

# International Tax

We get it: Multinational enterprises and global investors require experienced and sophisticated international tax advice to navigate the labyrinth of authorities governing international commerce, including domestic and foreign tax laws, international tax treaties and the pronouncements of influential NGO's, such as the OECD and the UN. Moreover, the recent Tax Cuts and Jobs Act enacted the most wide-ranging changes to the U.S. taxation of cross-border income since the Kennedy administration. Advisors can solve these complex and challenging issues with substantial international tax experience to design tax-efficient structures to maximize after-tax profits while ensuring compliance with applicable laws and ethical norms.

Polsinelli's International Tax practice members have the experience and skills to handle the most complex international tax matters. Our International Tax attorneys have many years of experience representing inbound and outbound clients, including multinational corporations, private equity, venture capital and hedge funds, joint ventures, family offices and high net worth individuals in diverse industries and geographies. We regularly provide advice and opinions on international tax matters and represent clients in IRS exams, appeals and court proceedings.

Specific areas of substantive experience include:

- Cross-border transactional planning
- Cross-border mergers and acquisitions
- International joint ventures
- Supply chain structures
- Offshore fund formation
- Transfer pricing and contemporaneous documentation
- Pre-immigration planning
- Foreign tax credits
- Subpart F and GILTI
- FATCA
- Base erosion and thin capitalization rules
- Export incentives, including FDII and IC-DISC
- Global financing structures
- Foreign investment in real property
- Tax treaties and permanent establishment issues
- Intellectual property planning
- Trading/distribution structures
- U.S./foreign tax audits and controversies

# Matters

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- Advised a publicly-traded company concerning a tax advantaged supply-chain restructuring.
- Represented several publicly traded companies in obtaining very substantial deductions for worthless stock and securities.
- Provided planning advice to a publicly-traded inverted company on permanent establishment and issues.
- Represented a public company on issues concerning application of permanent establishment and business profits articles.
- Represented private equity portfolio company concerning employee withholding requirements for work by non-residents in the U.S. Gulf of Mexico.
- Drafted opinion on sourcing and withholding with regard to use of sales of digital products through U.S. servers, utilizing IP developed abroad.
- Planned, implemented and provided opinion on a business restructuring of foreign operations for a publicly traded engineering, procurement and construction company.
- Planned and implemented the reorganization of a large, publicly traded company designed to amalgamate international subsidiaries acquired through several separate acquisitions into a single ownership chain; advice included application of the pertinent reorganization rules, application of §367 to outbound transfers of subsidiaries and branches, and application of the overall foreign loss, dual consolidated loss and branch loss recapture rules.
- Provided counsel to numerous offshore companies on structuring operations to avoid U.S. tax on foreign source income and to reduce U.S. tax on bareboat charter payments to appropriate treaty resident companies.
- Recapitalized obligations of domestic companies and established a registration system to allow notes to qualify for portfolio interest rules and avoid withholding tax on outbound payments of interest.
- Represented publicly traded company in a significant transfer pricing audit.
- Structured tax deferred repatriations of foreign earnings for a large publicly-traded company.
- Represented a publicly-traded company in a significant tax-sharing dispute involving multiple parties and jurisdictions.
- Represented numerous offshore funds in structuring foreign feeder funds to invest in diverse industries and investments.
- Represented numerous companies in navigating §965 inclusions and establishing tax-efficient outbound tax structures in light of Tax Cuts and Jobs Act provisions.
- Represented a number of clients in international joint venture negotiations.
- Represented clients structuring offshore syndicated structures, including collateralized debt obligations; collateralized mortgage obligations and viatical trusts.
- Provided international tax advice for a leading food and beverage consumer products company on a \$2 billion acquisition of a foreign company.
- Assisted and advised on restructuring of European and South American operations regarding the manufacture and distribution of key products.
- Provided advice to a leading clothing retailer on establishment of international operations and negotiation of an Advance Pricing Agreement with the IRS.
- Handled Competent Authority negotiations for a leading beverage products company on transfer pricing issues.