

TRANSFER PRICING DOCUMENTATION REQUIREMENTS					
Country	Date of introduction / latest modification	Legal nature	Nature and type of TP documents	Moment of preparation	Time limit for submission
Denmark	<p>Introduced with effect from 1.1.1999 (Law 131 of 25 February 1998 amending the Tax Control Act).</p> <p>Lastly modified effective from 1.12.2002 (guidelines).</p> <p>[3.6.1.]</p>	<p>Tax Control Act 726 of 13 August 2001 (Section 2B).</p> <p>Guideline No. 87-7552-194-6 of 1 December 2002</p> <p>[3.6.2.]</p>	<p>Form concerning controlled foreign transactions (an appendix to the income tax return).</p> <p>Information on intra-group transactions upon request of the tax authorities.</p> <p>[3.6.3.]</p>	<p>No specific rules apply.</p> <p>The form must be prepared before the deadline for filing the tax return.</p> <p>Other information must be available upon request.</p> <p>[3.6.4.]</p>	<p>The form must be filed with the tax return (in general 6 months after the relevant tax year, if the tax year ends between 1 January and 31 March, by 1 July of that year. Natural persons by 1 May of the year following the tax year, entrepreneurs by 1 July of the following year).</p> <p>Other documentation upon request (no specific time limit in the latter case).</p> <p>[3.6.5.]</p>
France	<p>Introduced with effect from 13 April 1996 (Law No. 96/314 of 12 April 1996 codifying a new Art. L 13 B in the Tax Procedures Code).</p> <p>Lastly modified effective from 29 July 1998 (Guideline BOI 13 1-7-98), advance pricing agreements from 17 September 1999 (Guideline BOI 4 A-8-99)</p> <p>[3.9.1.]</p>	<p>Tax Procedures Code (Article L 13 B)</p> <p>Guideline BOI 13 1-7-98 of 29 July 1998</p> <p>Guideline BOI 4 A-8-99 of 17 September 1999</p> <p>[3.9.2.]</p>	<p>Four categories of documents are required in circumstances defined by law (i.e. audit or request from the tax authorities):</p> <ul style="list-style-type: none"> - Nature of relationship with the foreign enterprise; - TP method; - Operations of the foreign enterprise - Tax regime applicable for the foreign enterprise 	<p>No specific rules apply.</p> <p>The documentation must be made available to the tax authorities upon their request within a set deadline.</p> <p>[3.9.4.]</p>	<p>Within 2 months from obtaining the request from the tax authorities.</p> <p>This period can be extended by 30 days.</p> <p>[3.9.5.]</p>

			[3.9.3.]		
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Germany	<p>Tax Privileges Reduction Law ("SteVAG") of 11 April 2003, introducing transfer pricing documentation requirements into the General Tax Code (new Sec. 90(3) AO), retroactively applicable to business years starting after 31 December 2002.</p> <p>[3.10.1.]</p>	<p>Foreign relations tax law (of 8 September 1972)</p> <p>General Tax Code (of 16 March 1976)</p> <p>Letters issued by the Federal Ministry of Finance (Administrative Principles)</p> <p>Decisions of the Federal Tax Court</p> <p>[3.10.2.]</p>	<p>Documentation required to cross-border transactions with related parties will be specified by an ordinance (Rechtsverordnung).</p> <p>[3.10.3.]</p>	<p>Prompt preparation of TP documents is mandatory if extraordinary transactions occur (such as reorganizations (e.g. mergers). In other cases, the relevant documents must be provided to the tax authorities in the time limit set out by the law.</p> <p>[3.10.4.]</p>	<p>The documents must be submitted to the tax authorities within 60 days from their request. An extension to this period may be granted in individual cases.</p> <p>[3.10.5.]</p>
Hungary	<p>Introduced with effect from 1 January 1991 (notification about related party transactions) and in general from 1 January 2003 (detailed regulations are under preparation).</p> <p>[3.12.1.]</p>	<p>Tax Procedure Law (XCI/1990 of 16 December 1990)</p> <p>Corporate Income and Dividend Tax Law (LXXXI/1996 effective from 1 January 1997 as amended)</p> <p>[3.12.2.]</p>	<p>Document to the adjustment of tax base.</p> <p>Detailed regulations yet to be issued by ordinance.</p> <p>[3.12.3.]</p>	<p>Prior to filing the tax return.</p> <p>[3.12.4.]</p>	<p>Currently not applicable.</p> <p>[3.12.5.]</p>

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The Netherlands	<p>Introduced with effect from 1 January 2002 (amendment to the Company Tax Act) in general.</p> <p>Specific requirements for APAs have already been introduced with effect from 1 April 2001 (Decree No. IFZ2001/292 of 30 March 2001 amending the Decree on APAs IFZ94/855 of 19 October 1994).</p> <p>[3.19.1.]</p>	<p>Company Tax Act 1969 (effective from 1 January 1970 as amended, Official Gazette 445).</p> <p>Income Tax Act 2001 (effective from 1 January 2001 as amended)</p> <p>Decree No. IFZ2001/292 of 30 March 2001 amending the Decree on APAs IFZ94/855 of 19 October 1994</p> <p>[3.19.2.]</p>	<p>Documentation(no prescribed form) containing information concerning:</p> <ul style="list-style-type: none"> ▪ the basis of the reported transfer prices; ▪ comparable uncontrolled prices. <p>List of transactions with related parties must be attached to the tax return</p> <p>[3.19.3.]</p>	<p>No specific rules apply.</p> <p>Attachments to the tax return must be prepared before the deadline for filing the tax return.</p> <p>[3.19.4.]</p>	<p>The list of transactions must be filed as an attachment to the tax return in general within 5 months after the relevant tax period.</p> <p>In case of information to be provided upon request, the tax authorities will grant the taxpayer a reasonable time for submission.</p> <p>[3.19.5.]</p>
Poland	<p>Introduced with effect from 1 January 2001 (Law of 9 June 2000 and Law of 9 November 2000, both amending the tax laws), no further amendments since then.</p> <p>[3.20.1.]</p>	<p>Corporate Income Tax Law (of 15 February 1992 as amended)</p> <p>Individual Income Tax Law (of 26 July 1991 as amended)</p> <p>[3.20.2.]</p>	<p>Documentation to transactions with associated enterprises and enterprises resident in countries with harmful tax practices.</p> <p>No prescribed form, only content.</p> <p>[3.20.3.]</p>	<p>No specific rules apply. The TP documentation must be available to the tax authorities upon their request within 7 days.</p> <p>[3.20.4.]</p>	<p>Within 7 days from receiving the request of the tax authorities.</p> <p>[3.20.5.]</p>
Portugal	<p>Introduced with effect from 1 January 2002 (Law 30-G/2000 of 29 December 2000, supplemented by the Ministerial Order 1446-C/2001 of 21 December 2001).</p> <p>[3.21.1.]</p>	<p>Corporate Income Tax Code</p> <p>Ministerial Order 1446-C/2001</p> <p>[3.21.2.]</p>	<p>Dossier Fiscal must contain the relevant information and supporting information as set out by the law to the taxpayer's transfer pricing policy.</p> <p>[3.21.3.]</p>	<p>Large companies must prepare the Dossier Fiscal within 6 months after the tax period. SMEs are not required to prepare and maintain a TP documentation file.</p> <p>[3.21.4.]</p>	<p>Listed companies and those falling under the group taxation regime must file the Dossier Fiscal with the annual accounting and tax submissions for the relevant year (the tax return is in general due by the end of May following the tax year).</p>

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Spain (only specific)	<p>Introduced with effect from 1 January 1996 for cost sharing agreements, intra-group services and APAs (Corporate Income Tax Law No. 43/1995 issued 27 December 1995 effective 1 January 1996, Regulations to the Corporate Income Tax Law, Royal Decree 537/1997, of 14 April 1997)</p> <p>[3.25.1.]</p>	<p>Corporate Income Tax Law (No. 43/1995 issued 27 December 1995, effective 1 January 1996)</p> <p>APAs (Royal Decree 537/1997 of 14 April 1997 effective from 1 January 1996)</p> <p>[3.25.2.]</p>	<p>General TP documentation requirements are not applicable in Spain. However, specific rules apply with respect to APAs, intra-group services and cost sharing agreements.</p> <p>[3.25.3.]</p>	<p>No specific rules apply in this respect. In general, relevant information must be made available to the tax authorities upon their request.</p> <p>[3.25.4.]</p>	<p>No specific rules for TP documentation.</p> <p>If the tax authorities request any document, related or not to transfer pricing, the usual term to submit it is 10 days, although an extension can be requested.</p> <p>[3.25.5.]</p>
UK	<p>In general introduced from 1 July 1999 by Finance Act 1998 of 30 July 1998.</p> <p>[3.28.1.]</p>	<p>Sec. 108 and Schedule 16 of the Finance Act 1998 of 30 July 1998;</p> <p>Sec. 74 of the ICTA 1988 of 9 February 1988 (disallowable expenditure);</p> <p>Secs. [770 to 773 superseded from 1 July 1999], 839 and 840 and Schedule 28AA of the ICTA 1988;</p> <p>Secs. 85, 86 and 87 of the Finance Act 1999 of 27 July 1999 (Advance Pricing Agreements); and</p> <p>Para. 28, Schedule 30 of the Finance Act 2000 of 28 July 2000 (Mutual Agreement Procedure).</p>	<p>Such records as may be needed to enable it to deliver a correct and complete return (set out by law) and additional information required by the tax authorities, no standard list of questions exists.</p> <p>[3.28.3.]</p>	<p>No specific rules. The records should be available by the time when the taxpayer submits its corporation tax return (corporation tax returns must be filed within 12 months of the end of the tax year or within 3 months of receiving a notice to file a tax return).</p> <p>[3.28.4.]</p>	<p>No specific time limit.</p> <p>The TP documentation must be made available to the tax authorities upon their request.</p> <p>[3.28.5.]</p>

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Country	Specific: SMEs	Specific: Cost contribution agreements	Specific: Intra group services	Specific: APAs	Language	Penalties
Denmark	N/A	N/A	N/A	N/A	No specific rules, it is understood that Danish, other Scandinavian languages and English are generally accepted. [3.6.7.]	For not filing the form: DKK 200/day up to DKK 5,000. A daily fine of DKK 200/day can increase this penalty. [3.6.8.]
France	N/A	N/A	N/A	Application for an APA must contain the proposed transfer pricing method and documents listed by Guideline BOI 4 A-8-99. [3.9.6.]	French (in case of foreign languages a French translation is required) [3.9.7.]	In case of delay – EUR 7,500 for each year concerned. In case of omission, reassessment of the tax base increased by a 10% penalty for late payment of the increased tax and in certain cases by 40% penalty for bad faith. [3.9.8.]
Germany	N/A	- Cost sharing agreement in writing - Expenses and services - Expected benefits - Service recipient [3.10.6.]	Duty to cooperate extended to all circumstances relevant for the determination and assessment of transfer prices. [3.10.6.]	N/A	No specific rules apply. In general, documentation should be submitted in German (or accompanied by a German translation). [3.10.7.]	Tax authorities may estimate the tax base. In case of omission, penalties in the range from 5% to 10% of the additional income (minimum EUR 5,000) will be imposed. In case of late submission, penalty up to EUR 1,000,000 (minimum

						EUR 100 for each complete day following the expiry of the time limit) may be imposed. [3.10.8.]
Country	Specific: SMEs	Specific: Cost contribution agreements	Specific: Intra group services	Specific: APAs	Language	Penalties
Hungary	N/A	N/A	N/A	N/A	Currently not regulated. [3.12.7.]	No specific penalties for TP documentation. General penalties under Tax Procedure Law may apply. [3.12.8.]

The Netherlands	N/A	If no profit mark-up, information mentioned in Chapter F, paragraph 8.42 of the OECD Guidelines must be provided. [3.19.6.]	N/A	Information listed by the APA Decree is necessary to obtain an APA. [3.19.6.]	In general Dutch, a notice of objection may be made in a foreign language (translation can be required). In practice, documents in English are generally accepted. [3.19.7.]	No specific penalties for TP documentation (except potential tax base adjustment). Omission penalty for delay in submitting the tax return or an offence penalty for the law violation can be imposed. [3.19.8.]
Poland	N/A	N/A	N/A	N/A	Polish [3.20.7.]	50% on the difference between the reported and the reassessed tax base. [3.20.8.]
Portugal	SMEs are excluded from requirements. [3.21.6.]	Details of documentation requirements are specified in Article 16(1) of the TP Regulations. [3.21.6.]	Details of documentation requirements are specified in Article 16(2) of the TP Regulations. [3.21.6.]	N/A	Portuguese (in case of foreign languages a translation may be required) [3.21.7.]	No specific penalties for TP documentation. Fines for administrative infractions and criminal offences (including in relation to the Dossier Fiscal) may be imposed. [3.21.8.]

Country	Specific: SMEs	Specific: Cost contribution agreements	Specific: Intra group services	Specific: APAs	Language	Penalties
Spain (only specific)	N/A	Written contract signed beforehand, rules for attribution of expenses or use of the intangibles, based on rational criteria. [3.25.6.]	Written contract signed beforehand, rules for attribution of expenses or use of the intangibles, based on rational criteria. [3.25.6.]	Preliminary information and information to be included in the proposal must be prepared. [3.25.6.]	No specific rules apply. In practice, the tax authorities may request a Spanish translation of documents filed in foreign languages. [3.25.7.]	No specific penalties for TP documentation. Non-submission of documents could be a simple offence (fine of EUR 300.51 to EUR 6,010.12). In case of a serious offence (omission in payments of tax), the simple offence could increase the penalty by 10% to 50%. [3.25.8.]
UK	N/A	N/A	N/A	Detailed information which is necessary for the Inland Revenue to consider the APA proposals is required. [3.28.6.]	No specific rules apply. In practice, the tax authorities may request an English translation of documents filed in foreign languages. [3.28.7.]	No specific penalties for TP documents. General penalties for offences of the law apply. Guidance on the policy of the Board of Inland Revenue in relation to penalties impossible in connection with transfer pricing was provided in the Inland Revenue's Tax Bulletin of December 1998. [3.28.8.]

- N/A – no specific rules or not applicable
- TP – transfer pricing
- 3.6.1. (etc...) – refers to the corresponding section number in this survey