

PORTUGAL

SMALL AND MEDIUM ENTERPRISES AND TRANSFER PRICING

1. Have you established a dedicated website/webpage as a single point of information for SMEs on transfer pricing matters? Alternatively, has information for SMEs on transfer pricing matters been made available electronically via an existing website/webpage? In which language(s) is the information available?

The vast majority of enterprises operating in Portugal are SMEs so there is no tradition in the segregation of information specially dedicated to this category of taxpayers. The website www.portaldasfinancas.gov.pt provides all the relevant information on the legislation and administrative regulations or instructions.

2. Do you have a single definition of SME that applies for most direct tax purposes?

In the corporate tax law there is not a definition of SME. In some cases for purposes of applying tax incentives, the law refers to the EU definition.

3. Do you apply a specific SME definition for transfer pricing purposes?

For transfer pricing purposes, the Ministerial Order n.º 1446-C/2001, 21 December (Article 13(3) sets out that the taxpayers with a turnover in the previous year below € 3 000 000 are not obliged to organise and keep a TP documentation file, as it is established by law. In any case, those taxpayers must have some kind of material evidence and documents in order to substantiate their TP practice.

4. What specific services for SMEs are in place e.g. advanced pricing agreements, dispute resolution (pre- or post-audit), etc.? Is information on these services available electronically on the website(s) identified in question 1 or elsewhere? In which language(s) is the information available?

As we have mentioned above, at the legislative or administrative level, there is no distinction between SMEs and large taxpayers.

5. Are training materials made available to SMEs electronically via the website(s) identified in question 1 or elsewhere? In which language(s) is the information available?

No

6. Is information on procedures to provide SMEs with advance certainty on transfer pricing issues (e.g. advanced pricing agreements, rulings and clearances) available electronically via the website(s) identified in question 1 or it is only available from some other source? In which language(s) is the information available?

Yes, but the information on these procedures are provided in Portuguese language and directed to the taxpayers in general.

7. Is there a dedicated contact point available to SMEs for transfer pricing compliance issues?

No

8. Is there a dedicated contact point for advanced pricing agreements, clearances and rulings available to SMEs?

No

9. Is there a dedicated contact point available to SMEs who want to claim relief from double taxation as a result of a transfer pricing adjustment?

No