



IS THERE ANY WRIGGLE ROOM...

...as tax authorities worldwide adopt similar approaches to transfer pricing and sharing information, with reference to the EC's stance on APAs and the OECD's stance on BEPS?

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wiggle room

noun [U] • **UK**  /'wɪɡ.əl ,ru:m/ /'wɪɡ.əl ,ru:m/ MAINLY UK ALSO wiggle room

- ★ **INFORMAL** **the freedom or opportunity to do something, or to change your mind and do something differently if that is what is needed:**

We need to leave ourselves some wiggle room when we're negotiating the deal.

Setting the scene

- To what extent are tax authorities adopting similar approaches to transfer pricing?
- Sharing of information – what has changed?
- The EC's stance on APAs
- Impact of BEPS

Is there any wiggle room?

- Changing the transfer pricing approach:
 - Post substantive changes
 - Post contractual changes
 - To correct past positions
 - As a result of "BEPS"
 - In light of new information
- Arm's length range
- When obtaining an APA

What does this mean in practice?

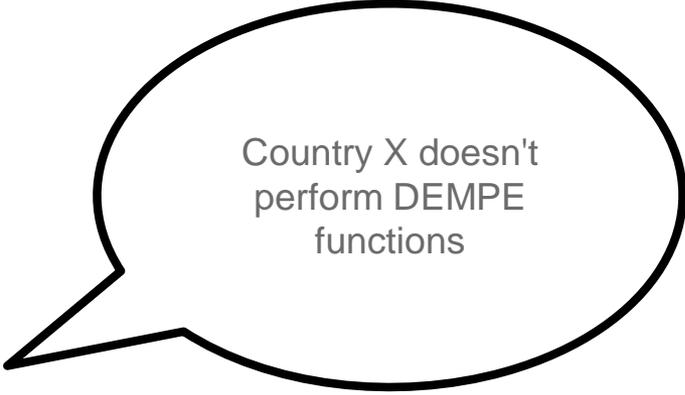
- The underlying principles have not changed, but the environment in which we operate has
- Given this, we need to...

Acknowledge (and manage) different perspectives

Ensure consistency



The DEMPE functions
are in Country X



Country X doesn't
perform DEMPE
functions

Think (and act) strategically

Joel Cooper

Co-Head International Transfer Pricing Group

Joel provides his clients with a fresh perspective on complex transfer pricing matters by drawing on his unique experience working with businesses and governments from across the globe.

Joel has experience in all areas of transfer pricing and related international tax issues, including transfer pricing policy development, negotiation of advance pricing agreements, dispute resolution, the interface of customs valuation and transfer pricing and the attribution of profits to permanent establishments.

Prior to joining DLA Piper, Joel was the technical lead at the World Bank Group on the provision of transfer pricing and international tax technical assistance to World Bank Group member countries and in engagement with other international and regional bodies on related policy matters. In particular, this involved drafting transfer pricing legislation, training tax administrations, setting up APA programs and engaging with the OECD on the Base Erosion and Profit Shifting (BEPS) project and with the WCO on the interface between transfer pricing and customs valuation. Previously he held positions with EY in Australia and the IBFD in the Netherlands and as a lecturer on transfer pricing at the Institute of Advance Legal Studies (United Kingdom). Currently he holds positions as a lecturer on Transfer Pricing at Lund University (Sweden) and Universite de Lausanne (Switzerland).

As a co-head of the International Transfer Pricing Group at DLA Piper, Joel is responsible for coordinating DLA Piper International's cross-jurisdictional transfer pricing practice.



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