as part of the firm's annual promotion round, effective 1 May 2021.

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## **DLA Piper advises Washington H. Soul Pattinson and Company on its AUD225 million convertible notes offering**

18 February 2021

DLA Piper has advised Washington H. Soul Pattinson and Company Limited (ASX: SOL) on its AUD225 million convertible notes offering.

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## **DLA Piper advises Manulife on its acquisition of 39 Martin Place**

29 January 2021

DLA Piper has advised international financial services group Manulife Financial Corporation on its 50/50 joint venture with Investa Commercial Property Fund ("ICPF") to acquire the right to a 100% interest in 39 Martin Place, Sydney from Macquarie Group Limited (ASX: MQG).

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## **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.

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## **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.

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### **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.

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