GARRIGUES



Fernando Castro Silva

Of counsel

Lisbon

fernando.castro.silva@garrigues.com

Av. da Republica, 25, 1º

1050-186 Lisboa (Portugal)

Tel: +351 213 821 200

Fax: +351 213 821 290

Tax

Family Business

Fernando Castro Silva is Of Counsel in the Tax Department of Garrigues, where he has practiced since 2006. He is a lawyer-specialist in tax law, practicing mainly in the areas of family business, estate tax management, corporate and asset reorganization, with a holistic view of tax phenomena and family and commercial law. The advice he provides covers various sectors and industries, in particular financial institutions in general, real estate, construction and tourism. In addition to consultancy, he acts in tax litigation in the same areas. In addition to his law degree he qualified as a Certified Public Accountant in 1988, having cancelled this qualification when he joined Garrigues. He is a recognised lawyer by the main international directories of tax lawyers and the author of several publications and public speeches. In addition to his native language, Portuguese, he speaks Spanish, English and French.

Experience

Fernando Castro Silva is Of Counsel in the Tax Department, where he practices in all areas of national and international taxation, mainly advising Portuguese and multinational business groups, financial institutions, insurance companies, civil construction and real estate sector undertakings and family companies.

From 1982 to 1989, he was a lawyer with the SONAE Group, responsible for a vast number of company acquisitions, transactions, mergers, spin-offs and internal restructuring operations. In 1988, he co-founded BL&C - Auditores e Consultores, Lda., an audit and consultancy company, later on related to the French audit and consultancy firm Guerard Viala. Between 1995 and 2005, during the acquisition of BL&C by the latter multinational audit company, he was an international partner at Mazars.

In 1994, he co-founded Castro Silva & Associados, Sociedade de Advogados.

He is a Member of the Commission for Tax Reform by appointment of the Ministry of Finance (1999-2001). Member of the Working Group for the Revaluation of Tax Benefits by appointment of the Ministry of Finance (2005). Member of the board for the recognition of the specialist lawyers of the Portuguese Bar Association. Former member of the direction of the Company’s Lawyer Institute of the Portuguese Bar Association. Former member of the Portuguese Certified Public Accountants’ Bar.

Academic background

Law degree from the Law Faculty of the Universidade de Lisboa. Master’s in Civil Law from the Universidade Católica Portuguesa.

Memberships

Member of the Portuguese Bar Association, holding the title of Specialist Lawyer in Tax Law.

Associação Fiscal Portuguesa.

International Fiscal Association.

Distinctions

Chambers & Partners Europe: Tax (Band 1) : “Fernando Castro Silva is a well-respected figure within the market. A commentator describes him as being "an invaluable asset to Garrigues" and particularly praises his "large and diverse tax experience." He assists clients with the tax structuring for cross-border corporate and real estate transactions. He also advises high-profile TMT sector clients on tax compliance."

Legal 500 Europe: Tax (Hall of Fame): “Fellow co-leader Fernando Castro Silva is a reference in the market for corporate taxation, indirect tax and litigation.”

Publications

"Das Relações Inter-societárias (sociedades coligadas)" ("On Inter-Company Relations (associated companies)"), in Revista do Notariado, 4, 1986, pp. 489-538; "Direito Real de Habitação Periódica (Contributo para o Esclarecimento de alguns Aspectos Contabilísticos e Fiscais)" ("Timeshare Rights (Contribution to Clarifying Certain Tax and Accounting Aspects)"), FISCO, nº 27, January 1991; "Investimento em Portugal: Efeitos Fiscais de Algumas Estruturas Jurídicas" ("Investment in Portugal: Tax Effects of Certain Legal Structures"), FISCO, nº 37, December 1991; "Sobre o Regime Fiscal do Juro Decorrido" ("On the Tax Regime of Accrued Interest"), FISCO, nº 51/52, February/March 1993 (co-authored with João Espanha); "Opções sobre Divisas (Abordagem a Alguns Aspectos Contabilísticos e Fiscais)" ("Foreign Exchange Options (An Approach to Certain Tax and Accounting Aspects)"), FISCO, nº 54, May 1993; "Enquadramento das Seguradoras na Dispensa de Retenção na Fonte Estabelecida no Artigo 10º, nº 1, do Decreto-Lei nº 215/89, de 1 de Julho" ("Position of Insurance Companies in the Exemption from Withholdings at Source Established under Article 10.1 of Decree-Law nº 215/89, dated July 1"), FISCO, nº 62, February 1994 (co-authored with João Espanha); "Reforma Fiscal: Âmbito e Motivações" ("Tax Reform: Scope and Motivations"), FISCO, nº 92, October 2000; "IRC - OE2003 - Dedutibilidade das Perdas Com a Transmissão de Partes de Capital" ("IRC - OE2003 – Loss Deduction with Partial Capital Transfer"), FISCO, nº 111/112, January 2004; "No meio de uma encruzilhada: As contribuições para planos de pensões" ("At the crossroads: Pension plan contributions"), FISCALIDADE, nº 28, October 2006; "A caminho da autonomia do Balanço Fiscal?" ("The path to autonomy for the Tax Balance Sheet?") in O Direito do balanço e as Normas Internacionais de Relato Financeiro, Coimbra Editora, 2007; "Planeamento Fiscal Abusivo: o caso português no contexto internacional" ("Abusive Tax Planning: the case of Portugal within an international context"), in Revista de Finanças Públicas e Direito Fiscal, Year I, October 2008; "A respeito da indispensabilidade dos gastos. O Acórdão do STA de 7-7-2007" ("On the indispensable nature of expenses. The Ruling of the Supreme Administrative Court dated 7-7-2007"), in Estudos em Memória

do Prof. Dr. J. L. Saldanha Sanches, vol. IV, Coimbra Editora, 2011.

Portuguese co-reporter to the 2020 International Fiscal Association Conference (Cancun), on "Exchange of Information: issues, use and collaboration", published in Cahiers de Droit Fiscal International, volume 105.