

NNDKP successfully assisted Hammerer Aluminium Industries Santana SRL in a complex fiscal dispute concerning transfer pricing aspects



Nestor Nestor Diculescu Kingston Petersen (NNDKP) successfully represented Hammerer Aluminium Industries Santana S.R.L., a producer of semi-finished castings from aluminium recovered from recyclable materials for various uses, in a complex dispute related to transfer pricing aspects before the High Court of Cassation and Justice (ICCJ).

The ruling of the High Court of Cassation and Justice confirms the decision of the Timisoara Court of Appeal, which essentially condemned tax authorities' failure to comply with the principles for determining comparable transactions, resulting in a difference in favour of the taxpayer of about half a million euros. With respect to loans, the court ruled that both the loan issue/renegotiation date and the existence/non-existence of collateral should be taken into consideration since unsecured loans cannot be compared with secured loans. Furthermore, the Timisoara Court of Appeal validated the distinction between the activity of obtaining semi-finished castings from aluminium recovered from recyclable materials and the metallurgical activity, in which castings are produced by processing the alumina obtained from bauxite and confirmed that companies in the latter category cannot be viewed as comparable to the former.

The NNDKP team who represented the client in this dispute included [Eva Forika](#), *Head of NNDKP Timisoara Office*, Senior Associate **Ion Loga**, Timisoara Office, Partner [Daniela Gramaticescu](#) and Managing Associate **Alexandru Lacureanu**, from the Dispute Resolution practice, as well as Tax Partner [Marius Ionescu](#) and Tax Director **Sorin Mociofan**, NNDKP Tax Advisory Services. The NNDKP team was supported by *Daniel Sacal*, Partner at Transfer Pricing Services SRL, who acted as expert adviser in the investigation.

“This decision is the result of the collaboration of a multidisciplinary team of tax litigation lawyers and tax consultants, which is of the essence, particularly for complex legal matters. Having an integrated approach allows us to combine different perspectives and skill sets that have contributed to a successful outcome. Congratulations to the entire team for this achievement”, declared Eva Forika, Partner and Head of NNDKP Timisoara Office.

NNDKP's Center of Excellence in Fiscal Disputes (CELF) provides integrated services to the company's clients, from the initial stage of a fiscal dispute to the litigation stage before the Romanian courts, offering a seamless approach throughout the fiscal dispute. Clients benefit from the very first moment from complete professional services covering both technical aspects and specific legal issues, in the unwanted scenario of a fiscal dispute, thanks to the involvement of a mixed team of professionals in each project.

Nestor Nestor Diculescu Kingston Petersen is a promoter of business law in Romania with more than 30 years of

experience, independently acknowledged 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 SEE Legal. The firm is constantly top ranked in all practice areas by the renowned international guides Chambers & Partners, Legal500 and IFLR 1000.

NNDKP is a 6-time winner of the much-coveted "Romania Law Firm of the Year" award at the Chambers Europe Awards gala, in 2022, 2021, 2017, 2013, 2012 and 2009.