



# GTPS EMA Insights – Newsletter

The third edition of the GTPS EMA Insights Newsletter provides a one-stop-shop for transfer pricing publications KPMG member firms have published in the last couple of months. Just in case you missed them.

## France



### Strengthening of French Transfer Pricing Documentation Requirements

The French Finance Act for 2024 was adopted on December 21, 2023, by the French Parliament. In [this article](#) you can learn about expanded transfer pricing documentation requirements, which now means that groups with revenues or gross assets above €150m will be required to maintain contemporaneous documentation.

## Germany



### Updated transfer pricing guidelines

On June 6, 2023, the German Federal Ministry of Finance published updated transfer pricing administrative guidance covering the application of the arm's length principle with reference to the OECD Transfer Pricing Guidelines and transfer of functions. [This article](#) discusses the updated guidance.

## United Kingdom



### Preventing HMRC transfer pricing enquiries

[This article](#) explains how tax leaders can minimise the risk of facing a transfer pricing-related tax enquiry from HMRC in the United Kingdom. The same topic is also covered in [this video](#).



### **Transfer Pricing Records Regulations 2023: mandatory requirements**

As the Transfer Pricing Records Regulations 2023 bring in mandatory documentation requirements in the United Kingdom, [this article](#) examines the requirements for Master and Local Files. The introduction of these regulations are also analysed in [this article](#).



### **HMRC guidance on Advance Pricing Agreements: important updates**

[This article](#) analyses HMRC's update on the Statement of Practice on Advance Pricing Agreements (APAs) providing guidance on how they interpret the APA legislation and operate the UK APA Programme.

## **United States**



### **Resurgence of transfer pricing penalties**

[This article](#) discusses a recent shift in the IRS's position on imposing transfer pricing penalties and explores procedural considerations that businesses need to grapple with.

## **OECD**



### **OECD's 2022 mutual agreement procedure (MAP) statistics**

On November 14, 2023, the OECD released the latest MAP statistics and awards for 2022 that highlight important takeaways for multinational enterprises. In addition, the OECD published for the first time a consolidated guide to MAP in each of the BEPS Inclusive Framework Jurisdictions. [This article](#) summarizes the key takeaways.



### **OECD official provides update on expected transfer pricing guidance**

On December 5, 2023, Mayra Lucas, Senior Transfer pricing Advisor of the OECD, spoke at the KPMG-sponsored TP Minds West Coast conference, discussing the ongoing transfer pricing-related work at the OECD and what the OECD will be focusing on in 2024. The key insights are summarized in [this article](#).

## European Union



### **KPMG responds to European Commission public consultation on transfer pricing proposal**

On September 19, 2023, the European Commission published its proposal for a European Union Transfer Pricing Directive and initiated a call for public feedback on the text. On December 27, 2023, KPMG member firms in the European Union submitted a response to the European Commission. The key comments made by KPMG are summarized in [this article](#).

## General



### **Why it is time to tighten up on intra-group debt pricing**

Related-party debt pricing is coming under growing scrutiny from tax authorities. [This article](#) discusses what organisations need to think about when pricing intra-group debt.



### **Stock-based compensations in transfer pricing**

The treatment of stock-based compensations for financial reporting and tax purposes is complicated. In [this article](#), we discuss various contexts that require a taxpayer to determine the appropriate treatment of stock-based compensations and provide some observations on tax authority practices.



### **Using economics in transfer pricing**

[This article](#) examines the use of economics in transfer pricing by advisors, in-house specialists and tax authorities, and why it is important. It is the first in a series of articles on the use of economics in transfer pricing.



## Future of Tax & Legal Webcasts Series

As part of the [Future of Tax & Legal Webcasts Series](#), the EMA Transfer Pricing Insights team is organizing a webcast on March 12. More details will follow.

Kind regards,

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