



Norway

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?	2008
Are TP policies of multinational enterprises in principle accepted by the tax authorities, if they are in line with the OECD TP Guidelines?	Yes
Have the documentation requirements of OECD BEPS Action 13 already been implemented (i.e. the LF, MF and CbCR concepts)?	CbCR implemented; MF and LF-Intentions
Reference to documentation and statements of local-government or tax authorities regarding OECD BEPS implementation status	CbC implemented in Dec. 2016 with effect as of FY 2017.
Reference to relevant articles of law, legislative regulation or applicable administrative guidance that are in place for TP documentation in general.	Tax code § 13-1, tax process code § 8-11 with guidelines and referrals to OECD TPG.

2. Master File (MF)	
	Intentions
What is the (consolidated revenue) threshold requirement for the obligation to prepare a MF?	More than 250 employees and either more than NOK 400M (EUR 38M) in turnover or more than NOK 350M (EUR 33M) on group level. Except for oil business and MNE dealing with jurisdictions where information exchange protocols are not in place.
Euro Equivalent	EUR 38,000,000
As from which year does this obligation exist?	When the thresholds are met.
When does the Master File need to be available?	In principle, contemporaneously, but at least 45 days after request.
When does it need to be submitted?	Upon request.
Does the MF have to be prepared in the relevant local language ?	No (English, Swedish and Danish also accepted)
Is documentation in English permissible?	Yes
What are the possible consequences of not having the MF available?	
Penalties?	Yes
Imprisonment?	No
Shifting of the burden of proof?	Yes
Other?	No
To which extent do the local rules differ from the OECD standard regarding the OECD content requirements for the MF as shown in the BEPS implementation overview chart?	The local regulations have yet not fully implemented the differences but will most likely perform a transforming process within short time. The MF/LC concept is in general accepted and will not infringe with the present regulations.

3. Local File (LF)	Intentions
What is the threshold requirement for the obligation to prepare a LF?	More than 250 employees and either more than NOK 400M (EUR 38M) in turnover or more than NOK 350M (EUR 33M) on group level. Except for oil business and MNE dealing with jurisdictions where information exchange protocols are not in place.
Euro Equivalent	EUR 38,000,000
As from which year does this obligation exist?	When the thresholds are met.
When does the LF need to be available?	In principle contemporaneously, but at least 45 days after request.
When does the LF need to be submitted?	Upon request.
How and where should the LF be filed?	No
Does the LF have to be prepared in the relevant local language?	No (English, Swedish and Danish also accepted)
Or is documentation in English permissible?	Yes
What are the possible consequences of not having the LF available?	Shifting the burden of proof and losing the ability to appeal.
Penalties?	Yes
Imprisonment?	No
Shifting of the burden of proof?	Yes

4. Country-by-Country Reporting	Yes
What is the threshold requirement for the obligation to prepare Country-by-Country Reporting?	NOK 6,5B (EUR 610M)
Euro Equivalent	EUR 610,000,000
As from which year does this CbCR obligation exist?	The year after the threshold is reached. The regulations are effective from accounting years ending after 1.1.2016, or from 1.1.2017 for all business activity present in Norway that is not group parent company.
When and how do the tax authorities need to be notified who the reporting entity is?	At the latest with the tax return, or without such obligation, end of May.
If the reporting entity (ultimate parent or surrogate parent) is in your country, what is the CbCR submission deadline?	At the latest with the tax return, or without such obligation, end of May.
Are there any deviating submission deadlines for the secondary mechanism?	Yes
Does your country have a requirement that the financial figures of the group need to be aligned with?	No
Does your country have a requirement that the financial years of the group need to be aligned with?	No
Where is the CbCR to be submitted ?	www.altinn.no
How is the CbCR to be submitted, specifically, is there any prescribed standard?	Standard form to be prepared.
What are the possible consequences of not having the CbCR available?	
Penalties?	Yes
Imprisonment?	No
Shifting of the burden of proof?	No
Other?	No

To which extent do your local rules differ from the OECD standard regarding the content requirements for the CbCR as shown in the 2017 OECD TP Guidelines?	We do not expect the regs. to differentiate.
Did your country sign the Multilateral Competent Authority Agreement on the Exchange of CbC Reports ("CbC MCAA")?	Yes
Did your country enter into other information exchange agreements, such as on a bilateral basis?	No
Can a taxpayer in your country fulfil his CbCR requirement by referring to the reporting entity in the same or another country?	Yes

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?	Yes
What would be the filing deadline?	Tax return deadlines
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?	Fines, surtax, interests and potential criminal charges to the company and/or the individuals involved.
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?	Criminal charge with fines or prison.
Does a taxpayer need to file TP-specific returns?	Yes
Please state the filing form number and name.	RF 1123
What would be the filing deadline?	Same as tax return.
What would be the penalties for non-compliance?	Follows the tax return, no specific 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
Or is a new search every three years without any financial updates in year 2 and 3 sufficient?	No. There is not any written detailed guidance on this topic, however, the guidance from Directorate of Taxes follows in most cases the best practice of OECD.

7. Year-end adjustments

Are year-end adjustments permissible?	Yes
Does the taxpayer have to comply with any specific features or guidance?	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?	Intangibles, transfer of assets, financial transactions and normally the management fees. In regard to IPR the deemed royalty approach is a current trend by NTA.
Based on your experience, are joint or multilateral audits initiated and carried out?	Yes
Does the taxpayer have the option to apply for bilateral or multilateral APAs?	Yes
Are there any restrictions?	No

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