

SPECIAL VOLUNTARY DISCLOSURE PROGRAMME 2.0 FOR TRANSFER PRICING CASES GUIDANCE NOTE

1. Taxpayers who wish to make the voluntary disclosure for both transfer pricing and non-transfer pricing issues need to submit the two following forms separately:
 - i. Non-Transfer Pricing Case - SVDP 2.0 **Additional Income Reporting Form.**
 - ii. Transfer Pricing Case - **Voluntary Disclosure Form For Transfer Pricing Case.**
2. Voluntary disclosure for transfer pricing issues must be submitted together with either the Full Contemporaneous Transfer Pricing Documentation or Minimum Contemporaneous Transfer Pricing Documentation in accordance with the current prevailing ruling.
3. Taxpayers can refer to the Flowchart and Self-test provided in the Inland Revenue Board of Malaysia (IRBM) Official Portal as a guide to determine whether they need to prepare Full Contemporaneous Transfer Pricing Documentation or Minimum Contemporaneous Transfer Pricing Documentation.
4. Voluntary disclosure that requires the submission of Minimum Transfer Pricing Documentation need to provide the following documentation:
 - i. Voluntary Disclosure Form For Transfer Pricing Case;
 - ii. Minimum Transfer Pricing Documentation;
 - iii. Tax Computation.
5. Whilst, voluntary disclosure that entails the submission of Full Contemporaneous Transfer Pricing Documentation need to provide the following documentation:
 - i. Voluntary Disclosure Form For Transfer Pricing Case;
 - ii. Full Contemporaneous Transfer Pricing Documentation
 - iii. Organisational chart for the relevant years;
 - iv. Audited accounts, tax computation, a copy of Income Tax Return Form and information of incentives including the approval letter and application form (if any) for relevant years;
 - v. Computation of comparability analysis and audited accounts of comparable companies for relevant years of assessment; and;
 - vi. Information on omitted income or error in reported income / claims with supporting documents.

6. The Voluntary Disclosure Form For Transfer Pricing Cases and those attachments may be sent by post to the IRBM State / Special Branch or by self-submission at the IRBM office handling the taxpayer files.
7. For taxpayers who carry out domestic controlled transactions, only voluntary disclosure resulted in a positive tax impact will be accepted.
8. The taxpayer can arrange an initial discussion with the State IRBM Director / Special Branch in relation to the voluntary disclosure that has yet to be made. However, discussion on a 'no name basis' will not be considered.
9. The calculation of 30 working days processing period starts from the date the complete documentation is received by IRBM. The documentation is deemed complete when all the specified conditions are met.