

THE TAX INTELLIGENCE SERIES

TRANSFER PRICING ON TRIAL

EXECUTIVE SUMMARY EDITION



HOW AUDITS, EVIDENCE AND LITIGATION
SHAPE ARM'S LENGTH OUTCOME

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**TRANSFER PRICING
ON TRIAL
EXECUTIVE SUMMARY EDITION**

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NOTICE AND DISCLAIMER

This summary edition is provided for general informational and educational purposes only. It is not intended to constitute legal, tax, accounting, transfer pricing, evidentiary, litigation or professional advice.

Transfer pricing disputes are fact-specific. The appropriate response to an audit, objection, appeal, trial or settlement process will depend on the applicable domestic legislation, tax administration rules, rules of evidence, constitutional principles, administrative law, treaty provisions, procedural rules, judicial practice and the specific facts of the taxpayer's case.

Readers should not rely on this summary edition as a substitute for advice from suitably qualified legal, tax, accounting, transfer pricing or other professional advisers in the relevant jurisdiction

This summary edition does not reproduce the full annexures, templates, expert interviews, case studies, judgments, pleadings, evidence materials or practical trial materials contained in the full book. Those materials are referenced only to indicate the scope and practical content of the full edition.

No part of this summary should be treated as legal argument, tax advice, litigation strategy or a recommendation to adopt any particular position in dealings with a revenue authority, court, tribunal or regulatory body.

ABOUT

THIS SUMMARY EDITION

This free summary edition introduces the central themes, practical lessons and strategic insights from *Transfer Pricing on Trial*. It is intended for tax directors, CFOs, transfer pricing advisers, tax lawyers, revenue authority officials, academics, postgraduate students and multinational groups that want to understand how transfer pricing disputes move from documentation to audit, from audit to evidence, and from evidence to trial.

The purpose of this summary is not to replace the full book. Its purpose is to give the reader a clear roadmap. The full book contains the deeper working materials, including:

- expert interviews;
- evidence guides;
- audit templates;
- practical annexures;
- legal extracts;
- case studies;
- judgments; and
- cross-examination materials.

These are not reproduced here. They are identified and described so that readers can see what is available in the full edition.

This summary edition is built around one core question:

Is your transfer pricing position trial-ready, or merely documented?

That question matters because a transfer pricing study may be technically respectable and still fail when tested in an audit or court. The problem is rarely only the method. The problem is often proof.

In a real dispute, taxpayers may need to answer questions such as:

- Who prepared the study?
- What source documents were used?
- Were the functional interviews recorded?
- Do the agreements match the conduct?
- Do the invoices match the agreements?
- Can witnesses explain what happened years later?
- Can an expert defend the approach under cross-examination?
- Can the taxpayer prove the arm's length position on a balance of probabilities?

This summary edition introduces those issues chapter by chapter.

WHO THIS SUMMARY IS FOR

This summary is written for readers who need a practical, dispute-focused understanding of transfer pricing. It is especially relevant for:

- tax directors who must defend transfer pricing positions under audit pressure;
- CFOs who must understand the financial, evidentiary and reputational risks of transfer pricing disputes;
- transfer pricing advisers who prepare studies that may later be tested in litigation;
- tax litigators who need to understand how transfer pricing evidence is built, challenged and defended;
- in-house counsel who need to manage privilege, documentation, witness preparation and dispute strategy;
- revenue authority officials who want to understand how complex transfer pricing disputes may be presented and tested;
- board members and audit committees who need to understand why transfer pricing risk is not just a tax technical issue; and
- postgraduate students and academics studying transfer pricing disputes, tax controversy and international tax litigation.

The summary is also useful for multinational enterprises that believe they are compliant because they have a transfer pricing study, but have not asked whether that study can be proved.

HOW TO USE THIS SUMMARY

Each chapter follows a practical structure:

- what the chapter is about;
- the practical problem addressed by the chapter;
- the key points;
- the risk if the issue is ignored;
- why the chapter matters in practice;
- what the full book adds; and
- the chapter takeaway.

This summary does not attempt to reproduce the full technical analysis. It gives the reader the essential framework. The full book provides the detailed supporting material.

A reader facing an actual transfer pricing audit, objection, appeal or trial should treat this summary as an introduction only. The full book should be consulted for the deeper annexures, evidence materials, practical templates, case studies and litigation examples.

WHY THIS BOOK MATTERS

Transfer pricing disputes are often treated as technical pricing disagreements. That is a mistake.

By the time a transfer pricing matter reaches audit, objection, appeal or trial, the issue is no longer only whether the taxpayer selected the right method or benchmark. The issue becomes whether the taxpayer can prove, with admissible and credible evidence, that its transfer pricing position reflects an arm's length outcome.

That distinction matters.

A transfer pricing study may explain the position. It may support the position. It may even be technically correct. But a study is not the same as evidence.

A court will ask harder questions, including:

- Who prepared the study?
- What assumptions were made?
- What source documents were used?
- Were the functional interviews recorded?
- Were the interviewees available?
- Are the agreements signed?
- Do the invoices support the agreement?
- Were payments actually made?
- Were the services actually rendered?
- Does the conduct of the parties match the contract?
- Can the expert explain the methodology without becoming an advocate?
- Can the taxpayer prove its position if the revenue authority challenges it?

The book is about those questions.

It is written from the perspective of transfer pricing disputes that become real, difficult and costly. It focuses on what must be done before the audit begins, during the audit, when findings are issued, when evidence is prepared, when experts are selected, when witnesses are tested and when a transfer pricing matter finally reaches court.

The core message is simple:

Transfer pricing compliance is not the same as transfer pricing dispute readiness.

CHAPTER

OVERVIEW

Chapter 1, Introduction

Why transfer pricing disputes require more than technical transfer pricing knowledge, and why taxpayers must prepare documentation with future evidence in mind.

Chapter 2, The Transfer Pricing Study Starting Point

Why the transfer pricing study is only the beginning of the defence, and why accurate characterisation of the transaction is critical.

Chapter 3, Contemporaneous Documentation for Audit and Trial Evidence

Why documentation must be prepared while corporate memory is fresh, and why later reconstruction is often weaker than contemporaneous evidence.

Chapter 4, The Initial Tax Audit

How taxpayers should respond to the first revenue authority request for information, and why the audit must be managed strategically from the outset.

Chapter 5, The Audit Findings

Why the letter of findings can define, narrow or distort the future dispute, and why taxpayers must insist on clarity.

Chapter 6, Giving Evidence

Why admissibility, hearsay, business records, secondary evidence and witness credibility matter in transfer pricing litigation.

Chapter 7, Expert Reports at Trial

How to select, prepare and manage expert witnesses, and why an expert must assist the court rather than advocate for the taxpayer.

Chapter 8, The Transfer Pricing Trial

How the trial is prepared, argued and managed, including trial strategy, witness preparation, cross-examination and closing argument.

CHAPTER

OVERVIEW

Chapter 9, The Transfer Pricing Appeal

When to appeal, when not to appeal, and how to assess legal, financial and reputational risk after judgment.

Chapter 10, Recent Case Law Impacting Transfer Pricing

Why broader tax case law, including anti-avoidance, substance and treaty cases, increasingly affects transfer pricing disputes.

Chapter 11, Final Lessons

Practical lessons from case studies, judgments and trial experience, with a focus on documentation, evidence, burden of proof and credibility.

CHAPTER 1

INTRODUCTION

WHAT THIS CHAPTER IS ABOUT

The opening chapter explains why transfer pricing disputes require a different kind of preparation from ordinary transfer pricing compliance.

The central message is clear: a transfer pricing study, local file or master file is not enough if the matter becomes a dispute. The taxpayer must be able to prove its position through credible, admissible and properly preserved evidence.

The chapter introduces the book as a practical guide for transfer pricing practitioners, multinational groups and legal teams who may understand transfer pricing technically, but who have not necessarily experienced the realities of audit, evidence and litigation.

THE PRACTICAL PROBLEM

Many taxpayers assume that if they have prepared a transfer pricing study, they are protected.

That assumption is dangerous.

A transfer pricing study is a professional analysis. It may contain method selection, benchmarking, functional analysis, financial calculations and conclusions. But when a dispute arises, a revenue authority or court may not accept the study at face value.

The taxpayer may have to prove:

- what the transaction was;
- who performed which functions;
- which risks were assumed;
- which assets were used;
- which method was selected;
- why the method was selected;
- what data supported the analysis; and
- whether the actual conduct matched the contractual terms.

The practical problem is that this evidence is often scattered, incomplete or lost by the time the dispute reaches trial.

KEY POINTS FROM THE CHAPTER

Transfer pricing documentation must be prepared with the possibility of trial in mind. A taxpayer should not assume that a technically sound transfer pricing report will automatically withstand challenge. If the supporting materials are incomplete, inaccessible or inconsistent, the study may become difficult to defend.

The taxpayer usually knows the facts better than the revenue authority. That is an advantage, but only if the taxpayer captures and preserves those facts properly. If interviews, surveys, internal memoranda, pricing calculations, agreements and source documents are not retained, that advantage weakens over time.

The audit stage is critical. The opportunity to shape the facts, explain the transaction and present the taxpayer's evidence is strongest during documentation, audit and the initial trial preparation phase. By the appeal stage, the opportunity to introduce or reshape factual evidence may be far more limited.

Transfer pricing trials are not short or simple. They may require weeks of evidence, expert testimony, cross-examination, documentary bundles and legal argument. The chapter refers to the ABD Ltd v CSARS matter

as an important example of a substantial transfer pricing dispute where the court's treatment of the evidence became central to the outcome.

Transfer pricing disputes require cooperation between several disciplines. Transfer pricing specialists, tax lawyers, evidence lawyers, factual witnesses, expert witnesses and internal tax teams all play different roles. A weak link in any one of those roles can undermine the case.

Appeals are different from trials. A tax trial tests evidence. An appeal often focuses more heavily on legal interpretation, procedural questions and whether the trial court correctly applied the law to the evidence. That means the taxpayer cannot wait until appeal to fix evidential weaknesses.

THE RISK IF IGNORED

If the taxpayer treats the transfer pricing study as the full defence, several problems may emerge:

- the revenue authority may challenge the factual basis of the study;
- the taxpayer may struggle to locate the people who provided the original information;
- the study may refer to interviews, but no notes may exist;
- the study may rely on agreements, but the agreements may not align with conduct;
- the study may rely on invoices, but the invoices may not identify the services or rights supplied;
- the study may rely on a method, but no one may be able to explain why alternatives were rejected; and
- the expert may be forced to rely on assumptions that have not been proved.

These problems are not cosmetic. They can decide the dispute.

WHY THIS MATTERS IN PRACTICE

The ordinary compliance mindset asks:

Have we prepared a transfer pricing study?

The trial-ready mindset asks:

Can we prove every material assumption in that study if challenged in court?

That is a very different standard.

A transfer pricing study may say that a functional analysis was conducted. But the trial question is:

- who was interviewed;
- when the interviews took place;
- who conducted them;
- what was said;
- where the notes are; and
- whether the person who performed or participated in the analysis can explain it under oath.

A transfer pricing study may refer to a royalty agreement. But the trial question is:

- where the signed agreement is;
- whether the invoices match it;
- whether payments were made;
- how those payments were recorded; and
- whether the actual conduct of the parties aligns with the written terms.

A transfer pricing study may rely on a particular method. But the trial question is whether an independent expert can defend that method, explain why alternatives were rejected and withstand cross-examination. That is the real value of the full book. It does not simply explain transfer pricing principles. It shows how those principles are tested when a dispute becomes adversarial.

WHAT THE FULL BOOK ADDS

The full book expands this introductory discussion with detailed references to the audit-to-trial process, the role of evidence, the use of expert witnesses and the practical lessons drawn from actual transfer pricing litigation.

Full book material	What it adds
Appendix A	Interview with Advocate W Trengove SC after the ABD Ltd transfer pricing trial, providing practical litigation insight
Appendix B	Interview with Advocate R Mastebroek after the ABD Ltd transfer pricing trial, providing further trial preparation insight
Appendix N	ABD Ltd v CSARS judgment, giving readers access to a substantive transfer pricing judgment
Appendices N1 to N5	Expert evidence and cross-examination materials relating to the ABD matter
Case Studies 3 and 4	Detailed transfer pricing and management fee litigation examples
Case Study 5	APA planning example based on a Pan-African telecommunications group

CHAPTER TAKEAWAY

A transfer pricing position is only as strong as the evidence that supports it.

The taxpayer must prepare early, preserve documents, identify witnesses, understand the law of evidence and make sure the transfer pricing study can be defended not only in an audit meeting, but also in court.

[CLICK HERE TO GET THE FULL BOOK](#)

CHAPTER 2

THE TRANSFER PRICING STUDY STARTING POINT

WHAT THIS CHAPTER IS ABOUT

Chapter 2 explains why the transfer pricing study is the natural starting point in any transfer pricing dispute, but not the end point.

A transfer pricing study may identify the controlled transactions, describe the functional analysis, select the transfer pricing method and support the arm's length position. But if the matter later becomes an audit, objection, appeal or trial, the study must be capable of being proved.

That means the taxpayer must understand the legal landscape, the domestic transfer pricing rules, the role of the OECD and UN Transfer Pricing Guidelines, the relevant legal system and the evidence needed to support the conclusions in the study.

The chapter also makes a critical point: if the transaction is wrongly characterised at the start, the entire transfer pricing analysis may become vulnerable.

THE PRACTICAL PROBLEM

Many transfer pricing studies are prepared as annual compliance documents. They may follow a recognisable structure, use familiar terminology and refer to OECD concepts. But litigation exposes whether the analysis is truly connected to the facts.

The practical problem is that the transfer pricing study may describe the transaction at a high level, while the dispute requires a much more precise analysis.

The taxpayer must be able to answer:

- What exactly was supplied?
- Was it a product, service, licence, loan, guarantee, management service, intangible right or bundle of rights?
- Who supplied it?
- Who used it?
- What did the contract say?
- What actually happened?
- Which party performed the relevant functions?
- Which party assumed and controlled the relevant risks?
- Which party contributed to value creation?

If these questions are not answered carefully at the beginning, the dispute may be fought on the wrong

terrain.

KEY POINTS FROM THE CHAPTER

Transfer pricing compliance begins with the identification of the controlled transaction. The taxpayer must know exactly what transaction is being tested, who the parties are, what property or service is being supplied, what contractual terms apply, and what economic circumstances surround the transaction.

The legal framework matters. Transfer pricing provisions may apply only to cross-border transactions in some jurisdictions, while other jurisdictions may also apply them to domestic transactions between associated or connected persons. The taxpayer cannot assume that the rules work the same way in every country.

The taxpayer must understand how local law incorporates, refers to or departs from the OECD and UN Transfer Pricing Guidelines. The Guidelines are influential, but they are not automatically binding in every jurisdiction. Their legal status depends on domestic legislation, regulations, case law and administrative practice.

The legal system of the jurisdiction affects how the dispute will be approached. Common law systems, civil law systems and hybrid systems may treat precedent, interpretation and foreign authority differently. This matters when transfer pricing disputes rely on international materials, comparative case law or soft-law guidance.

Accurate characterisation of the transaction is central. If the taxpayer says the transaction is the use of a brand, but the revenue authority analyses the sale of a branded product to end consumers, the comparison may be fundamentally flawed.

Comparability is not merely a technical exercise. It is a factual and evidential exercise. The taxpayer must be able to show that the selected comparables are truly comparable, or that any differences have been properly adjusted.

The transfer pricing study must be supported by contemporaneous documents, explanatory memoranda, source data, agreements, calculations and witness evidence. A study that cannot be supported by evidence may fail when tested in court.

THE RISK IF IGNORED

If the starting point is wrong, the rest of the analysis becomes unstable.

Several risks follow:

- the revenue authority may mischaracterise the transaction and propose a method that compares the wrong things;
- the taxpayer may defend a method without first correcting the description of the transaction;
- the court may focus on contractual wording while the expert focuses on economic reality, creating a gap between legal argument and expert evidence;
- the taxpayer may rely on OECD language without showing how that language is incorporated into domestic law; and
- the transfer pricing study may become a generic defence rather than a case-specific evidential record.

This is why Chapter 2 matters. It forces the taxpayer to go back to first principles.

WHY THIS MATTERS IN PRACTICE

The transfer pricing study must be treated as the first layer of a possible future defence. That means the taxpayer should ask:

- What exactly are we pricing?
- Who are the actual parties to the transaction?
- What does the contract say?
- Does the conduct of the parties match the contract?
- What evidence supports the functional analysis?
- Why was this transfer pricing method selected?
- Why were other methods rejected?
- What source documents prove the figures used?
- Who can explain this if challenged six or ten years later?

This is where many transfer pricing files become weak. They contain a final report, but not the working evidence behind the report.

A transfer pricing study may say that the taxpayer performs limited-risk distribution functions. But the real questions are:

- Who established that?
- Was it based on interviews?
- Were those interviews recorded?
- Were business personnel asked to confirm the description?
- Did the contractual allocation of risk match the actual conduct?
- Were the financial results consistent with the characterisation?

A transfer pricing study may say that a royalty rate is arm's length. But the taxpayer still needs to prove what exactly was licensed:

- a trademark;
- a brand system;
- a bundle of intangible value;
- a legal right; or
- a broader commercial advantage.

If the transaction is not accurately delineated, the revenue authority may attack the entire pricing structure.

THE BRAND EXAMPLE IN SUMMARY

The chapter uses a brand royalty example to show the danger of mischaracterisation.

In simplified terms, the taxpayer may be analysing a transaction involving the use of a brand between related parties. The revenue authority, however, may analyse the price premium of branded products sold to end consumers. That changes the comparison completely.

The real transaction may involve a legal owner allowing a group company to use a brand. The revenue authority's analysis may instead look at a consumer-facing product that includes many other value drivers, such as:

- licences;
- networks;

- customer relationships;
- local marketing;
- distribution assets;
- software;
- product features; and
- market access.

That is not comparing like with like.

The chapter's point is not merely that the revenue authority may be wrong. The deeper point is that the taxpayer must be able to prove why the revenue authority is wrong, using the correct legal characterisation, economic analysis and supporting evidence.

WHAT THE FULL BOOK ADDS

The full book expands Chapter 2 with a detailed discussion of the legal landscape, transfer pricing legislation, legal systems, accurate delineation, comparability, the OECD and UN Transfer Pricing Guidelines, and the evidential support needed behind the transfer pricing study.

Full book material	What it adds
Appendices A and B	Advocate interviews explaining how transfer pricing evidence is tested in practice
Appendices C1 to C6	Evidence materials, including hearsay, business records, expert evidence and cross-examination examples
Appendices D to L	Tax risk management, audit preparation, tax steering committee and engagement materials
Appendix N	ABD Ltd v CSARS judgment
Appendices N1 to N5	Analysis and extracts relating to expert evidence and cross-examination
Case Studies 3 to 5	Practical dispute, trial and APA-related case studies

CHAPTER TAKEAWAY

The transfer pricing study is not the defence. It is the starting point of the defence.

To become useful in a dispute, the study must be supported by accurate transaction characterisation, properly selected comparables, reliable source data, contemporaneous records, credible witnesses and expert evidence that can withstand challenge.

[CLICK HERE TO GET THE FULL BOOK](#)

CHAPTER 3

CONTEMPORANEOUS DOCUMENTATION FOR AUDIT AND TRIAL EVIDENCE

WHAT THIS CHAPTER IS ABOUT

Chapter 3 explains why transfer pricing documentation must be created and preserved at the time the relevant transactions occur, or as close to that time as possible.

The chapter moves beyond the idea that a transfer pricing report is enough. It asks a more practical question: if the revenue authority audits a transaction six, eight or ten years later, will the taxpayer still have the documents, source data, witness recollections and internal explanations needed to prove the arm's length position?

That is the heart of contemporaneous documentation. It is not just about compliance. It is about preserving the evidence before it disappears.

THE PRACTICAL PROBLEM

Transfer pricing audits often happen long after the relevant year.

In that time, businesses change:

- employees leave;
- finance systems are upgraded;
- documents are archived or deleted;
- tax teams are restructured;
- group policies change;
- external advisers move on;
- local management forgets why decisions were made; and
- commercial context disappears.

The revenue authority may then ask for evidence that existed years earlier, but is no longer easy to locate. That is when taxpayers discover the difference between having a transfer pricing report and having a defensible transfer pricing file.

KEY POINTS FROM THE CHAPTER

Transfer pricing audits often arise years after the relevant transaction. By then, employees may have left, systems may have changed, files may be missing, entities may have been restructured and institutional memory may have faded.

Delay creates evidential weakness. A taxpayer may have had a defensible arm's length position at the time,

but if the supporting evidence cannot be produced later, the position becomes harder to prove.

Contemporaneous documentation should include more than the formal transfer pricing study. It should include calculations, source documents, internal explanations, interview notes, board or tax committee minutes, agreements, invoices, payment records and any materials used to prepare the functional analysis. The OECD and UN Transfer Pricing Guidelines both recognise the importance of timing and contemporaneity in comparability analysis and documentation. The point is simple: evidence prepared at the time of the transaction is usually more reliable than evidence reconstructed after a dispute has begun.

Taxpayers must think about admissibility. It is not enough to possess documents. The taxpayer must be able to explain what the documents are, who created them, why they were created, whether they were created in the ordinary course of business and how they support the transfer pricing position.

Evidence must be collected, collated and analysed in a disciplined way. This is not a purely accounting exercise. It requires tax, legal, transfer pricing and evidentiary input.

THE RISK IF IGNORED

The risk is that the taxpayer has to reconstruct the story after the fact.

Reconstructed evidence is often weaker because it may:

- appear self-serving;
- rely on people who were not involved at the time;
- be based on assumptions rather than direct knowledge;
- be vulnerable to hearsay objections; and
- be inconsistent with documents that still exist.

In a transfer pricing dispute, the taxpayer often needs to prove what happened, not what might have happened.

A court may accept properly maintained business records. It may accept contemporaneous documents. It may accept credible witness evidence. But it will be more cautious where the taxpayer tries to recreate the evidence years later because the original records were not preserved.

WHY THIS MATTERS IN PRACTICE

A taxpayer may believe that it has complied because a transfer pricing report was prepared for the relevant year. But when an audit begins years later, the questions become more demanding.

The revenue authority may ask:

- Where are the original agreements?
- Where are the invoices?
- Where are the payment records?
- Who conducted the functional interviews?
- Why were particular companies included or excluded from the benchmarking set?
- How was the allocation key selected in a profit split?
- Did the conduct of the parties match the legal agreements?

If the taxpayer cannot answer those questions with documents and witnesses, the transfer pricing study becomes exposed.

The best time to prepare trial evidence is not when the trial begins. It is when the transaction takes place, when the documentation is prepared and when the audit first starts.

A PRACTICAL DOCUMENTATION MINDSET

A trial-ready transfer pricing file should include more than a polished report. It should include:

- the working papers that explain how the report was prepared;
- the source documents that support the facts;
- the commercial agreements;
- evidence of performance;
- invoices and payment trails;
- minutes or memoranda explaining major decisions;
- functional interview notes or confirmations;
- calculations that reconcile to financial statements; and
- evidence showing how risk allocation matches actual conduct.

This does not mean that every taxpayer must prepare for litigation in every year with unnecessary cost. It does mean that major, material, high-risk or complex related party transactions should be documented with future challenge in mind.

WHAT THE FULL BOOK ADDS

The full book contains more detailed discussion of evidence, hearsay, business records, secondary evidence and admissibility. It also links this chapter to several annexures dealing with evidence and tax risk management.

Full book material	What it adds
Appendix C1	Questions and answers on the US Federal Rules of Evidence
Appendix C5	Example materials dealing with admissibility of hearsay evidence by an expert witness
Appendix C6	Supporting arguments to evidence
Appendix I	Typical tax risk review process
Appendix J	TRM Tax Steering Committee Risk Review Template
Appendix D	Extract from <i>Tax Intelligence</i> on tax risk management

CHAPTER TAKEAWAY

Contemporaneous documentation is not a filing exercise. It is future trial protection. A transfer pricing position that is not supported by reliable contemporaneous evidence may become difficult to defend, even if the original analysis was technically sound.

CHAPTER 4

THE INITIAL TAX AUDIT

WHAT THIS CHAPTER IS ABOUT

Chapter 4 deals with the first moment of real pressure: the initial transfer pricing audit.

A transfer pricing audit often begins with a request for information. The instinctive response is to gather large volumes of documents and send them to the revenue authority. The chapter warns against that approach.

The better approach is to pause, understand the lawful scope of the request, assemble the right team, determine what the revenue authority is really concerned about, and respond strategically.

THE PRACTICAL PROBLEM

Taxpayers often treat the first information request as an administrative task.

They may:

- ask finance to gather documents;
- ask the transfer pricing adviser for the report;
- send files to the revenue authority; and
- hope the matter will end.

But transfer pricing audits rarely work that way.

A broad response may create confusion. It may give the revenue authority material without context. It may expose irrelevant issues. It may fail to answer the real concern. It may also create a record that later becomes difficult to manage.

The first response should not be casual. It should be controlled.

KEY POINTS FROM THE CHAPTER

Taxpayers should not react impulsively to an information request. They should first ask what the revenue authority is legally entitled to request and what the taxpayer is legally required to provide.

The taxpayer should clarify the revenue authority's concern. A broad request may be a fishing expedition, or it may hide a specific issue. The taxpayer should try to narrow the enquiry.

The response should be prepared by a properly constituted tax team. That team may include internal tax personnel, the CFO, transfer pricing specialists, external tax advisers and litigation counsel.

The audit stage can be used to stop the dispute early. A carefully prepared meeting, supported by a clear memorandum and relevant evidence, may persuade the revenue authority not to proceed.

If the taxpayer discovers a genuine error, it should be confronted carefully and strategically. Trying to conceal an obvious weakness may increase penalties, interest, cost and reputational damage.

The taxpayer should understand the revenue authority's legal powers, including the role of administrative law, constitutional principles, secrecy provisions and the use of external advisers.

Engagement with the revenue authority should be documented. A proper letter of engagement or agreed audit framework can help define the scope of the audit and prevent later procedural confusion.

THE RISK IF IGNORED

An unmanaged audit can expand quickly.

The taxpayer may face several problems:

- the audit may become a broad fishing expedition;
- the taxpayer may respond without knowing the precise issue;
- the revenue authority may continue asking follow-up questions while developing its theory;
- the taxpayer may provide information that is technically correct but poorly explained;
- the audit may drift for years; and
- the taxpayer may later struggle to prove what was asked, what was provided and what was agreed.

The more unfocused the audit becomes, the harder it is to control.

WHY THIS MATTERS IN PRACTICE

The first response to a transfer pricing audit can shape the entire dispute.

If the taxpayer provides too much information without structure, it may create confusion or expose irrelevant vulnerabilities. If the taxpayer provides too little, it may appear evasive. If the taxpayer responds without understanding the revenue authority's legal powers, it may concede procedural ground unnecessarily.

The aim is not to obstruct the audit. The aim is to control the process lawfully and professionally.

A well-prepared taxpayer should be able to say:

- this is what you have asked for;
- this is what the law allows you to ask for;
- this is what we have already provided;
- this is the evidence that supports our position;
- this is the issue we understand you are investigating; and
- this is why the audit should be closed, or at least narrowed.

That kind of response changes the tone of the audit.

THE ROLE OF THE TAX TEAM

The chapter stresses the need for a wider tax team.

A transfer pricing audit should not be left only to the person who prepared the transfer pricing study. It

should involve people who understand:

- the business;
- the financial data;
- transfer pricing;
- litigation;
- evidence;
- domestic tax law;
- tax administration law; and
- revenue authority powers.

This is especially important where the audit may involve external advisers used by the revenue authority, treaty-based information requests, confidentiality issues or procedural irregularities.

The taxpayer should know who is participating in the audit, what authority they have and what legal powers are being exercised.

WHAT THE FULL BOOK ADDS

The full book includes detailed material on audit engagement, information requests, revenue authority powers and procedural responses.

Full book material	What it adds
Appendix E	Why taxpayers are selected for tax audits
Appendix F	Rules of engagement at the commencement of a tax audit
Appendix G	Request for information under a typical income tax provision
Appendix H	Template for asking the revenue authority to justify why it is requesting information
Appendix K	Revenue authority letter of engagement at the commencement of a tax audit
Case Study 1	Transfer pricing audit example
Case Study 2	Founding affidavit where a revenue authority allegedly failed to follow the rules of engagement

CHAPTER TAKEAWAY

The audit should not be treated as an administrative inconvenience. It is the first stage of a possible trial. The taxpayer's response must be lawful, strategic, evidence-based and carefully documented.

[CLICK HERE TO GET THE FULL BOOK](#)

CHAPTER 5

THE AUDIT FINDINGS

WHAT THIS CHAPTER IS ABOUT

Chapter 5 focuses on what happens when the revenue authority concludes the audit and issues its findings. This is a critical stage. The letter of findings, or equivalent document, may define the facts, legal basis and reasoning that will later shape the objection, appeal and trial.

The chapter explains why taxpayers must pay careful attention to the detail of the findings and should not allow vague, shifting or unsupported conclusions to pass unchallenged.

THE PRACTICAL PROBLEM

A revenue authority may issue findings that appear final, but are unclear.

The findings may:

- identify a proposed adjustment without properly explaining the factual basis;
- reject the taxpayer's method without explaining why;
- propose another method without supporting the selection;
- rely on assumptions rather than evidence; or
- refer to legislation without explaining how the jurisdictional requirements are met.

This creates a major problem for the taxpayer.

- How does the taxpayer object if it does not know the precise case it must answer?
- How does the taxpayer prepare evidence if the factual basis is unclear?
- How does the taxpayer prevent the revenue authority from changing its case later?

That is why the letter of findings matters.

KEY POINTS FROM THE CHAPTER

The revenue authority should identify the factual and legal basis for any proposed assessment. The taxpayer must understand exactly what is being alleged.

The findings should distinguish between facts and legal conclusions. A factual assertion must be supported by evidence. A legal conclusion must be supported by the relevant legislation and reasoning.

Admissibility matters. If the revenue authority relies on documents, witness statements, assumptions or external expert analysis, the taxpayer must consider whether that material can properly support the

assessment.

The burden of proof often rests on the taxpayer, but that does not mean the revenue authority can act irrationally or without procedural discipline.

The letter of findings can help prevent the revenue authority from changing its case later. If the taxpayer carefully records the revenue authority's stated basis, it becomes harder for the authority to shift methodologies or arguments without consequence.

A proper tax risk management process should already have identified the dispute risk and prepared the taxpayer to respond.

Procedural challenges may sometimes be necessary. Where the revenue authority acts outside agreed procedures or legal authority, the taxpayer may need to challenge that conduct.

THE RISK IF IGNORED

If the taxpayer accepts vague findings without challenge, those findings may become the foundation of the dispute.

The taxpayer may later discover that:

- the revenue authority's case has evolved;
- the method has changed;
- the factual allegations have shifted;
- the legal basis has been reframed; or
- new expert reasoning has appeared.

That is dangerous.

The taxpayer should not allow a revenue authority to keep the dispute vague. A properly reasoned letter of findings helps establish what the dispute is really about. It also creates a record that can be used later if the revenue authority tries to move away from its original reasoning.

WHY THIS MATTERS IN PRACTICE

The letter of findings is not just another audit document. It may become one of the most important documents in the dispute.

A weak or vague letter of findings can prejudice the taxpayer because it creates uncertainty. The taxpayer may not know what case it must answer. A shifting letter of findings can be even more dangerous because the taxpayer may prepare for one argument, only to face another later.

For that reason, the taxpayer should insist on clarity.

The taxpayer should ask:

- What transaction is being challenged?
- What method does the revenue authority reject?
- What method does it propose?
- What facts does it rely on?
- What documents support those facts?
- What legislation gives the authority the power to raise the assessment?

- Has the authority considered the taxpayer’s evidence?
- Has the authority changed its position?

These questions matter because they shape the future litigation record.

EVIDENCE AND BURDEN OF PROOF

The chapter links the audit findings to the burden of proof.

In many jurisdictions, the taxpayer will carry the burden of proving that the assessment is wrong. But that does not mean the revenue authority’s findings are immune from scrutiny. The revenue authority must still act within its powers, follow proper procedures, apply the law rationally and provide reasons that allow the taxpayer to respond.

The taxpayer must therefore manage two tracks at once:

- prepare the evidence to support its transfer pricing position; and
- scrutinise the revenue authority’s process and reasoning.

Both matter.

WHAT THE FULL BOOK ADDS

The full book provides deeper discussion of audit findings, evidentiary categories, administrative law principles and practical case examples. It also includes materials on tax risk review and the role of the tax steering committee.

Full book material	What it adds
Appendix I	Typical tax risk review process
Appendix J	TRM Tax Steering Committee Risk Review Template
Appendix K	Revenue authority letter of engagement
Appendix L	Role of a Tax Steering Committee
Case Study 1	Transfer pricing audit dispute example
Case Study 2	Founding affidavit involving audit procedure
Case Study 3	Zimbabwe management fees judgment illustrating evidentiary difficulty

CHAPTER TAKEAWAY

The audit findings can either narrow the dispute or distort it.

Taxpayers should insist on clarity, preserve the procedural record and challenge unsupported or shifting reasoning before it becomes embedded in the litigation.

[CLICK HERE TO GET THE FULL BOOK](#)

CHAPTER 6

GIVING EVIDENCE

WHAT THIS CHAPTER IS ABOUT

Chapter 6 is one of the most important chapters in the book. It explains why transfer pricing disputes are won or lost on evidence.

The chapter introduces key evidentiary concepts such as admissibility, relevance, hearsay, secondary evidence, business records, the best evidence rule, factual witnesses, expert witnesses and the burden of proof.

The central message is that a transfer pricing study is not itself enough. The taxpayer must prove the facts and assumptions on which the study rests.

THE PRACTICAL PROBLEM

Transfer pricing professionals often think in terms of economic analysis, method selection and benchmarking. Courts think in terms of evidence.

That creates a gap.

A transfer pricing report may state that:

- a service was rendered;
- a royalty was paid;
- a particular entity performed specified functions;
- a database search was reliable;
- a method was appropriate; or
- a transaction was arm's length.

But a court may ask harder questions:

- What proves the service was rendered?
- Where is the agreement, invoice, accounting record and payment trail?
- Who knows what functions were performed?
- How does that person know?
- Can that person testify?
- Was the database search properly conducted?
- Is the expert relying on proved facts or assumptions?

This is where many transfer pricing disputes become difficult.

KEY POINTS FROM THE CHAPTER

The taxpayer usually bears the burden of proving that the revenue authority's assessment is wrong and that the taxpayer's position is correct.

Evidence must be admissible. A document or statement may appear helpful, but if it cannot be properly introduced and relied on, it may have limited value.

Hearsay is a major risk in transfer pricing trials. If the person who created a document, conducted an interview or made a key decision is no longer available, the taxpayer may need to rely on hearsay or secondary evidence. Business records may provide an exception to hearsay rules in many jurisdictions, but the taxpayer must be able to show that the records were created and maintained in the ordinary course of business.

Expert evidence must be grounded in facts that are themselves proved or properly assumed. An expert cannot rescue a case built on weak or unproven facts.

The parol evidence rule may affect attempts to rely on evidence outside the written agreement. This is particularly important where economists and lawyers approach contractual interpretation differently.

Factual witnesses and expert witnesses perform different roles. A factual witness explains what happened. An expert assists the court with specialised opinion. Confusing those roles can damage the case.

THE RISK IF IGNORED

The taxpayer may discover too late that key evidence is inadmissible, weak or unavailable. Common problems include:

- a witness who does not have personal knowledge;
- a document that is only a copy without proper explanation;
- a spreadsheet that cannot be traced back to source data;
- an expert who relies on facts that no factual witness can prove;
- an internal email that contradicts the transfer pricing study;
- a contractual position that does not match the actual conduct of the parties; and
- a factual narrative that appears reconstructed after the dispute began.

This is not just a technical problem. It can undermine the credibility of the taxpayer's entire case.

WHY THIS MATTERS IN PRACTICE

This chapter forces taxpayers to confront an uncomfortable reality: a technically impressive transfer pricing file may still fail as evidence.

For example, a transfer pricing study may describe the functions performed by a local subsidiary. But if the person who gave that information to the transfer pricing adviser is unavailable, and there are no interview notes, affidavits or business records, the taxpayer may struggle to prove the point.

A study may rely on a survey. But the court may ask:

- Who conducted the survey?
- Was the methodology sound?
- Were the questions neutral?
- Are the raw results available?
- Can the survey provider testify?

A study may rely on accounting data. But the taxpayer may need to explain:

- where the data came from;
- how it was extracted;
- who reviewed it;
- whether it reconciles to the financial statements; and
- whether it was used in the ordinary course of business.

This is why evidence planning must start early.

FACTUAL WITNESSES AND EXPERT WITNESSES

One of the most important distinctions in the chapter is the difference between factual witnesses and expert witnesses.

A factual witness tells the court what happened. This may include:

- what services were performed;
- how pricing decisions were made;
- how the group operated;
- what records were kept;
- what payments were made; and
- what the commercial context was.

An expert witness gives an opinion within a specialised field. The expert may explain:

- transfer pricing principles;
- comparability;
- method selection;
- benchmarking;
- profit split logic;
- valuation concepts; or
- the reasonableness of a pricing outcome.

The expert cannot replace missing factual evidence.

If the taxpayer cannot prove that services were actually rendered, an expert opinion on the reasonableness of a management fee may not be enough. If the taxpayer cannot prove what rights were licensed, an expert opinion on a royalty rate may be exposed.

This is one of the most important litigation lessons in the book.

WHAT THE FULL BOOK ADDS

The full book contains extensive supporting material on evidence, including questions and answers on evidence rules, cross-examination examples and applications dealing with hearsay evidence.

See table on following page.

Full book material	What it adds
Appendix C1	Questions and answers on the US Federal Rules of Evidence
Appendix C2	Example of cross-examination of an expert witness
Appendix C3	Another example of expert witness cross-examination
Appendix C5	Admissibility of hearsay evidence by an expert witness
Appendix C6	Supporting arguments to evidence
Appendices N1 to N5	Expert evidence and cross-examination materials from the ABD-related materials

CHAPTER TAKEAWAY

A transfer pricing dispute is not won by assertion. It is won by proof.

The taxpayer must preserve, organise and present evidence in a form that a court can accept and rely on.

[CLICK HERE TO GET THE FULL BOOK](#)

CHAPTER 7

EXPERT REPORTS AT TRIAL

WHAT THIS CHAPTER IS ABOUT

Chapter 7 explains the role of expert reports and expert witnesses in transfer pricing litigation.

Transfer pricing disputes often require expert evidence because judges may not be specialists in economics, valuation, benchmarking, comparability, DEMPE, profit splits or transfer pricing methodologies. But expert evidence must be independent, disciplined and properly prepared.

The chapter stresses that the expert is not an advocate for the taxpayer. The expert's role is to assist the court.

THE PRACTICAL PROBLEM

Taxpayers sometimes assume that a strong expert will solve the case.

That assumption is risky.

An expert can only work with the evidence available. If the documents are weak, the facts are unclear or the assumptions are unproved, the expert report may become vulnerable.

The expert may also damage the case if they:

- appear partisan;
- overstate conclusions;
- ignore weaknesses;
- move beyond their proper field of expertise;
- rely on facts that are not proved; or
- become defensive under cross-examination.

In a transfer pricing trial, the expert must be technically strong, but also credible, disciplined and independent.

KEY POINTS FROM THE CHAPTER

Selecting the right expert is critical. The expert must have the technical knowledge, practical experience and credibility to assist the court.

Independence matters. An expert who appears biased, partisan or too closely aligned with the taxpayer's desired outcome can damage the case.

The expert report must be clear, structured and grounded in the evidence. It should explain the assumptions, methodology, reasoning and conclusions.

The expert must understand the legal issues sufficiently to avoid offering opinions outside their proper field. The expert must be prepared for cross-examination. A strong written report is not enough if the expert cannot defend it under pressure.

Mock cross-examinations are valuable. They test whether the expert can remain clear, balanced and credible when challenged.

The legal team and expert must work together carefully, without compromising the expert's independence.

THE RISK IF IGNORED

A poorly prepared expert can become a liability.

The revenue authority may show that:

- the expert relied on facts not in evidence;
- key assumptions were provided by the taxpayer and not independently tested;
- the expert did not properly consider alternative methods;
- the expert ignored weaknesses in the taxpayer's case;
- the expert misunderstood the legal issue;
- the expert overstated the conclusion; or
- the expert appeared defensive, evasive or partisan.

In that situation, the court may prefer the opposing expert, or may discount the taxpayer's expert evidence altogether.

WHY THIS MATTERS IN PRACTICE

An expert report can strengthen a transfer pricing case, but it can also expose it.

If the expert relies on assumptions that are not supported by evidence, the report becomes vulnerable. If the expert ignores weaknesses, the court may regard the opinion as advocacy rather than expert assistance. If the expert becomes defensive under cross-examination, credibility may suffer.

The best expert reports do not simply conclude that the taxpayer is right. They explain:

- why the taxpayer's position is supportable;
- what evidence was considered;
- what assumptions were made;
- what alternative methods were evaluated;
- why the selected approach is appropriate; and
- what limitations exist.

That is what gives the court confidence.

PREPARING THE EXPERT PROPERLY

The taxpayer and legal team should prepare the expert early.

This does not mean coaching the expert to say what the taxpayer wants. It means ensuring that the expert understands the factual record, the legal context, the issues in dispute, the assumptions being made and the documents on which the opinion depends.

The expert should be tested before trial.

The preparation should ask whether the expert can:

- explain the method in simple terms;
- explain why another method was rejected;
- identify weaknesses without appearing evasive;
- answer questions from a judge who is not a transfer pricing specialist;
- remain neutral under pressure;
- distinguish between fact, assumption and opinion; and
- defend the report under cross-examination.

This preparation is essential.

WHAT THE FULL BOOK ADDS

The full book contains more detailed materials on preparing expert witnesses, examples of cross-examination and expert evidence extracts.

Full book material	What it adds
Appendix C2	Example of cross-examination of an expert witness
Appendix C3	Further example of expert witness cross-examination
Appendix C4	How to prepare for a trial with your experts
Appendices N1 to N5	Expert evidence and cross-examination materials
Appendices A and B	Advocate interviews discussing practical trial preparation

CHAPTER TAKEAWAY

The expert must be independent, prepared and anchored in the evidence.

An expert who cannot withstand cross-examination may weaken the very case they were meant to strengthen.

[CLICK HERE TO GET THE FULL BOOK](#)

CHAPTER 8

THE TRANSFER PRICING TRIAL

WHAT THIS CHAPTER IS ABOUT

Chapter 8 brings the previous chapters together and explains how a transfer pricing trial is prepared and conducted.

A trial is not a standalone event. It is the culmination of years of documentation, audit responses, legal positioning, evidence preparation and expert engagement.

The chapter covers pre-trial preparation, assembling the legal and expert team, reviewing documentation, developing a trial strategy, conducting mock trials, presenting opening statements, leading evidence, cross-examining witnesses and delivering closing arguments.

THE PRACTICAL PROBLEM

Transfer pricing trials are complex because they combine:

- tax law;
- economics;
- accounting;
- evidence;
- witness credibility; and
- litigation strategy.

A trial team may understand transfer pricing, but not evidence. A legal team may understand evidence, but not transfer pricing. An expert may understand the methodology, but not the factual history. An internal witness may understand the business, but not the legal significance of what they are saying.

The practical problem is coordination. Every part of the case must work together.

KEY POINTS FROM THE CHAPTER

The taxpayer must assemble the right team. This includes trial counsel, tax litigators, transfer pricing specialists, factual witnesses, expert witnesses and internal decision-makers.

The documentation must be reviewed as trial evidence, not merely as compliance material. Every document must be understood, organised and capable of being explained.

The taxpayer must develop a clear case theory. The court must understand, in simple terms, why the taxpayer's transfer pricing position is arm's length and why the revenue authority's adjustment is flawed.

Trial strategy must address weaknesses. Ignoring weak documents, inconsistent witnesses or methodological difficulties is dangerous. They must be anticipated and managed.

Mock trials and rehearsals are useful because they expose practical problems before the real trial begins. Opening statements must be clear and persuasive. The court needs a roadmap, not a technical data dump.

Evidence must be presented in a disciplined order. Expert witnesses and factual witnesses must support each other, and documents must be introduced in a way that makes their relevance clear.

Cross-examination is a central moment. The taxpayer must be ready both to defend its own witnesses and to challenge the revenue authority's experts.

THE RISK IF IGNORED

A poorly prepared trial can collapse under its own complexity.

The risks include:

- the judge may not understand the taxpayer's case;
- witnesses may contradict each other;
- experts may rely on facts that are not properly proved;
- documents may be introduced without context;
- the revenue authority may succeed in reframing the issue;
- the taxpayer may spend too much time on technical detail and too little time on the core evidential story; and
- the closing argument may fail to bring the case together.

In a transfer pricing trial, clarity is not optional. It is strategic.

WHY THIS MATTERS IN PRACTICE

A transfer pricing trial is not won by having the thickest bundle or the most technical report. It is won by presenting a coherent case that the court can understand.

The taxpayer must help the court answer practical questions:

- What was the transaction?
- Who did what?
- What risks were assumed?
- What assets were used?
- What method was selected?
- Why was that method appropriate?
- What evidence supports the conclusion?
- Why is the revenue authority's adjustment wrong?

A trial team that cannot explain the case simply may lose the judge, even if the technical position is strong.

BUILDING THE CASE THEORY

The case theory should be simple enough to explain in a few sentences.

For example:

- the taxpayer accurately identified the controlled transaction;
- the taxpayer selected a method appropriate to the facts;
- the taxpayer supported that method with contemporaneous evidence;
- the revenue authority compared the wrong transaction, relied on flawed assumptions or used an inappropriate method; and
- the taxpayer’s evidence is more probable and more credible.

Everything in the trial should support that theory.

The opening statement should introduce it. The factual witnesses should support it. The documents should prove it. The expert should explain it. The cross-examination should defend it. The closing argument should bring it together.

WHAT THE FULL BOOK ADDS

The full book gives more detail on trial preparation, witness preparation, opening statements, document use, cross-examination and post-trial review.

Full book material	What it adds
Appendices A and B	Advocate interviews after the ABD Ltd trial
Appendix C4	Preparing for trial with experts
Appendices C1 to C6	Evidence-related materials
Appendix N	ABD Ltd v CSARS judgment
Appendices N1 to N5	Expert evidence and cross-examination materials
Case Study 4	First three-week transfer pricing tax trial

CHAPTER TAKEAWAY

A transfer pricing trial is built long before the first day in court.

The taxpayer must turn technical analysis into admissible evidence, credible testimony and a persuasive case theory.

[CLICK HERE TO GET THE FULL BOOK](#)

CHAPTER 9

THE TRANSFER PRICING APPEAL

WHAT THIS CHAPTER IS ABOUT

Chapter 9 explains what happens after an unfavourable trial outcome, or where a party is dissatisfied with part of a judgment.

The chapter asks a practical question: should the taxpayer appeal?

An appeal is not simply a second chance to argue the same case. It is often more limited, more expensive and more focused on legal error than factual reconstruction. The chapter also considers administrative review, tax tribunals, judicial review and the financial impact of litigation.

THE PRACTICAL PROBLEM

After a loss, the natural response is to appeal.

But an appeal should not be automatic.

The taxpayer must distinguish between disappointment and appealable error. A trial may have gone badly because:

- the evidence was weak;
- witnesses were not credible;
- the expert was not persuasive;
- the legal argument was not accepted;
- the factual record was incomplete; or
- the court made a genuine legal error.

Those issues are not all the same.

An appeal usually works with the record that already exists. That means poor trial preparation can limit appeal prospects.

KEY POINTS FROM THE CHAPTER

The decision to appeal must be strategic, not emotional. Losing at trial does not automatically mean an appeal is worthwhile.

Appeal prospects must be assessed carefully. The taxpayer must identify whether the trial court made a legal error, misunderstood the evidence, misapplied the burden of proof or reached a conclusion that can properly be challenged.

Appeals may be constrained by the record. Evidence that was not properly introduced at trial may not be available on appeal.

Taxpayers must distinguish between appeal, administrative review and judicial review. These remedies may have different functions, procedures and standards.

Constitutional and administrative law may still matter, especially where the revenue authority acted beyond its powers, failed to follow proper procedure or breached principles of fairness.

Litigation cost must be considered. A transfer pricing appeal may take years and may require reserves, disclosure to auditors, stakeholder communication and board-level oversight.

Reputational management matters. A transfer pricing appeal should be framed as a technical dispute over methodology and evidence, not as evidence of tax evasion or misconduct.

THE RISK IF IGNORED

An appeal can consume years, money and management attention.

If the appeal is weak, the taxpayer may:

- worsen its position;
- incur further cost;
- increase reputational exposure;
- create adverse precedent; or
- distract management from the broader business.

If the taxpayer fails to appeal where there is a strong legal basis, it may leave a damaging judgment unchallenged.

The decision must therefore be made carefully, with legal, financial, governance and reputational factors in mind.

WHY THIS MATTERS IN PRACTICE

Appeals require discipline.

A board may want to appeal because the assessment is large. A tax team may want to appeal because it believes the court misunderstood the transfer pricing analysis. External advisers may believe there are arguable points.

But the real question is whether the appeal has a realistic legal foundation.

The taxpayer must consider:

- What exactly did the trial court get wrong?
- Was the error legal, factual or procedural?
- Can the error be corrected on appeal?
- What is the cost?
- What are the risks if the appeal fails?
- What must be disclosed to auditors and stakeholders?
- How will the dispute affect the group's reputation?

This chapter places the appeal decision within a broader governance framework.

APPEAL, REVIEW AND GOVERNANCE

The chapter also recognises that not every post-trial or post-assessment remedy is the same. Different remedies serve different functions:

- an appeal may challenge the correctness of the decision;
- a review may challenge the lawfulness of the process; and
- a constitutional or administrative law challenge may focus on whether the revenue authority acted within its powers, followed fair procedure or respected legitimate expectations.

These distinctions matter. Choosing the wrong remedy can waste time and weaken the taxpayer's position. The decision should be made by a properly informed team, with input from tax counsel, litigation counsel, transfer pricing specialists, finance leadership and, where appropriate, the board or audit committee.

WHAT THE FULL BOOK ADDS

The full book provides a fuller discussion of appeal strategy, administrative review, judicial review and financial impact.

Full book material	What it adds
Appendix Q	Constitutional law and treaties
Appendix I	Typical tax risk review process
Appendix J	TRM Tax Steering Committee Risk Review Template
Appendix L	Tax Steering Committee governance material
Case Studies 3 and 4	Litigation examples with lessons relevant to appeals

CHAPTER TAKEAWAY

An appeal is not a rescue plan for poor trial preparation.

The taxpayer must decide whether there is a real legal basis to appeal, and whether the commercial, financial and reputational costs justify continuing the dispute.

[CLICK HERE TO GET THE FULL BOOK](#)

CHAPTER 10

RECENT CASE LAW IMPACTING TRANSFER PRICING

WHAT THIS CHAPTER IS ABOUT

Chapter 10 explains why transfer pricing disputes are increasingly affected by broader tax case law, even where those cases are not strictly transfer pricing cases.

The chapter focuses on developments involving GAAR, treaty residence, economic substance, DEMPE analysis, administrative guidance and the reallocation of returns. The point is that transfer pricing disputes are increasingly shaped by wider questions of substance, governance, control, risk and value creation.

THE PRACTICAL PROBLEM

Transfer pricing is often treated as a specialist field separate from other tax disputes.

That separation is becoming less realistic.

Revenue authorities increasingly use anti-avoidance reasoning, substance analysis, treaty concepts and governance concerns when challenging transfer pricing outcomes. Courts may also be influenced by broader tax principles when assessing whether the taxpayer's position reflects commercial reality.

This means transfer pricing advisers must think beyond transfer pricing methods. They must also think about:

- substance;
- purpose;
- control;
- governance;
- treaty entitlement;
- value creation; and
- the wider tax risk environment.

KEY POINTS FROM THE CHAPTER

Transfer pricing disputes no longer operate in isolation. Courts and revenue authorities increasingly draw on wider tax principles, including substance, anti-avoidance, treaty entitlement and economic reality.

Formal documentation may not be enough if the structure lacks commercial substance. A company may have agreements, certificates and board minutes, but those documents must align with real decision-making, risk control and value creation.

GAAR reasoning can influence transfer pricing disputes. Even where a case is not a transfer pricing case, the court's approach to substance and tax benefit may affect how revenue authorities frame future transfer

pricing challenges.

DEMPE analysis is vulnerable where legal ownership of intangibles does not match actual development, enhancement, maintenance, protection and exploitation functions.

Administrative guidance may provide comfort, but it may not protect a taxpayer where the legal landscape changes or where anti-avoidance rules apply.

Transfer pricing litigation strategy must now account for broader tax jurisprudence, not only technical transfer pricing guidance.

THE RISK IF IGNORED

Taxpayers may defend the transfer pricing method while missing the wider attack.

A revenue authority may not only argue that the price is wrong. It may argue that:

- the structure lacks substance;
- the relevant entity did not control risk;
- treaty benefits should not apply;
- legal ownership does not justify returns;
- the arrangement falls within an anti-avoidance framework; or
- the documentation does not reflect commercial reality.

If the taxpayer responds only with benchmarking, it may fail to answer the real concern.

WHY THIS MATTERS IN PRACTICE

Taxpayers should not rely on form alone.

A group may have a legal IP owner in one jurisdiction. But if the real development and control functions occur elsewhere, the revenue authority may challenge the allocation of returns.

A holding company may have treaty residence documents. But if decision-making, commercial substance and economic exposure are weak, treaty relief may be questioned.

A financing entity may legally earn a return. But if it does not control risk or perform meaningful functions, its return may be vulnerable.

Transfer pricing disputes are increasingly argued through a wider lens:

- substance;
- governance;
- control;
- risk;
- value creation; and
- evidence.

THE FUTURE OF TRANSFER PRICING DISPUTES

The direction is clear.

Transfer pricing disputes will increasingly involve both method and substance.

Revenue authorities will ask:

- whether the legal arrangements reflect the actual conduct;
- whether the entity earning the return performs the functions, controls the risks and uses the assets that justify that return;
- whether the documentation was created to explain reality or to support a tax result;
- whether the structure has commercial purpose beyond tax; and
- whether the taxpayer's governance supports the position taken.

That is why transfer pricing dispute readiness must be integrated with tax risk management.

WHAT THE FULL BOOK ADDS

The full book provides a more detailed discussion of recent case law and its conceptual spill-over into transfer pricing disputes.

Full book material	What it adds
Chapter 10 full text	Detailed discussion of recent case law and transfer pricing implications
Appendix O	Disputes, adjustments and cases
Appendix P	In-country legislation
Appendix Q	Constitutional law and treaties
Appendix R	Advance Pricing Agreements in Africa and practical global application
Case Study 5	APA planning example using a trial-ready case file mindset

CHAPTER TAKEAWAY

Transfer pricing risk is no longer confined to transfer pricing rules.

Substance, anti-avoidance, treaty entitlement and broader tax jurisprudence now shape how transfer pricing disputes are audited, argued and decided.

[CLICK HERE TO GET THE FULL BOOK](#)

CHAPTER 11

THE FINAL CHAPTER

WHAT THIS CHAPTER IS ABOUT

Chapter 11 draws together the main lessons from the book and from the case studies.

The chapter focuses especially on practical lessons from litigation involving management fees, royalties, documentation, OECD Transfer Pricing Guidelines, expert evidence, taxpayer burden of proof and witness consistency.

This final chapter reinforces the core theme of the book: transfer pricing disputes are evidence-driven.

THE PRACTICAL PROBLEM

Many transfer pricing disputes fail because the taxpayer assumes too much.

Common assumptions include that:

- a contract proves that the service was actually rendered;
- payment proves that value was received;
- a transfer pricing study proves the arm's length price;
- an expert can fix gaps in the factual record;
- the court will automatically understand the commercial context; and
- the revenue authority's flaws will be obvious.

Those assumptions are dangerous. A taxpayer must prove its case.

KEY POINTS FROM THE CHAPTER

The burden of proof often rests on the taxpayer. The taxpayer must prove the facts, the pricing position and the weakness in the revenue authority's assessment.

Proper documentation is essential. Contracts, invoices, proof of payment, service evidence, meeting records, calculations and witness statements all matter.

The mere existence of an agreement does not prove that services were rendered or that value was received. Substance must be evidenced.

Penalties are often linked to conduct, intent, compliance behaviour and the taxpayer's ability to show good faith.

Revenue authorities cannot dictate how a business should operate, but they can challenge whether the tax

consequences reflect arm's length behaviour.

The OECD Transfer Pricing Guidelines are important, but their legal force depends on local law. They may guide interpretation, but they are not automatically binding unless incorporated into the domestic legal framework.

Inconsistent evidence can destroy credibility. Witnesses must be aligned with documents, and documents must be aligned with the economic reality.

Expert evidence must be unbiased, thorough and properly supported.

THE RISK IF IGNORED

The taxpayer may enter a dispute with confidence and lose because the evidence does not support the confidence.

This is particularly common in management fee and royalty disputes.

The taxpayer may have:

- an agreement for management services, but no detailed proof that the services were rendered;
- invoices, but invoices that are generic;
- payments, but no clear evidence of benefit;
- witnesses, but witnesses whose evidence contradicts each other;
- an expert, but an expert who relies on assumptions that are not proved; and
- a transfer pricing study, but no admissible evidence behind it.

These weaknesses can undermine the case even where the commercial reality was sound.

WHY THIS MATTERS IN PRACTICE

The final chapter is where the book's practical message lands.

A taxpayer cannot simply say:

- we had an agreement;
- we paid the fee;
- we had a transfer pricing study; or
- our adviser said it was arm's length.

That is not enough.

The taxpayer must show:

- what was done;
- why it was done;
- who did it;
- what value was received;
- how the price was determined;
- how the records support the position; and
- why the revenue authority's adjustment is wrong.

This is particularly important in disputes involving management fees, royalties, service charges, intangibles

and profit allocations. These are areas where documentation often looks adequate on the surface but fails under evidentiary scrutiny.

THE FINAL PRACTICAL LESSON

The central lesson of the book is that transfer pricing disputes should be managed before they become disputes.

A taxpayer should not:

- wait for a revenue authority to issue an assessment before organising evidence;
- wait for trial before identifying witnesses;
- wait for cross-examination before testing the expert;
- wait for appeal before discovering that the factual record is incomplete; or
- wait until the dispute has escalated before involving the right team.

The work must begin earlier.

WHAT THE FULL BOOK ADDS

The full book contains the full case studies and judgments that support the final chapter's lessons.

Full book material	What it adds
Chapter 10 full text	Detailed discussion of recent case law and transfer pricing implications
Appendix O	Disputes, adjustments and cases
Appendix P	In-country legislation
Appendix Q	Constitutional law and treaties
Appendix R	Advance Pricing Agreements in Africa and practical global application
Case Study 5	APA planning example using a trial-ready case file mindset

CHAPTER TAKEAWAY

Transfer pricing litigation rewards preparation and punishes assumptions.

The taxpayer that preserves evidence, prepares witnesses, understands the law and manages the dispute strategically has a far better chance of defending its position.

[CLICK HERE TO GET THE FULL BOOK](#)

ANNEXURES

THIS SUMMARY EDITION DOES NOT REPRODUCE THE ANNEXURES, TEMPLATES, JUDGMENTS, EXPERT MATERIALS OR CASE STUDIES. THESE ARE RESERVED FOR THE FULL BOOK.

THE PURPOSE OF THIS SECTION IS TO SHOW READERS THE PRACTICAL MATERIAL AVAILABLE IN THE FULL EDITION.

APPENDIX A, INTERVIEW WITH ADVOCATE W TRENGOVE SC

Appendix A contains an interview with Advocate W Trengove SC conducted after the ABD Ltd transfer pricing trial. This material is valuable because it gives practical litigation insight from senior counsel involved in a major transfer pricing dispute. It helps readers understand the preparation, evidentiary and strategic issues that arise when transfer pricing moves from technical analysis to courtroom testing.

Available in the full book.

APPENDIX B, INTERVIEW WITH ADVOCATE R MASTENBROEK

Appendix B contains an interview with Advocate R Mastebroek conducted after the ABD Ltd transfer pricing trial. This interview complements Appendix A and gives further insight into the preparation of transfer pricing evidence, the role of witnesses, the importance of trial strategy and the practical difficulties of defending a transfer pricing position in court.

Available in the full book.

APPENDIX C1, QUESTIONS AND ANSWERS ON THE US FEDERAL RULES OF EVIDENCE

Appendix C1 provides a practical question-and-answer treatment of evidence principles, using the US Federal Rules of Evidence as a useful reference point.

The value of this appendix is that it helps transfer pricing practitioners understand legal evidence concepts that are often unfamiliar to them, including hearsay, business records, habit evidence and admissibility.

Available in the full book.

APPENDIX C2, EXAMPLE OF CROSS-EXAMINATION OF AN EXPERT WITNESS

Appendix C2 provides an example of how an expert witness may be cross-examined.

This is particularly valuable for transfer pricing advisers and expert witnesses because it shows how technical opinions can be challenged, tested and weakened under pressure. It also helps taxpayers understand why expert preparation is so important.

Available in the full book.

APPENDIX C3, FURTHER EXAMPLE OF EXPERT WITNESS CROSS-EXAMINATION

Appendix C3 contains another example of expert witness cross-examination.

The practical value lies in showing that expert evidence is not accepted merely because the expert is qualified. The opinion must be reasoned, independent, supported by the facts and capable of withstanding challenge.

Available in the full book.

APPENDIX C4, HOW TO PREPARE FOR A TRIAL WITH YOUR EXPERTS

Appendix C4 deals with the preparation of experts for trial.

This material is useful because expert evidence is often central in transfer pricing litigation. The appendix helps readers understand the role of the expert, the choice of expert, evidence in chief and preparation for cross-examination.

Available in the full book.

APPENDIX C5, ADMISSIBILITY OF HEARSAY EVIDENCE BY AN EXPERT WITNESS

Appendix C5 deals with the admissibility of hearsay evidence by an expert witness.

This is important because transfer pricing experts often rely on information provided by others. If that information is not properly proved or admissible, the expert's opinion may be vulnerable.

Available in the full book.

APPENDIX C6, SUPPORTING ARGUMENTS TO EVIDENCE

Appendix C6 contains supporting arguments relating to evidence.

This appendix assists readers in understanding how evidentiary objections and admissibility issues may be argued in a tax dispute context.

Available in the full book.

APPENDIX D, TAX RISK MANAGEMENT EXTRACT FROM TAX INTELLIGENCE

Appendix D contains an extract from Tax Intelligence: The 7 Habitual Tax Mistakes Made by Companies.

The relevance of this appendix is that transfer pricing disputes should not be viewed in isolation. They form part of a broader tax risk management environment. Effective governance, communication and tax team coordination can reduce the risk of audit escalation.

Available in the full book.

APPENDIX E, WHY TAXPAYERS ARE SELECTED FOR TAX AUDITS

Appendix E explains why taxpayers may be selected for audit or verification.

T

his material helps readers understand the audit environment and the importance of being prepared before a revenue authority initiates contact.

Available in the full book.

APPENDIX F, RULES OF ENGAGEMENT AT THE COMMENCEMENT OF A TAX AUDIT

Appendix F sets out rules of engagement at the start of a tax audit.

This is one of the practical materials that makes the full book valuable. It assists taxpayers and advisers in structuring early engagement with revenue authorities, understanding legal powers and managing information requests.

Available in the full book.

APPENDIX G, REQUEST FOR INFORMATION UNDER A TYPICAL INCOME TAX PROVISION

Appendix G provides an example of a request for information under a typical income tax act provision.

This appendix is useful because information requests are often the first formal step in a transfer pricing audit.

Understanding how to analyse and respond to such requests is essential.

Available in the full book.

APPENDIX H, REQUESTING THE REVENUE AUTHORITY TO JUSTIFY WHY INFORMATION IS BEING REQUESTED

Appendix H provides a template-style approach for asking a revenue authority to justify why information is being requested.

This is valuable because taxpayers should not assume that every broad request is automatically valid. They must understand the legal basis, scope and relevance of the request.

Available in the full book.

APPENDIX I, TYPICAL TAX RISK REVIEW PROCESS

Appendix I sets out a typical tax risk review process.

This appendix is useful for multinational groups that want to identify transfer pricing and broader tax risks before they become audit disputes.

Available in the full book.

APPENDIX J, TRM TAX STEERING COMMITTEE RISK REVIEW TEMPLATE

Appendix J provides a Tax Risk Management Tax Steering Committee Risk Review Template.

This practical template helps readers understand how a tax steering committee can identify, review, prioritise and manage tax risks in a structured way.

Available in the full book.

APPENDIX K, REVENUE AUTHORITY LETTER OF ENGAGEMENT AT THE COMMENCEMENT OF A TAX AUDIT

Appendix K deals with the revenue authority letter of engagement at the commencement of a tax audit.

This appendix is important because it helps define the scope of the audit, the parties involved, the powers being exercised and the process to be followed.

Available in the full book.

APPENDIX L, THE ROLE OF A TAX STEERING COMMITTEE

Appendix L explains the role of a Tax Steering Committee.

The value of this appendix lies in showing how governance structures can support tax compliance, manage audit risk and protect the organisation from unmanaged tax exposure.

Available in the full book.

APPENDIX M, EXTRACTS FROM SARS INTERNAL DRAFT AUDIT MANUAL

Appendix M contains extracts from a SARS internal draft audit manual.

This material is useful because it gives insight into audit planning, implementation and conclusion processes, helping taxpayers understand how audits may be structured internally by a revenue authority.

Available in the full book.

APPENDIX N, ABD LTD V CSARS JUDGMENT

Appendix N contains the ABD Ltd v CSARS judgment.

This is one of the most important materials in the full book. It provides a real transfer pricing judgment and allows readers to see how evidence, methodology and argument are treated in a substantive dispute.

Available in the full book.

APPENDICES N1 TO N5, EXPERT EVIDENCE AND CROSS-EXAMINATION MATERIALS

Appendices N1 to N5 contain materials relating to expert evidence, CUP analysis, expert criticism and cross-examination.

These appendices are valuable because they show how expert evidence is developed, challenged and tested in a real transfer pricing dispute environment.

Available in the full book.

APPENDIX O, DISPUTES, ADJUSTMENTS AND CASES

Appendix O deals with disputes, transfer pricing adjustments and cases.

This material helps readers understand the broader landscape of transfer pricing disputes, including the drivers of disputes, areas of disagreement and the nature of adjustments.

Available in the full book.

APPENDIX P, IN-COUNTRY LEGISLATION

Appendix P deals with in-country legislation.

This appendix is useful because transfer pricing disputes are ultimately governed by domestic law. The OECD and UN Guidelines may be influential, but the legal basis for assessment and dispute resolution is found in the relevant jurisdiction.

Available in the full book.

Appendix Q, Constitutional Law and Treaties

APPENDIX Q DEALS WITH CONSTITUTIONAL LAW AND TREATIES.

This material is important because transfer pricing disputes may involve not only domestic tax legislation but also constitutional principles, administrative law and treaty obligations.

Available in the full book.

APPENDIX R, ADVANCE PRICING AGREEMENTS IN AFRICA

Appendix R deals with Advance Pricing Agreements in Africa, with practical global application.

This appendix is valuable because it places APAs within the broader dispute lifecycle. It shows how proactive planning can reduce controversy risk and how taxpayers can build an APA file with a trial-ready mindset.

Available in the full book.

[CLICK HERE TO GET THE FULL BOOK](#)

CASE STUDIES

THIS SUMMARY EDITION DOES NOT REPRODUCE THE ANNEXURES, TEMPLATES, JUDGMENTS, EXPERT MATERIALS OR CASE STUDIES. THESE ARE RESERVED FOR THE FULL BOOK.

THE PURPOSE OF THIS SECTION IS TO SHOW READERS THE PRACTICAL MATERIAL AVAILABLE IN THE FULL EDITION.

CASE STUDY 1, TRANSFER PRICING AUDITS

Case Study 1 deals with transfer pricing audits.

This case study helps readers understand how audit disputes may develop and why early strategic engagement with the revenue authority matters.

Available in the full book.

CASE STUDY 2, FOUNDING AFFIDAVIT ON A REVENUE AUTHORITY FAILING TO FOLLOW THE RULES OF ENGAGEMENT

Case Study 2 provides a founding affidavit-style example involving a revenue authority allegedly failing to follow the rules of engagement.

This material is useful for understanding how procedural challenges may be framed where the taxpayer believes the revenue authority has acted outside agreed or lawful processes.

Available in the full book.

CASE STUDY 3, ZIMBABWE MANAGEMENT FEES JUDGMENT

Case Study 3 deals with a Zimbabwe judgment involving management fees.

This case study is especially important because it illustrates the evidentiary difficulty of proving that services were rendered, that fees were deductible and that the taxpayer has discharged the burden of proof.

Available in the full book.

CASE STUDY 4, FIRST THREE-WEEK TRANSFER PRICING TAX TRIAL

Case Study 4 deals with a three-week transfer pricing tax trial.

This is a practical litigation case study that helps readers understand how transfer pricing disputes unfold in court, including the role of evidence, expert testimony and witness credibility.

Available in the full book.

CASE STUDY 5, APA PLANNING EXAMPLE FOR A PAN-AFRICAN TELECOMMUNICATIONS GROUP

Case Study 5 provides an APA planning example for a Pan-African telecommunications group.

This case study is valuable because it shows how taxpayers can think proactively about transfer pricing risk, methodology, critical assumptions and dispute prevention.

Available in the full book.

SUMMARY OF FULL BOOK MATERIALS

Material	Description	Available in full book
Appendix A	Interview with Advocate W Trengove SC after the ABD Ltd transfer pricing trial	Yes
Appendix B	Interview with Advocate R Mastenbroek after the ABD Ltd transfer pricing trial	Yes
Appendix C1	Questions and answers on the US Federal Rules of Evidence	Yes
Appendix C2	Example of cross-examination of an expert witness	Yes
Appendix C3	Further example of expert witness cross-examination	Yes
Appendix C4	How to prepare for trial with experts	Yes
Appendix C5	Admissibility of hearsay evidence by an expert witness	Yes
Appendix C6	Supporting arguments to evidence	Yes
Appendix D	Tax risk management extract from <i>Tax Intelligence</i>	Yes
Appendix E	Why taxpayers are selected for tax audits	Yes
Appendix F	Rules of engagement at the commencement of a tax audit	Yes
Appendix G	Request for information under a typical income tax provision	Yes
Appendix H	Requesting the revenue authority to justify why information is being requested	Yes
Appendix I	Typical tax risk review process	Yes
Appendix J	TRM Tax Steering Committee Risk Review Template	Yes

Appendix K	Revenue authority letter of engagement at the commencement of a tax audit	Yes
Appendix L	The role of a Tax Steering Committee	Yes
Appendix M	Extracts from SARS internal draft audit manual	Yes
Appendix N	ABD Ltd v CSARS judgment	Yes
Appendices N1 to N5	Expert evidence, CUP analysis, expert criticism and cross-examination materials	Yes
Appendix O	Disputes, adjustments and transfer pricing cases	Yes
Appendix P	In-country legislation	Yes
Appendix Q	Constitutional law and treaties	Yes
Appendix R	Advance Pricing Agreements in Africa, with practical global application	Yes
Case Study 1	Transfer pricing audits	Yes
Case Study 2	Founding affidavit on a revenue authority failing to follow the rules of engagement	Yes
Case Study 3	Zimbabwe management fees judgment	Yes
Case Study 4	First three-week transfer pricing tax trial	Yes
Case Study 5	APA planning example for a Pan-African telecommunications group	Yes

CONTINUE WITH THE FULL BOOK

This summary edition introduces the main themes of Transfer Pricing on Trial. It explains why transfer pricing disputes require more than a transfer pricing study, why evidence must be preserved early, why the audit stage matters, why expert witnesses must be carefully selected and prepared, and why litigation strategy must be developed long before trial.

The summary gives the reader the roadmap.

The full book gives the working tools.

The full edition contains the detailed annexures, templates, expert interviews, evidence materials, cross-examination examples, judgments, tax risk management tools and case studies that are not reproduced in this summary edition.

For tax directors, CFOs, transfer pricing advisers, tax litigators and multinational groups facing transfer pricing scrutiny, the full book is designed as a practical working resource.

It is intended to help readers move from general awareness to practical preparation.

The full book shows:

- how a transfer pricing position is built;
- how that position is challenged;
- how evidence is prepared;
- how experts are tested;
- how audit conduct can shape litigation; and
- how a taxpayer can think about transfer pricing not only as compliance, but as a defensible legal and evidentiary position.

FINAL MESSAGE

A transfer pricing study may satisfy a compliance requirement.

But a transfer pricing dispute requires more.

It requires:

- documents that can be produced;
- witnesses who can explain;
- experts who can withstand challenge;
- records that support the facts;
- a legal team that understands evidence;
- a tax team that understands the business;
- a governance process that identifies risk early; and
- a strategy that starts long before trial.

That is the purpose of the full book.

The summary explains why transfer pricing dispute readiness matters.

The full book shows how to build it.

[CLICK HERE TO GET THE FULL BOOK](#)

MASTER THE SCIENCE OF PREPARING FOR A TRIAL ...AND THE ART OF WINNING ONE

**TRANSFER PRICING IS THE CASE STUDY.
THE READINESS FRAMEWORK APPLIES
ACROSS EVERY TAX.**

TRANSFER PRICING ON TRIAL explains how transfer pricing disputes are won or lost long before court. It focuses on audit conduct, evidence strategy, expert work, and the practical mechanics of building a defensible position from day one.

Dr Daniel N Erasmus draws on decades of controversy experience to set out a clear roadmap from initial case evaluation and discovery through to hearing preparation and testimony. The emphasis is on what survives scrutiny: contemporaneous documentation, governance, consistency of narrative, and a defence file designed for challenge.

Transfer pricing provides the most demanding proving ground, but the discipline is universal. The same framework strengthens outcomes across other taxes, including corporate tax, VAT, withholding taxes, and customs, because the underlying test is the same: can your facts and evidence stand up under pressure.



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