



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.

CAPABILITIES

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 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

KEY CONTACTS

Randall Fox

London

T: +44 (0)20 7796 6928

randall.fox@dlapiper.com

- Tax and transfer pricing litigation, including expert witness support

EXPERIENCE

- 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

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.

HMRC showing no IIR effects from the pandemic: What the latest transfer pricing statistics reveal

3 May 2022

A summary of key messages from HMRC's transfer pricing and diverted profits tax statistics released for the period April 2020 to March 2021 (2020/2021).

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.

Transfer pricing chat: Paul McNab

14 March 2022

Australia is becoming increasingly prominent when it comes to transfer pricing, thanks in part to a huge amount of foreign investment. In recent years the Australian Tax Office, the nation's tax authority, has taken multinationals to court over transfer pricing disagreements in high-profile cases involving Singtel—a win for the government—and Glencore—a government loss.

Australian Taxation Office wins Singtel TP dispute

7 February 2022

In this update we discuss a recent decision that clarifies several key transfer pricing principles in Australia and highlights the importance of expert witnesses.

UAE introduces federal corporate income tax from June 2023

31 January 2022

Details of the contours of the UAE's regime.

Australian Federal Court judgment against Singtel in Transfer Pricing dispute

19 January 2022

In this update we discuss the recent landmark court ruling of the Federal Court of Australia in a transfer pricing dispute involving Singapore Telecom and the Australian Taxation Office, in which the Court dismissed the taxpayer's appeal.

Global Tax Alert

1 December 2021

HMRC has announced new requirements for master file (MF) and local file (LF) documentation, in line with the Organisation for Economic Co-operation and Development (OECD) standardised approach.

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.

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 by Thanksgiving.

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.

The ATO deepens its focus on intangible assets and related TP matters

15 July 2021

In this update we discuss the guidelines, issued by the Australian Taxation Office, on the tax risks associated with the DEMPE of intangible assets.

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.

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.

Glencore wins in High Court on Transfer Pricing

21 May 2021

The High Court of Australia has today refused to grant the Commissioner of Taxation leave to appeal against the Full Federal Court decision. Glencore won against the ATO in almost all respects in the Full Federal Court, and earlier before a single Judge of the Federal Court of Australia.

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.

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.

The Netherlands initiates public consultation procedure addressing transfer pricing mismatches

9 March 2021

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

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.

ATO wins legal professional privilege dispute and sets new COVID-19 PE risk guidance

24 February 2021

From judicial decisions to ATO guidance updates, Partner Paul McNab summarises the tax-related developments from early 2021 in Australia.

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.

ATO files request for leave to appeal Glencore decision

18 January 2021

Partner Paul McNab takes a closer look at the Glencore appeal, the decision in La Mancha Group, and the key changes to the Australian Tax Office's website.

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.

Glencore wins landmark Australian transfer pricing case over ATO

16 November 2020

We analyse the Full Federal Court of Australia's judgment from commodity company Glencore's partial victory in its dispute with the Australian Tax Office.

Australian Federal Court dismisses ATO appeal In Glencore transfer pricing case

10 November 2020

In a unanimous decision, the Australia Full Federal Court dismissed the ATO appeal in the Glencore transfer pricing matter (except in relation to freight expenses in 2009).

In our update note, we analyse key parts of the judgement, including the role of the Court of Appeal and the relevance of witnesses.

Australian regulators consider the application of legal professional privilege

24 September 2020

We present the tax highlights from September 2020 in Australia, which includes clarifications to the hybrid mismatch rules and wider discussion on legal professional privilege.

UAE overhauls Economic Substance Regulations

3 September 2020

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

Australia evaluates impact of COVID-19 on transfer pricing

6 August 2020

In this article we discuss how the Australian government has moved to assist business and taxpayers affected by the coronavirus outbreak.

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

22 JUL 2015

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

Events

Previous

Liquidation, acquisition and restructuring of China operations (Session 7)

June 22, 2022 | 12:00 - 1:00 pm ET
Webinar

