GARRIGUES



Antonio Pedro Braga

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Tax
Mergers & Acquisitions

António Pedro Braga is the country manager for the Consultancy and M&A area of the Garrigues Tax Practice and heads that practice's team in the Porto office.

He has more than two decades of experience as a tax specialist, having worked for six years as a tax consultant (he was Tax Manager for Arthur Andersen/Deloitte) and as from 2004 practicing as a tax attorney, having been a partner of one of the most prestigious Portuguese law firms for ten years and coordinator of its Tax Practice for four years.

He exercises his professional skills in the most significant areas of tax law, specifically corporate international and domestic tax matters, personal taxation, real estate taxes, VAT and also tax litigation, whether at administrative, arbitration or judicial level. Over the course of his career he has advised some of the leading Portuguese business groups in all his spheres of knowledge.

He holds a Law degree from Universidade Católica Portuguesa (Porto), he completed his Certified Public Accountant Internship in 2003 and obtained his Master's degree in International Taxation from the University of London's Institute of Advanced Legal Studies (MA in International Taxation, 2011).

Experience

Before joining Garrigues in 2024 he was a lawyer, partner and coordinator of the Tax Practice at Morais Leitão, Galvão Teles, Soares da Silva e Associados (2008 to 2024), a lawyer at Garrigues (2006/2007) and at Cuatrecasas (2004 to 2006) as well as a consultant and tax manager for Arthur Andersen/Deloitte (1998 to 2004).

During his professional career he has been involved in all kinds of tax work, ranging from tax due diligences to tax litigation, with special focus on the tax structuring of inbound and outbound investments, advice on corporate restructuring and litigation at international level and corporate taxation.

He has in particular advised major domestic and international corporate groups and investment vehicles such as private equity funds in a very wide range of Portuguese and international tax areas, including:

- Internal business reorganizations such as spin-offs, mergers, share swaps and asset transfers, heading multidisciplinary legal teams;
- Real estate and non-real estate share deals and asset deals by international and domestic private equity funds and companies owned by them;
- Reviews from a tax viewpoint of contracts for the purchase and sale of companies, including analysis of tax risks from the entering into of W&I insurance and specific tax contingency insurance.
- Reorganization of family estates;
- Structuring of stock option plans;
- Advice on the implementation of tax benefits for investments, including RFAI (the Portuguese Investment Support Tax Regime), patent box, etc.
- Recurring consultancy.

In the tax litigation area, he has advised both major companies and individuals in numerous court and arbitration proceedings, some of which were leading cases, such as:

- A leading mall operator, for which the possibility of benefitting from a major investment credit was obtained when it had been denied on formal grounds;
- An executive who had not notified his intention to be taxed as a Non-Habitual Resident within the legal term succeeded in obtaining recognition of the possibility of benefitting from that statute;
- A Portuguese company obtained approval from the CJEU for it to regularize VAT in its favor following the insolvency of the acquiring foreign company when the formal requirements envisaged for the purpose by the VAT Tax Code did not exist.

He is included on the list of Administrative and Tax Arbitration arbitrators on tax matters.

Academic background

- LLB from Universidade Católica Portuguesa (1997).
- Postgraduate degree in Finance from the Porto Business School (2004).
- Executive Courses from the International Bureau of Fiscal Documentation: Corporate Financing (2006). and Mergers and Acquisitions (2008).
- MA in International and European Taxation (University of London, 2011).
- Cambridge Judge Business School (Lex Mundi Management Program, 2019).

Teaching activity

Over the course of his career he has been invited to lecture on international law on postgraduate and execute courses at international and domestic centers of higher education such as Queen Mary University, the Institute of Advanced Legal Studies, Universidade Católica and Universidade do Minho.

Memberships

- Bar Association (2007).
- International Fiscal Association.
- Portuguese Tax Association.

Distinctions

- Bloomberg BNA Award 2011 for Best Tax Dissertation (Institute of Advanced Legal Studies).
- ITR World Tax: Highly Regarded.

Publications

- *"Portugal faces uphill battle against tax avoidance despite new measures";* International Tax Review, 14 April 2020 (Portugal faces uphill battle against tax avoidance despite new measures | International Tax Review).
- *"O Enriquecimento 'Sem Causa' e Por Causa da AT: O Caso Específico da Repercussão do IVA Indevido"*, Cadernos do IVA 2020, Ed. Almedina, em co-autoria com Mariana Morais Teixeira.
- *"The Corporate Exit Taxes and the EU. A special reference to the Portuguese regime".* Tese de Mestrado, *Institute of Advanced Legal Studies, School of Advanced Study* (disponível em Microsoft Word - Antonio_Pedro_Braga_tp.doc (sas.ac.uk)).
- "*The ECJ Jurisprudence on Third Countries' Movement of capital rights: is a conspiracy in place?*", publicado em *Estudos em Memória do Prof. Saldanha Sanches*, Coimbra Ed. 2011, e EC Tax Journal, vol. 11., 2010, Key Haven Publications Ltd.
- *"Da incompatibilidade com os princípios do IVA do regime da renúncia à isenção",* Revista "Fiscalidade" , Ed. ISG, page 83.
- *"As liberdades de circulação na União Europeia e a tributação directa das empresas: convergência adiada"* Revista Fisco nº 109/110 (September 2003).

Various articles on current tax matters published in the last fifteen years in the general and economic press, including Expresso, Público, Observador, Eco, Jornal de Negócios and Jornal Económico.