

CHECKLIST OF MINIMUM CONTEMPORANEOUS TRANSFER PRICING DOCUMENTATION

1. Company Information

- (i) the person's worldwide organisational and ownership structure (including global organization chart and significant changes in the relationship, if any), covering all associated persons whose transactions directly or indirectly affect the pricing of the transactions between associated persons; []
- (ii) a description of the management structure of the person's business including reporting lines between the management of the person's business and its associated person and a description of the individuals to whom the management of the person's business reports to and the countries in which such individuals maintain their principal offices; and []
- (iii) a local organization chart of the local entities with information on the head of departments (including whether they are expatriates or local citizens) and number of employees in each department, as at the end of the basis period; []

2. Taxpayer Group of Companies Information

- (i) the Company Group's worldwide organizational structure that shows the location and ownership linkages among all entities in the Company Group transacting with the person in the basis period. []

3. Controlled Transaction

- (i) a description of details of the property or services to which the international or domestic transaction relates, any intangible property or rights attached thereto, the participants, the scope, timing, frequency, type and value of the controlled transactions (including all relevant dealings between associated persons in relevant geographic markets); []
- (ii) the identity of all associated persons including name and address of the associated person, the country in which the associated person is incorporated and registered or established, with details of the relationship with each such associated person; []
- (iii) the nature, terms (including prices) and conditions, the quantum and value of each transaction entered into with each associated person; []

- (iv) an overview description of the business, as well as a functional analysis of all associated persons with whom the person has transacted; []
 - (v) all valid contract or commercial agreements setting forth the terms and conditions of transactions with associated person as well as with third parties; and []
 - (vi) a record of any forecasts, budgets or any other financial estimates prepared by the person for the business as a whole and for each division or product separately. []
- 4. Details of the Pricing Policies (for each type of controlled transaction):**
- (i) the formula adopted, including anticipated profit margin or mark-up and cost component; []
 - (ii) the manner the formula is applied; []
 - (iii) person who determines the pricing policy; []
 - (iv) the frequency the policy is being revised; []
 - (v) sample of documents to support the pricing policy; []
 - (vi) comparability study to ensure the arm's length price; and []
 - (vii) the effect of the material changes to its pricing policy (if any); []
- 5. Index to documents.** []
- 6. The date on which the contemporaneous transfer pricing documentation is completed.** []
- 7. Any documents, information or data used to develop the transfer pricing analysis and determine the arm's length price, including those relating to material changes in business conditions during the basis period.** []

Note:

Subrule 4(3) of the Income Tax (Transfer Pricing) Rules 2023 [P.U.(A) 165/2023] states that if any of the required information, data or documents mentioned above are not applicable in the preparation of a TPD, the taxpayer is required to indicate their non-applicability in the contemporaneous transfer pricing documentation.