



Belarus

WTS Global Country TP Guide

Last Update: December 2017

1. Legal Basis	
Is there a legal requirement to prepare TP documentation?	Yes
Since when does a TP documentation requirement exist in your country?	2016
Are TP policies of multinational enterprises in principle accepted by the tax authorities, if they are in line with the OECD TP Guidelines?	Yes
Which TP methods may be applied?	The comparable uncontrolled price (CUP), resale price and cost-plus methods, the comparable profitability method and the profit split method
Are any TP methods preferred over others?	The order of preference is specified above.
Have the documentation requirements of OECD BEPS Action 13 already been implemented (i.e. the LF, MF and CbCR concepts)?	No CbCR/MF/LF
Reference to relevant articles of law, legislative regulation or applicable administrative guidance that are in place for TP documentation in general:	TP regulations are contained in Art. 30-1 of the Tax Code of Belarus. Additionally, tax authorities clarifications and guidance are exhibited at the official website of the Ministry of Taxes and Duties of Belarus.

2. Master File (MF)	Not implemented
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3. Local File (LF)	Not implemented
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4. Country-by-Country Reporting	Not implemented
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5. TP disclosure in tax return or transfer pricing specific returns	
Does a taxpayer need to disclose information regarding TP documentation in his tax return?	No
When a taxpayer files a tax return for which he understands or should understand that the result reported in that tax return is too low due to incorrect transfer pricing, what could be the legal consequences?	Additional tax assessments. Fines or criminal responsibility may also be imposed.
What could be the consequences for the tax advisor/accountant/administrator drafting and filing the tax return of a client where that advisor/accountant/administrator understands or should understand that the result reported is too low due to incorrect TP?	Administrative fines or criminal responsibility may be imposed.
Does a taxpayer need to file TP-specific returns?	No
What would be the filing deadline?	Within 5 or 10 days after the respective submission notice of the tax authorities
What would be the penalties for non-compliance?	Administrative fines

6. Benchmarking	
Is there any local guidance or requirement with regard to the preparation of a benchmark study?	No
Are there any materiality thresholds that apply for the requirement to have a benchmark study available?	No
Does your country apply the general guidance by the OECD to prepare a new benchmarking search every three years and an update of the financial data of the accepted comparable in year 2 or 3?	No

7. Year-end adjustments	
Are year-end adjustments permissible?	No

8. Transfer Pricing Audit and Dispute Resolution Mechanisms	
What are currently the main TP areas of scrutiny by the tax authorities in your country?	Transactions with real estate, export import operations
Based on your experience, are joint or multilateral audits initiated and carried out?	No
Does the taxpayer have the option to apply for bilateral or multilateral APAs?	No

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