

Myanmar Transfer Pricing Guide 2024

wts global

Myanmar

1. Legal Basis

Is there a legal requirement to prepare TP documentation?

No.

Since when does a TP documentation requirement exist in your country?

Not applicable.

Adoption of the OECD or UN legislation in your country?

Not applicable.

Is your country a member of the OECD, Inclusive Framework, or other OECD groups (e.g. BEPS)?

No.

Are TP policies of multinational enterprises in principle accepted by the tax authorities, if they are in line with the OECD TP Guidelines?

Not applicable.

Which TP methods may be applied?

Not applicable.

Is there a stated preference for any particular TP methods?

Not applicable.

Have the documentation requirements of OECD BEPS Action 13 already been implemented (i.e. the LF, MF, and CbCR concepts)?

No LF, MF or CbCR.

Reference to documentation and statements of local government or tax authorities regarding OECD BEPS implementation status

Not applicable.

Is there any statute of limitation period?

Not applicable.

Reference to relevant articles of law, legislative regulation, or applicable administrative guidance that are in place for TP documentation in general.

Not applicable.

2. Master File (MF)

What is the (consolidated revenue) threshold requirement for the obligation to prepare a MF?

Not applicable.

Euro Equivalent

Not applicable.

From which year does this obligation exist?

Not applicable.

When does the MF need to be available?

Not applicable.

When does it need to be submitted?

Not applicable.

Does the MF have to be prepared in the relevant local language?

Not applicable.

Myanmar

Is documentation in English permissible?

Not applicable.

What are the possible consequences of not having the MF available?

Penalties?

Not applicable.

Imprisonment?

Not applicable.

Shifting of the burden of proof?

Not applicable.

Other?

Not applicable.

To what 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?

Not applicable.

3. Local File (LF)

What is the threshold requirement for the obligation to prepare Country-by-Country Reporting?

Not applicable.

Euro Equivalent

Not applicable.

From which year does this CbCR obligation exist?

Not applicable.

Are Taxpayers required to notify of CbCR filing in your country?

Not applicable.

If yes, when and how do the tax authorities need to be notified?

Not applicable.

If the reporting entity (ultimate parent or surrogate parent) is in your country, what is the CbCR submission deadline?

Not applicable.

Are there any deviating submission deadlines for the secondary mechanism?

Not applicable.

Does your country have a requirement that the financial figures of the group need to be aligned?

Not applicable.

Where is the CbCR to be submitted?

Not applicable.

How is the CbCR to be submitted, specifically, is there any prescribed standard?

Not applicable.

What are the possible consequences of not having the CbCR available?

Penalties?

Not applicable.

Imprisonment?

Not applicable.

Shifting of the burden of proof?

Not applicable.

Other?

Not applicable.

Myanmar

To what 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?

Not applicable.

Did your country sign the Multilateral Competent Authority Agreement on the Exchange of CbCR ("CbCR MCAA")?

Not applicable.

Did your country enter into other information exchange agreements, such as on a bilateral basis?

Not applicable.

Can a Taxpayer in your country fulfil his CbCR requirement by referring to the reporting entity in the same or another country?

Not applicable.

4. Country-by-Country Reporting (CbCR)

What is the threshold requirement for the obligation to prepare Country-by-Country Reporting?

Not applicable.

Euro Equivalent

Not applicable.

From which year does this CbCR obligation exist?

Not applicable.

Are Taxpayers required to notify of CbCR filing in your country?

Not applicable.

If yes, when and how do the tax authorities need to be notified?

Not applicable.

If the reporting entity (ultimate parent or surrogate parent) is in your country, what is the CbCR submission deadline?

Not applicable.

Are there any deviating submission deadlines for the secondary mechanism?

Not applicable.

Does your country have a requirement that the financial figures of the group need to be aligned?

Not applicable.

Where is the CbCR to be submitted?

Not applicable.

How is the CbCR to be submitted, specifically, is there any prescribed standard?

Not applicable.

What are the possible consequences of not having the CbCR available?

Penalties?

Not applicable.

Imprisonment?

Not applicable.

Shifting of the burden of proof?

Not applicable.

Other?

Not applicable.

To what 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?

Not applicable.

Myanmar

Did your country sign the Multilateral Competent Authority Agreement on the Exchange of CbCR ("CbCR MCAA")?

No.

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?

Not applicable.

5. TP disclosure in the tax return or TP specific returns

Is there a threshold for Related Party Transactions?

Not applicable.

Does a Taxpayer need to disclose information regarding TP documentation in his tax return?

Not applicable.

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 TP, what could be the legal consequences?

Not applicable. There are no TP rules.

However, IRD issued Public Ruling no. 3/2022 on 16 November as an anti-avoidance tool to reprice income or expenses where there are:

- › failure to disclose assets, property, services, or benefits in accordance with market price;
- › the Taxpayer is making non arm's length transfers in cross-border TP;
- › there is the splitting of income between the Taxpayer and associated enterprises with the purpose to reduce tax on income;
- › the Taxpayer is reorganising structures of

- › associations to enjoy tax benefits; and
- › the Taxpayer is abusing bilateral/multilateral treaties.

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?

Not applicable.

Does a Taxpayer need to file TP specific returns?

Not applicable.

Please state the filing form number and name.

Not applicable.

What would be the filing deadline?

Not applicable.

What would be the penalties for non-compliance?

Not applicable.

6. Benchmarking

Is there any local guidance or requirement about the preparation of a benchmark study?

Not applicable.

Is there any stated preference for local benchmarks?

Not applicable.

Are there any materiality thresholds that apply to the requirement to have a benchmark study available?

Not applicable.

Myanmar

7. Year-end, secondary, and corresponding adjustments

Are year-end/ secondary/ corresponding adjustments permissible?

Not applicable.

Does the Taxpayer have to comply with any specific features or guidance?

Not applicable.

8. TP Audit and Dispute Resolution Mechanisms

What are currently the main TP areas of scrutiny by the tax authorities in your country?

Not applicable.

Based on your experience, are joint or multilateral audits initiated and carried out?

Not applicable.

Does the Taxpayer have the option to apply for bilateral or multilateral APAs?

Not applicable.

Are there any restrictions?

Not applicable.

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Myanmar

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