

Edward Tanenbaum

Partner

+1 212 210 9425

edward.tanenbaum@alston.com

New York | 90 Park Avenue, 15th Floor | New York, NY 10016-1387



Edward offers his clients tax-efficient solutions for planning and structuring of cross-border business transactions by multinational corporations and high-net-worth individuals. Edward played a major role in drafting tax regulations on withholding taxes on payments to nonresident aliens and foreign corporations.

Edward Tanenbaum is a partner in Alston & Bird's Federal & International Tax Group and a member of its Global Services & Strategies Committee. Edward's practice consists primarily of planning and structuring tax-efficient solutions for cross-border business transactions and investments by foreign multinational corporations and high-net-worth individuals, including through the use of double tax treaties. He has also advised on the various U.S. anti-deferral tax regimes in connection with the offshore investments of U.S. multinationals, citizens and resident aliens; counseled on corporate inversions; and advised on numerous international and cross-border joint ventures, acquisitions, restructurings and reorganizations. Edward focuses his overseas practice primarily on the D-A-CH region (Germany, Austria and Switzerland) and the Benelux countries and is a member of Alston & Bird's German Practice Team ([CV auf Deutsch](#)).

Edward has made significant contributions to the drafting of the U.S. tax regulations affecting withholding taxes on payments of U.S. income to nonresident aliens and foreign corporations and has been instrumental in the creation of the IRS "Qualified Intermediary" regime applicable to foreign financial institutions. He has counseled extensively on the Foreign Account Tax Compliance Act (FATCA) regime and also advises regularly on international cross-border tax enforcement matters.

Edward is a frequent speaker at various tax conferences and regularly publishes articles on international tax topics. He is a Director of the International Tax Institute as well as a member of the Steering Committee of the USA Branch of the International Fiscal Association.

Edward has been consistently recognized by *Chambers USA*, *International Tax Review*, *The Best Lawyers in America*[®] and *Super Lawyers*. His work for German clients who need U.S. tax advice has earned him designation as a "Foreign Expert" by *Chambers Global*.

Representative Experience

- U.S. tax counsel to one of the largest foreign multinational financial services groups.
- Advised a major European banking association on U.S. tax regulations affecting foreign member banks.
- Representing a number of significant European multinational companies in connection with their U.S. structurings, restructurings and operations in the United States.
- Initiated a number of Competent Authority tax proceedings with respect to the mitigation of double tax on dual country residents.

Publications & Presentations

Publications

- "To Trust or Not to Trust?," *Bloomberg Tax*, December 3, 2021.

- “Adams Challenge’s Challenge to the Disallowance of Deductions Against ECI,” *Tax Management International Journal*, Bloomberg Tax, April 2, 2021.
- “Knock-Knock, Who’s There? Beneficial Owner Disclosures,” *Tax Management International Journal*, Bloomberg Tax, February 5, 2021.
- “Comments on the Pillar One Blueprint,” American Bar Association, Section of Taxation, December 14, 2020.
- “CIC Services LLC and the Anti-Injunction Act,” *Tax Management International Journal*, Bloomberg Law, June 12, 2020.
- “Proposed Cloud Tax Regs Foggy on Sourcing,” *Law360*, September 20, 2019.
- “IRS Finalizes Regulations Addressing Nonresident Alien Beneficiary of Electing Small Business Trusts,” *Tax Management Memorandum*, The Bureau of National Affairs Inc., July 22, 2019.
- “Foreign Partners Again Subject to ‘US-Source’ Income Tax,” *Law360*, January 29, 2019.
- “Ordinary, Plain English: Foreign Tax Credit Refund Limitations,” *Tax Management International Journal*, July 13, 2018.
- “Downward Attribution CFCs,” *Tax Management International Journal*, May 11, 2018.
- “The 2017 Tax Act: CFCs – The More the Merrier?” *Tax Management International Journal*, March 9, 2018.
- “The Anti-Injunction Act Revisited: *CIC Services LLC v. IRS*,” *Tax Management International Journal*, January 12, 2018.
- “Starr Was Not Aligned: Loses Appeal in Treaty Benefits Case,” *Tax Management International Journal*, October 13, 2017.
- “The Court Correctly Navigates the Rules in *Maze*: The AIA and the OVDP,” *Tax Management International Journal*, September 8, 2017.
- “Tax Compliance and Persons of Ordinary Intelligence: ‘United States v. Little’,” *Tax Management International Journal*, July 14, 2017.
- “The Multilateral Instrument: What Have They Wrought?” *Tax Management International Journal*, May 12, 2017.
- “Tax Homes and Abodes – They’re Not the Same,” *Tax Management International Journal*, March 10, 2017.
- “What’s a Bank? ‘*MoneyGram Int’l v. Commissioner*’,” *Tax Management International Journal*, January 13, 2017.
- “Canadian Citizen Provides Primer on U.S. Residency Taxation: *Diran Li v. Commissioner*,” *Tax Management International Journal*, November 11, 2016.
- “The 2016 U.S. Model Income Tax Treaty in Action: U.S.-Luxembourg Protocol,” *Tax Management International Journal*, September 9, 2016.
- “What Goes Around Comes Around: Proposed Regulations Treating U.S. Disregarded Entities as Corporations,” *Tax Management International Journal*, August 12, 2016.
- “The ‘F’ Word Revisited – FBAR: FinCEN’s Notice of Proposed Rulemaking,” *Tax Management International Journal*, May 13, 2016.
- “The ‘F’ Word Revisited – FBAR: FinCEN’s Notice of Proposed Rulemaking,” *Bloomberg BNA*, May 10, 2016.
- “America’s Next Tax Model,” *Law360*, March 29, 2016.

- “Topsnik: Retroactive Expatriation Under § 877(A)?” *Tax Management International Journal*, March 11, 2016.
- “Florida Bankers Ass'n and Texas Bankers Ass'n v. U.S. Dept. of Treasury – Nonresident Alien Bank Deposit Reporting,” *Tax Management International Journal*, January 8, 2016.
- “New Proposed Regulations Under Section 2801 — Covered Gifts and Bequests from Covered Expatriates,” *Bloomberg BNA*, November 17, 2015.
- “Substantial Business Activities and Inversions,” *Bloomberg BNA*, October 6, 2015.
- “Refund Claims Relating to Foreign Tax Credits,” *BNA*, June 3, 2015.
- “2 International Tax Developments You Should Know About,” *Law360*, May 19, 2015.
- “Abandoning ‘Lawful Permanent Resident’ Status,” *Tax Management International Journal*, January 2015.
- “Expanding the Exclusion: The New §7874 Temporary Regulations,” *Tax Management International Journal*, May 2014.
- “CCA 2013349015: Transfer Pricing and Foreign Tax Credit Considerations in the Context of Disregarded Transactions,” *Tax Management International Journal*, March 2014.
- “Characterization, Sourcing, and Withholding Issues in Multilevel Marketing Arrangements: CCA 201343020,” *Tax Management International Journal*, January 2014.
- “FAA 20132702F—Do You Have an ‘Active Trade or Business’?,” *Tax Management International Journal*, December 2013.
- “FATCA Repeal? Get with the Program,” *Tax Management International Journal*, June 2013.
- “Where’s Your Center of Vital Interests? Treaty Tie-Breakers,” *Tax Management International Journal*, May 2013.
- “FinCEN’s Struggle with the FBAR Filing Date,” *Tax Management International Journal*, March 2013.

Professional & Community Engagement

- American College of Tax Counsel, Fellow
- The Tax Review
- International Fiscal Association, USA Steering Committee
- International Tax Institute, past president and current director
- American Bar Association, New York State Bar Association (Sections on Taxation)

Education

- New York University (LL.M., 1980)
- Fordham University (J.D., 1974)
- Queens College (B.A., 1971)

Admitted to Practice

- New York

Related Services

Tax | Federal & International Tax | Private Equity | Wealth Planning | Tax Policy & Regulation | Financial Services & Products | Corporate & Business Transactions | International | German Business Team | Family Office