

## NNDKP wins case related to the annulment of documents issued by the tax authorities with respect to transfer pricing matters



**Nestor Nestor Diculescu Kingston Petersen ("NNDKP") successfully represented a company which is a member of a well-known French industrial group operating in the tools manufacturing sector, in a dispute having as subject matter the annulment of documents issued by tax authorities that imposed additional taxes in excess of Lei 4 million as well as other penalties due to the incorrect application of the relevant tax regime in the area of transfer pricing.**

At the beginning of this year, the Brașov Court of Appeals rendered a decision in favor of the company and ordered the partial annulment of the documents issued by the tax authorities that contained an incorrect determination of transfer prices, and exempted the company from the payment of an additional amount of approximately Lei 3 million and the related penalties. In addition, the court demanded that tax authorities reimburse these amounts and the related interest accruing from the date on which the amounts indicated in the assessment decision were paid until the date on which the relevant amounts will be reimbursed by the tax authorities.

The combined expertise of **NNDKP** and *Transfer Pricing Services (TPS)*, the main independent tax advisory firm in the area of transfer pricing in Romania, contributed to clarifying the factual tax situation of the company, and also to clarifying certain matters of principle concerning transfer pricing.

The **NNDKP** team that represented the company in this dispute consisted of [Sorina Olaru](#), *Partner*, and **Elena Trișcariu**, *Associate from the Dispute Resolution practice*. The TPS team who provided assistance in this case was coordinated by **Adrian Luca**, *Founding Partner of TPS*, who worked with *Alexandra Albu*, Senior Consultant.

"The expertise of the team in the tax field, in particular in transfer pricing, was the decisive factor in achieving this victory. This case is a stepping stone to a just regulation of the relations between the taxpayer and tax authorities, in the sensitive and rapidly changing transfer pricing field. We continue our efforts to develop a strong practice in this field to the benefit of NNDKP's clients and of the business environment in general", said **Sorina Olaru**, *Partner in the Dispute Resolution practice*.

**NNDKP's** Dispute Resolution practice, coordinated by Ana Diculescu-Șova, is independently recognized as a force in this field, being constantly top-ranked by prestigious international guides such as Chambers & Partners (European edition) - since 2007, and Legal 500 - since 2002. With nine Partners coordinating a team of more than 40 litigation attorneys who operate in Bucharest and the regional offices of the firm, NNDKP is particularly prepared to handle complex multi-party or long-standing disputes and to propose practical approaches in order to mitigate any possible future risks.

**NNDKP** established in 2019 the *NNDKP Center of Excellence in Fiscal Disputes* (NNDKP CELF), a specialized resource in the field of fiscal disputes. Through this center, the firm offers highly specialized advice to local and international companies and Romanian entrepreneurs, drawing on the extensive experience gained by the firm in over 325 fiscal disputes handled by an integrated team, comprised of 15 lawyers and tax consultants, experience that underpins the firm's best practices in the field.

*Nestor Nestor Diculescu Kingston Petersen is a promoter of business law in Romania and has been acknowledged, for almost 30 years, as a pioneer of the Romanian legal market. NNDKP offers full-service and integrated legal and tax advice to companies from diverse industry sectors. For the past three decades, NNDKP lawyers have provided expertise in landmark deals and projects in Romania, contributing to the evolution of the Romanian business environment, including in innovative and niche economic sectors that involved both international corporations and local entrepreneurs.*

*NNDKP represents Romania in some of the most prestigious international professional alliances - Lex Mundi, World Services Group, International Attorneys Club - and is a founding member of the South East Europe Legal Group (SEE Legal). The firm is constantly top-ranked in all practice areas by the renowned international guides Chambers & Partners, Legal500 and IFLR 1000.*