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## Transfer Pricing Switzerland Insights

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### Did you know?

Upcoming seminars on  
**BEPS and Swiss  
Corporate Tax Reform  
III**

Dear Sir or Madam,

We are pleased to present you the latest edition of Transfer Pricing Insights – Deloitte Switzerland’s bi-monthly newsletter focusing on ‘hot’ topics and economic related news.

### Swiss Transfer Pricing Hot Topics

#### OECD on Track to Deliver New Guidance on Intangibles and Documentation

The Organization for Economic Cooperation and Development (OECD) is expected to release widely anticipated deliverables on two transfer pricing items from the Base Erosion and Profit Shifting Action Plan – intangibles and documentation – before the meeting of the G20 finance ministers and central bank governors in Cairns, Australia, on 20-21 September 2014.

In this respect, Deloitte is hosting a half-day seminar on 25 September 2014 in Zurich and 26 September 2014 in Geneva to present the latest developments on the “**Base Erosion and Profit Shifting**” initiative by the OECD / G20. The seminar will also provide the **latest insights into the Swiss Corporate Tax Reform III (CTR III)**. The presentations by leading Deloitte experts shall provide you with valuable first-hand analysis and recommendations on how your company may adapt to the changing tax landscape. If you would like to register, please click [here](#).

Stay connected on the latest Transfer Pricing topics by joining our BEPS events in Zurich (25 September) and Geneva (26 September). Register [here](#).

**France** – The due date for taxpayers to file the transfer pricing extracts following the filing of their tax return has been postponed to 20 November 2014.

[Read more](#)

For those of you who will not be able to attend the Deloitte seminars, you also have the opportunity to tune in to the Deloitte webcast on the latest developments regarding BEPS on 24 September 2014. Please click [here](#) to register to the webcast.

## India: Tribunal rules social networking profiles can be used to determine PE status

The Delhi Tribunal issued a decision on 4 July 2014 in which it ruled that the LinkedIn profiles of employees can be used by tax authorities as additional evidence to verify the activities of individuals in India for the purpose of determining whether a non-resident company has a permanent establishment (PE) in India.

The Tribunal also observed that the taxpayer is free to rebut the information updated on the networking website by its employees by producing evidence to the contrary.

The case reinforces the significance of information that appears in the public domain, and the importance of internal documentation to address any challenge raised by the tax authorities. Non-resident taxpayers should have the proper documentation in place to substantiate the activities or roles of their employees.

Further details on the case may be found [here](#).

## Greece Clarifies Transfer Pricing Documentation Rules

The Greek Ministry of Finance issued during the second quarter of 2014 two important decisions clarifying the transfer pricing documentation requirements and the applicable transfer pricing regime for prior years.

An important provision of this ministerial decision is the newly enacted obligation to include a “special chapter” in the transfer pricing documentation file, wherein the taxpayer is required to describe all facts and events of the prior fiscal year that have an impact on the information and data included in the file and that are due to market condition changes.

Another major development was the issuance of detailed guidelines for tax auditors regarding audits of prior years, commencing with fiscal year 2008, the first year for which transfer pricing documentation rules were enacted in Greece. The ministerial decision clarifies the applicable framework regarding the audit of intercompany transactions per fiscal year and the tax auditors’ authorizations.

An extensive examination of these provisions is available [here](#).

## Attitude of Tax Authorities to Risk Pricing Adjustments

Increasingly, companies are using risk adjustments to support the arm's length nature of the pricing of their intercompany transactions. We have witnessed that some tax authorities, e.g. in the US and the UK, are usually favourable towards risk pricing adjustments made in benchmarking studies when such adjustments can be evidenced to improve comparability with the tested party. However, some tax authorities, e.g. in France, tend to scrutinise such adjustments and sometimes dispute their validity.

It is advisable to assess the attitude of the relevant tax authorities before deciding whether to perform risk pricing adjustments to support a transfer pricing position.

We hope you have enjoyed this edition of Transfer Pricing Switzerland Insights. If you have questions in relation to one of the above topics or you would like to discuss your situation and receive a professional opinion on any transfer pricing related topics, please feel free to contact us directly via phone or email.

Best regards,

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Transfer Pricing Practice Leader, Partner

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