



Recent Developments and Trends in Transfer Pricing

2023 U.S. Cross-Border Tax Conference

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Lead through Complexity

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Agenda

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Trends in U.S. Litigation

02

**Impact of Recent U.S.
Court Decisions**

03

**Global Trends in Transfer
Pricing**

04

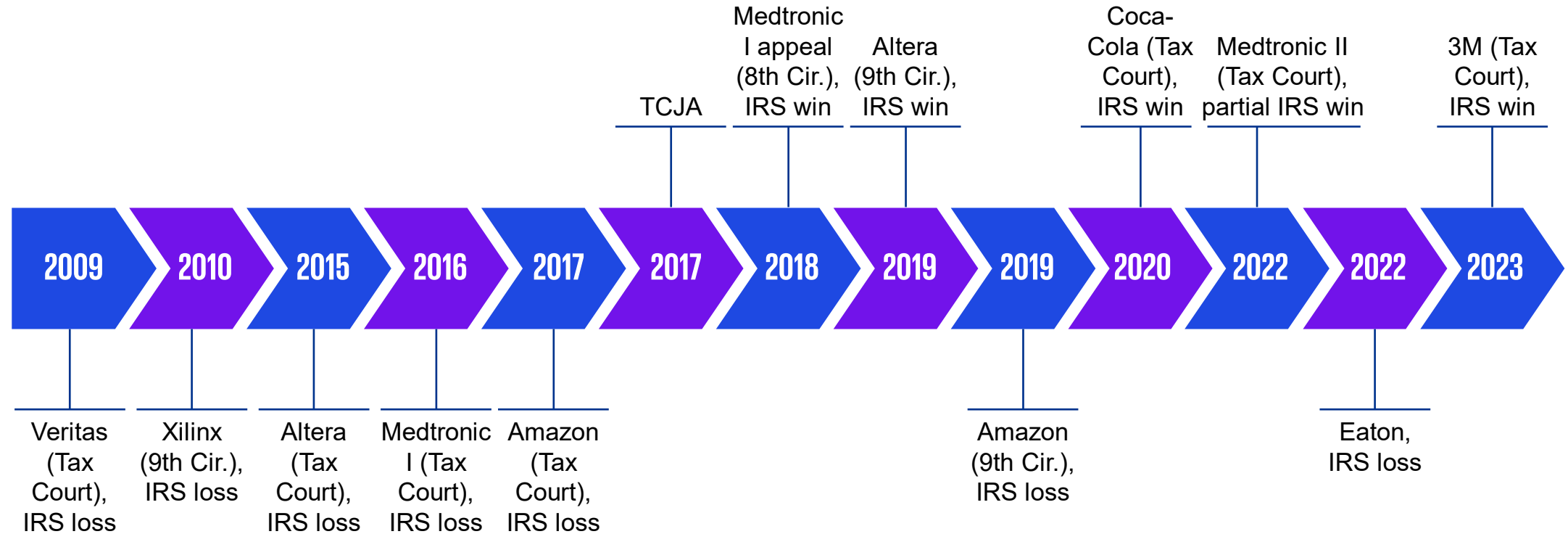
Q&A

01

Trends in U.S. Litigation



Trends in U.S. Litigation



02

Impact of Recent U.S. Court Decisions



Impact of Recent Decisions

Coca-Cola (Tax Court), 2020

- IRS win
- “Internal” CPM preferred to external CUT
- Prior CLAG did not provide protection

Eaton (6th Circuit), 2022

- IRS loss
- Held that APAs are contracts
- Impact on APAs or other alternative dispute mechanisms?

Medtronic II (Tax Court), 2022

- Court rejected both parties’ methods (CUT and CPM) in favor of an unspecified method
- Prior MOU did not provide protection

3M (Tax Court), 2023

- IRS win
- Court rejected challenge to validity of blocked income reg

03

Global Trends in Transfer Pricing



Global Trends in Transfer Pricing



Changing landscape

- Impact of BEPS 1.0
- Managing risk outside of the United States



Expectations for the future

- Amount B
- Pillar Two

04

Q&A



Exploring Transfer Pricing podcast

In [Exploring Transfer Pricing](#), a KPMG TaxRadio podcast series, a KPMG manager asks senior transfer pricing professionals the questions on her mind. After listening, you'll have a clearer roadmap to traverse the transfer pricing landscape, whether you're a seasoned international tax professional, an inquisitive economist, or simply a curious explorer.





Thank you!





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