“



November 1, 2021

**MANDATORY DOCUMENTS – TRANSFER PRICING**

**(THAILAND)**

1. **OVERVIEW OF MANDATORY DOCUMENTS**

Companies (including juristic partnerships, and foreign entities carrying on business in Thailand), matching certain criteria are required to submit, to the Revenue Department (“RD”), one or more of the following types of documents.

A. Related Party Disclosure Form[[1]](#footnote-1)

Large scale companies (i.e., those with an annual revenue of 200 million Baht or more) that has related companies[[2]](#footnote-2) are required to complete and submit an *“Annual Disclosure Form for Companies or Juristic Partnerships with Related Parties per Section 71 bis of the Revenue Code”* (herein, “Related Party Disclosure Form” or “Disclosure Form”)together with its annual corporate income tax (“CIT”) return. Information about related parties, and transaction amounts must be entered into this form. Failure to properly file this form may result in a fine not exceeding 200,000 Baht.

B. Local File[[3]](#footnote-3)

Companies required to file the Disclosure Form may receive a notice from the RD to submit *“…documents or evidence showing information necessary for analysis of the conditions of transactions between companies or juristic partnerships that have relationships with each other […]”* (hereinafter referred to as “Local File”). If a company receives such notice, it must submit a Local File, generally, within 60 days of receiving the notice. Local Files are a near-equivalent[[4]](#footnote-4) of what the OECD refers to as a local file. Failure to properly file this form may result in a fine not exceeding 200,000 Baht.

C. Country-by-Country (“CbC”) Report

The CbC Report here is in accordance with the Country-by-Country Reporting XML Schema as prescribed by the OECD. The requisite information is presented in Appendix IV. Such CbC Report must[[5]](#footnote-5) be submitted to the RD together with submission of the Thai CIT (Form PND 50), if: (a) Consolidated group revenue of the relevant accounting period is the equivalent of 28 billion Baht or more; and (b) the RD will not be able to obtain a CbC Report from other channels such as under an international data exchange agreement. There is no penalty provision in the notice requiring submission of CbC Reports.

Further descriptions of these three types of documents are presented below.

For a list of the law, notice, guidelines related to TP in Thailand, see Appendix V.

* 1. **RELATED PARTY DISCLOSURE FORM**

1. Basis:
   1. Section 71 ter, paragraph 1 of the Revenue Code (“RC”) (as added by the RC Amendment Act - No. 47)[[6]](#footnote-6);
   2. *“Notice of the Director-General* (“DG”) *of the RD, Re Prescription of Form of Reporting of Information Relating to Related Companies or Juristic Partnerships and Total Value of Inter-Transactions in Each Accounting Period”*; and,
   3. *“Ministerial Regulations, No. 370 (2020), Issued under RC, Governing Fixing Amount of Revenues of Companies or Juristic Partnerships under Section 71 ter, Paragraph Three”.*
2. Who?: Companies which carries on business in Thailand (including a foreign company’s Thai permanent establishments), are required to complete and submit this disclosure form together with its corporate income tax (“CIT”) return, if:
   1. the Company had annual revenue of 200 million Baht or more[[7]](#footnote-7), and
   2. the Company had a related party during the relevant tax year.
3. Requisite information: See Appendix I for an informal English translation of the form.
4. Timing: This form must be submitted together with the corporate income tax return. (i.e., generally, within 150 days after the last day of the accounting period.)
5. Language: The form is in the Thai language, and should be completed in Thai.
6. Enforcement: For accounting periods beginning on or after 1st of January 2019.
7. Penalty: Failure to properly file this form may result in a fine not exceeding 200,000 Baht[[8]](#footnote-8).
   1. **LOCAL FILE[[9]](#footnote-9)**
8. Basis:
   1. Section 71 ter, paragraph 2 of the RC (as added by the RC Amendment Act - No. 47)[[10]](#footnote-10);
   2. *“Notice of DG of the RD relating to Income Tax (No. 407) - Re Documents or Evidence Showing Necessary Information for Analysis of Transactions Rules Between Related Companies or Juristic Partnerships”*
9. Summary: Within five (5) years after a Disclosure Form has been submitted to the RD, the RD may send a formal notice to a company to submit *“[…] documents or evidence showing information necessary for analysis of the conditions of transactions between companies or juristic partnerships that have relationships with each other […]”* (herein referred-to as the “Local File”). Such Local File must be submitted to the RD generally within 60 after receiving such notice.
10. Who?: Companies matching both of the following descriptions may be instructed to submit a Local File:
    1. If the Company had annual revenue of 200 million Baht or more[[11]](#footnote-11), and
    2. the Company had a related party[[12]](#footnote-12) during the relevant tax year.
11. Requisite information[[13]](#footnote-13): Essentially, what the OECD refers to as a local file must be submitted to the RD. See Appendix II for details about the required documents and evidence under the relevant notice.
12. Exempt information: Certain information as specified under Section 2 (2) (g) of the relevant notice, which include, inter-alia, financial indicators (i.e. benchmark analysis) will not be required under either Case A or Case B below:
    1. CASE A: If:
       1. The Company’s business revenue did not exceed 500,000,000 (five hundred million) Baht in the relevant tax year;
       2. There have not been any related party transactions between the Company (e.g. a non-BOI Thai company), and another Company (e.g. a BOI promoted company) having a different CIT;
       3. There has been no related-party transactions with Companies outside of Thailand; AND,
       4. Neither the Company nor the other Company, which there had been related party transactions with, had no tax loss-carryforwards.
    2. CASE B: If there has been a qualifying advance pricing agreement (“APA”).
13. Submission timing: The RD has up to five (5) years after a company submits its Disclosure Form to send a notice to that company to submit a Local File. After receiving such notice, the company must submit a Local File within the following timeframe:
    1. For first-time filers, within 180 days of receiving the notice.
    2. Generally, within 60 days; or,
    3. With permission of the DG, within 120 days.
14. Language: Local Files must be in the Thai language[[14]](#footnote-14).
15. Enforcement: For accounting periods beginning on or after 1st of January 2021.
16. Penalty: Failure to properly file this form may result in a fine not exceeding 200,000 Baht[[15]](#footnote-15).
    1. **COUNTRY-BY-COUNTRY REPORTING**
17. Basis:
    1. *“Notice of the DG of the RD – Relating to Income Tax (No. 408) – Re Persons Filing Returns to File CbC Reports”*
18. Summary: A CbC Report must[[16]](#footnote-16) be submitted to the RD together with submission of the Thai CIT (Form PND 50), if:
    1. Consolidated group revenue of the relevant accounting period is the equivalent of 28 billion Baht or more; and,
    2. The RD will not be able to obtain a CbC Report from other channels, such as under an international data exchange agreement.
19. Who?: International businesses that are tax residents (or have PEs) in two or more countries, and that has a company in Thailand, or conducts business in Thailand, are required to submit a CbC Report together with its corporate income tax return (Form PND 50) if the RD will not be able to timely obtain it (i.e., a CbC Report) by other means. (E.g., Through an international data exchange agreement with another country, in which the ultimate company in that country has submitted a CbC Report in that other country.)
20. Required information: See Appendix IV for the form.
21. Timing: Companies required to submit a CbC Report must be submit it together with the corporate income tax return. (i.e. generally, within 150 days after the last day of the accounting period.)
22. Language: The form is required to be completed in English[[17]](#footnote-17).
23. Enforcement: For accounting periods beginning on or after 1st of January 2021.
24. Penalty: There is no penalty provision under the notice, which requires the submission of CbC reports. (However, Section 36 of the RC provides for imprisonment not exceeding 1 month, or a penalty not exceeding 2,000 Baht, or both for non-compliance with a summons or order of the DG of the RD.)

**APPENDIX I**

**Related Party Disclosure Form**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Annual Disclosure Form for Companies or Juristic Partnerships with Related Parties per Section 71 bis of the Revenue Code | | | | | | |
|  | | |
| Company or Juristic Partnership | | | | Accounting Period | | |
| Tax identification number -----  (*Please use juristic person number issued by the Department of Business Development or the Revenue Department*) | | | | From day Month Year | | |
| Name …………………………………………………………………  *(Clearly specify Company Limited, Public Company Limited, Limited Partnership, etc.)* | | | | Until day Month Year | | |
|  | |  | |  |  | |
| Functional Currency | | | | | | |
|  |  Baht |  Other, please specify………………………………………………  *(Notified to or approved by the Director-General according to Section 76 ter of the Revenue Code)*  Currency Code | | | | |
| Part A | | | | | | |
| Section 1. Related companies or juristic partnerships operating in Thailand  No. of entities\_\_ Attachments \_\_ page(s) | | | | | | |
|  | | | | | | |
| No. | Name of related company or juristic partnership | | Tax identification no. | Transactions with the taxpayer | | |
| 1 |  | | □-□□-□-□□□-□□□□□-□ |  No | |  Yes *(Please fill in Part B Section 1)* |
| 2 |  | | □-□□-□-□□□-□□□□□-□ |  No | |  Yes *(Please fill in Part B Section 1)* |
| 3 |  | | □-□□-□-□□□-□□□□□-□ |  No | |  Yes *(Please fill in Part B Section 1)* |
| 4 |  | | □-□□-□-□□□-□□□□□-□ |  No | |  Yes *(Please fill in Part B Section 1)* |
| 5 |  | | □-□□-□-□□□-□□□□□-□ |  No | |  Yes *(Please fill in Part B Section 1)* |
| 6 |  | | □-□□-□-□□□-□□□□□-□ |  No | |  Yes *(Please fill in Part B Section 1)* |
| 7 |  | | □-□□-□-□□□-□□□□□-□ |  No | |  Yes *(Please fill in Part B Section 1)* |
| 8 |  | | □-□□-□-□□□-□□□□□-□ |  No | |  Yes *(Please fill in Part B Section 1)* |
| 9 |  | | □-□□-□-□□□-□□□□□-□ |  No | |  Yes *(Please fill in Part B Section 1)* |
| 10 |  | | □-□□-□-□□□-□□□□□-□ |  No | |  Yes *(Please fill in Part B Section 1)* |
|  | | | | | | |
| Section 2. Related companies or juristic partnerships not operating in Thailand  No. of entities\_\_ Attachments \_\_ page(s) | | | | | | |
|  | | | | | | |
| No. | Name of related company or juristic partnership | | Country of incorporation | Transactions with the taxpayer | | |
| 1 |  | |  |  No | |  Yes *(Please fill in Part B Section 2)* |
| 2 |  | |  |  No | |  Yes *(Please fill in Part B Section 2)* |
| 3 |  | |  |  No | |  Yes *(Please fill in Part B Section 2)* |
| 4 |  | |  |  No | |  Yes *(Please fill in Part B Section 2)* |
| 5 |  | |  |  No | |  Yes *(Please fill in Part B Section 2)* |
| 6 |  | |  |  No | |  Yes *(Please fill in Part B Section 2)* |
| 7 |  | |  |  No | |  Yes *(Please fill in Part B Section 2)* |
| 8 |  | |  |  No | |  Yes *(Please fill in Part B Section 2)* |
| 9 |  | |  |  No | |  Yes *(Please fill in Part B Section 2)* |
| 10 |  | |  |  No | |  Yes *(Please fill in Part B Section 2)* |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Part B | | | | | | | | | | | | | | |
| Section 1. Details of controlled transactions with related companies or juristic partnerships operating in Thailand No. of entities\_\_ Attachments\_\_ page(s) (Units:\_\_\_\_) | | | | | | | | | | | | | | |
|  | (1)  Name of related company or juristic partnership | (2)  Direct income from business operations | (3)  Other income | (4)  Purchase of raw materials/ goods | | (5)  Purchase of land, buildings and equipment | (6)  Other expenses | | | | | (7)  Amount of loans payable as at the last day of the accounting period | (8)  Amount of loans lent  as at the last day of the accounting period | |
| (6.1)  Royalty  fees | (6.2)  Management/ technical/ commission fees | (6.3)  Interest | | (6.4)  Other |
| 1 |  |  |  |  | |  |  |  |  | |  |  |  | |
| 2 |  |  |  |  | |  |  |  |  | |  |  |  | |
| 3 |  |  |  |  | |  |  |  |  | |  |  |  | |
| 4 |  |  |  |  | |  |  |  |  | |  |  |  | |
| 5 |  |  |  |  | |  |  |  |  | |  |  |  | |
| Section 2. Details of controlled transactions with related companies or juristic partnerships not operating in Thailand No. of entities\_\_ Attachments\_\_\_ page(s) (Units:\_\_\_\_\_) | | | | | | | | | | | | | | |
|  | (9)  Name of related company or juristic partnership | (10)  Direct income from business operations | (11)  Other income | (12)  Purchase of raw materials/ goods | | (13)  Purchase of land, buildings and equipment | (14)  Other expenses | | | | | (15)  Amount of loans payable as at the last day of the accounting period | (16)  Amount of loans lent as at the last day of the accounting period | |
| (14.1)  Royalty  fees | (14.2)  Management/ technical/ commission fees | (14.3)  Interest | | (14.4)  Other |
| 1 |  |  |  |  | |  |  |  |  | |  |  |  | |
| 2 |  |  |  |  | |  |  |  |  | |  |  |  | |
| 3 |  |  |  |  | |  |  |  |  | |  |  |  | |
| 4 |  |  |  |  | |  |  |  |  | |  |  |  | |
| 5 |  |  |  |  | |  |  |  |  | |  |  |  | |
| Part C Other Details | | | | | | | | | | | | | | |
| 1. The taxpayer has the duty to prepare consolidated financial statements per the accounting standards | | | | | | | | | | |  Yes (Indicate consolidated income)……… | | |  No |
| 2. The taxpayer has undertaken a business restructuring with related companies or juristic partnerships during the accounting period | | | | | | | | | | |  Yes | | |  No |
|  | 2.1. Affect on the income of the taxpayer | | | | | | | | | |  Increase | | |  Decrease |
|  | 2.2. Affect on the costs of the taxpayer | | | | | | | | | |  Increase | | |  Decrease |
|  | 2.3. Affect on the gross profit margin of the taxpayer | | | | | | | | | |  Increase | | |  Decrease |
| 3. The taxpayer has disposed, distributed, transferred intangible assets to related companies or juristic partnerships during the accounting period | | | | | | | | | | |  Yes | | |  No |
| Certification of Director or Partner or Manager | | | | | | | | | | | | | | |
| I have checked the details appearing in the Annual Disclosure Form for Companies or Juristic Partnerships with Related Parties. I hereby certify that the details declared are complete and correct and that the taxpayer has complete accounting supporting documentation. | | | | | | | | | | | | | | |
| Signature | | | | |  | | | | | Signature | | | | |
| (……………………) | | | | |  | | | | | (……………………) | | | | |
| Position | | | | |  | | | | | Position | | | | |
| Submitted on Date Month Year | | | | | | | | | | | | | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Attachment to Annual Disclosure Form for Companies or Juristic Partnerships with Related Parties per Section 71 bis of the Revenue Code | | | | |
| Tax ID No. □-□□-□-□□□-□□□□□-□ | | | Page no. \_\_\_\_\_\_\_ of \_\_\_\_\_\_\_ pages | |
| Part A | | | | |
| Section 1. Related companies or juristic partnerships operating in Thailand | | | | |
| No. | Name of related company or juristic partnership | Tax ID No. | Transactions with the taxpayer | |
| 1 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 2 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 3 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 4 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 5 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 6 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 7 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 8 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 9 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 10 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 11 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 12 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 13 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 14 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 15 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 16 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 17 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 18 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 19 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 20 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 21 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 22 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 23 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 24 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 25 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 26 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 27 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 28 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 29 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |
| 30 |  | □-□□-□-□□□-□□□□□-□ | □ None | □ Have (Fill in Part B of Section 1) |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Attachment to Annual Disclosure Form for Companies or Juristic Partnerships with Related Parties per Section 71 bis of the Revenue Code | | | | |
| Tax ID No. □-□□-□-□□□-□□□□□-□ | | | Page no. \_\_\_\_\_\_\_ of \_\_\_\_\_\_\_ pages | |
| Part A | | | | |
| Section 2. Related companies or juristic partnerships not operating in Thailand | | | | |
| No. | Name of related company or juristic partnership | Country of incorporation | Having transactions with the taxpayer | |
| 1 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 2 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 3 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 4 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 5 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 6 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 7 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 8 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 9 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 10 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 11 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 12 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 13 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 14 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 15 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 16 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 17 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 18 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 19 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 20 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 21 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 22 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 23 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 24 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 25 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 26 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 27 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 28 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 29 |  |  |  None |  Have *(Please fill in Part B Section 2)* |
| 30 |  |  |  None |  Have *(Please fill in Part B Section 2)* |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Attachment to Annual Disclosure Form for Companies or Juristic Partnerships with Related Parties per Section 71 bis of the Revenue Code | | | | | | | | | | | | | | | |
| Tax ID No. □-□□-□-□□□-□□□□□-□ | | | | | | | | | Page no. \_\_\_\_\_\_\_ of \_\_\_\_\_\_\_ pages | | | | | | |
| Part B | | | | | | | | | | | | | | | |
| Section 1. Details of controlled transactions with related companies or juristic partnerships operating in Thailand Unit\_\_\_\_ | | | | | | | | | | | | | | | |
| No. | (1)  Name of related company or juristic partnership | (2)  Direct income from business operations | (3)  Other income | (4)  Purchase of raw materials/ goods | (5)  Purchase of land, buildings and equipment | (6)  Other expenses | | | | | | (7)  Amount of loans payable as at the last day of the accounting period | | (8)  Amount of loans lent  as at the last day of the accounting period | |
| (6.1)  Royalty  fees | (6.2)  Management/ technical/ commission fees | (6.3)  Interest | | (6.4)  Other | |
| 1 |  |  |  |  |  |  |  |  | |  | |  | |  | |
| 2 |  |  |  |  |  |  |  |  | |  | |  | |  | |
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| Attachment to Annual Disclosure Form for Companies or Juristic Partnerships with Related Parties per Section 71 bis of the Revenue Code | | | | | | | | | | | | | | | | |
| Tax ID No. □-□□-□-□□□-□□□□□-□ | | | | | | | | | Page no. \_\_\_\_\_\_\_ of \_\_\_\_\_\_\_ pages | | | | | | | |
| Part B | | | | | | | | | | | | | | | | |
| Section 2. Details of controlled transactions with related companies or juristic partnerships not operating in Thailand Unit \_\_\_\_ | | | | | | | | | | | | | | | | |
| No. | (9)  Name of related company or juristic partnership | (10)  Direct income from business operations | (11)  Other income | (12)  Purchase of raw materials/ goods | (13)  Purchase of land, buildings and equipment | (14)  Other expenses | | | | | | | (15)  Amount of loans payable as at the last day of the accounting period | | (16)  Amount of loans lent  as at the last day of the accounting period | |
| (14.1)  Royalty  fees | (14.2)  Management/ technical/ commission fees | (14.3)  Interest | | | (14.4)  Other | |
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**APPENDIX II**

**Local File Requirements[[18]](#footnote-18) - Thailand**

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|  | (1) Document or evidence showing information relating to person liable to submit document or evidence of the following items: | |
|  |  | (a) Local organization chart, including the number of workers, value chain, as well as key trade partners, key trade competitors, business strategies, and economic situations. |
|  |  | (b) Structure of related companies or juristic partnerships that have transactions with the person liable to submit document or evidence, including a company or a juristic partnership who is the direct shareholder of the person liable to submit document or evidence and the highest-ranking shareholder of the person liable to submit document or evidence. |
|  |  | (c) Explanations relating to business restructuring between related companies or juristic partnerships occurred within the accounting period or the previous accounting period, if such has been proceeded, including the difference of the nature of business operation and the business strategies during, before, and after the said business restructuring, as well as impacts to the business operations of the person liable to submit document or evidence. |
|  |  | (d) Explanations relating to the transfer of intangible assets that the person liable to submit document or evidence has received the transfer from, or has transferred same to, related companies or juristic partnerships during the accounting period, if such has been proceeded, as well as impacts to the business operations of the person liable to submit document or evidence. |
|  | (2) Documents or evidence showing information concerning controlled transactions of the person liable to submit document or evidence, as follows: | |
|  |  | (a) List of categories of controlled transactions, contracting parties, countries or economic zones of the contracting parties, and value amount received from, or paid to, the contracting parties. |
|  |  | (b) Explanations concerning each category of the transactions under (a) and the policy on price fixing applied to the fixing of prices of each category of transaction, together with the hypothesis applied to the price fixing, unless such transaction categories are the transactions under (a) which are insignificant. |
|  |  | (c) All contracts relating to each category of transaction required to prepare the explanations under (b), together with summary of key essence of the contracts, as well as the conditions on prices under the contracts. |
|  |  | (d) Analysis of duties, assets, and risks of the person liable to submit document or evidence and the contracting parties relating to the categories of transactions required to prepare the explanations under (b), and the difference of duties, assets, and risks from the previous accounting period, if such is the case. |
|  |  | (e) Financial information used in the method of price fixing so chosen for each category of transaction required to prepare the explanations under (b). |
|  |  | (f) The method of price fixing chosen by the person liable to submit document or evidence for each category of transaction required to prepare the explanations under (b), as well as the reasons therefor and the reasons why other methods of price fixing duly approved are not used, and also specifying the contracting parties of controlled transactions used in the testing of price fixing method, if necessary, according each method of price fixing so chosen. |
|  |  | (g) Items and explanations of comparable uncontrolled transactions, or comparable independent companies or juristic partnerships, and information relating to financial indicators of transactions of said companies or juristic partnerships, including the period of returns receivable if operated independently, as well as explanations on the method of searching and the source of information of said comparable uncontrolled transactions or comparable independent companies or juristic partnerships.  (This item (g) is not required under Case A or Case B as described under [“Exempt information”](#Exemptinfo), supra.) |
|  | (3) Other documents or evidence than (1) and (2) showing necessary information for analysis of transaction rules between related companies or juristic partnerships as notified in writing by the Assessment Officer with approval of the Director-General that they be submitted additionally. | |

**APPENDIX III**

**Local File Requirements - OECD**

​Annex II to Chapter V of OECD/G20 Base Erosion and Profit Shifting Project - Transfer Pricing Documentation and Country-by-Country Reporting (Action 13: 2015 Final Report)

The following information should be included in the local file:

**Local entity**

1. A description of the management structure of the local entity, a local organization chart, and a description of the individuals to whom local management reports and the country(ies) in which such individuals maintain their principal offices.
2. A detailed description of the business and business strategy pursued by the local entity including an indication whether the local entity has been involved in or affected by business restructurings or intangibles transfers in the present or immediately past year and an explanation of those aspects of such transactions affecting the local entity.
3. Key competitors.

**Controlled transactions**

For each material category of controlled transactions in which the entity is involved, provide the following information:

1. A description of the material controlled transactions (e.g. procurement of manufacturing services, purchase of goods, provision of services, loans, financial and performance guarantees, licenses of intangibles, etc.) and the context in which such transactions take place.
2. The amount of intra-group payments and receipts for each category of controlled transactions involving the local entity (i.e. payments and receipts for products, services, royalties, interest, etc.) broken down by tax jurisdiction of the foreign payor or recipient.
3. An identification of associated enterprises involved in each category of controlled transactions, and the relationship amongst them.
4. Copies of all material intercompany agreements concluded by the local entity.
5. A detailed comparability and functional analysis of the taxpayer and relevant associated enterprises with respect to each documented category of controlled transactions, including any changes compared to prior years.
6. An indication of the most appropriate transfer pricing method with regard to the category of transaction and the reasons for selecting that method.
7. An indication of which associated enterprise is selected as the tested party, if applicable, and an explanation of the reasons for this selection.
8. A summary of the important assumptions made in applying the transfer pricing methodology.
9. If relevant, an explanation of the reasons for performing a multi-year analysis.
10. A list and description of selected comparable uncontrolled transactions (internal or external), if any, and information on relevant financial indicators for independent enterprises relied on in the transfer pricing analysis, including a description of the comparable search methodology and the source of such information.
11. A description of any comparability adjustments performed, and an indication of whether adjustments have been made to the results of the tested party, the comparable uncontrolled transactions, or both.
12. A description of the reasons for concluding that relevant transactions were priced on an arm’s length basis based on the application of the selected transfer pricing method.
13. A summary of financial information used in applying the transfer pricing methodology.
14. A copy of existing unilateral and bilateral/multilateral APAs and other tax rulings to which the local tax jurisdiction is not a party and which are related to controlled transactions described above.

**Financial information**

1. Annual local entity financial accounts for the fiscal year concerned. If audited statements exist they should be supplied and if not, existing unaudited statements should be supplied.
2. Information and allocation schedules showing how the financial data used in applying the transfer pricing method may be tied to the annual financial statements.
3. Summary schedules of relevant financial data for comparables used in the analysis and the sources from which that data was obtained.

**APPENDIX IV**

This is the model template provided in “Notice of the Director-General of the RD – Relating to Income Tax (No. 408) – Re Persons Filing Returns to File Country-by-Country Reports”

**Transfer Pricing Documentation – Country-by-Country Report**

**Model Template for the Country-by-Country Report**

**Table 1: Overview of Allocation of Income, Taxes, and Business Activities by Tax Jurisdiction**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Name of the MNE Group:  Fiscal Year Concerned:  Currency Used: | | | | | | | | | | |
| Tax  Jurisdiction | Revenues | | | Profit (Loss) before Income Tax | Income Tax Paid (on Cash Basis) | Income Tax Accrued – Current Year | Stated Capital | Accumulated Earnings | Number of Employees | Tangible Assets other than Cash and Cash Equivalent |
| Unrelated  Party | Related  Party | Total |
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**Table 2: List of All the Constituent Entities of the MNE Group Included in Each Aggregation Per Tax Jurisdiction**

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Name of the MNE Group:  Fiscal Year Concerned: | | | | | | | | | | | | | | | | |
| Tax  Jurisdiction | Constituent Entities Resident in the Tax Jurisdiction | Tax Jurisdiction of Organization or Incorporation, If Different from Tax Jurisdiction of Residence | Main Business Activities | | | | | | | | | | | | | |
| Research and Development | Holding or managing Intellectual Property | Purchasing or Procurement | Manufacturing or Production | Sales, Marketing or Distribution | Administrative, management or Support Services | Provision of Services to Unrelated parties | Internal Group Finance | Regulated Financial Services | Insurance | Holding Shares or Other Equity Instruments | Dormant | Other1 |
|  | 1. |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 2. |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 3. |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| 2. |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 3. |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

Please specify the nature of the activity of the Constituent Entity in the “Additional Information” section.

**Table 3: Additional Information**

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| Name of the MNE Group:  Fiscal Year Concerned: |
| Please include any further brief information or explanation you consider necessary or that would facilitate the understanding of the compulsory information provided in the Country-by-Country Report. |

**APPENDIX V**

​The primary\* source rules in Thailand pertaining to transfer pricing are as follows:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Laws, Regulations, Notices, Instructions | Notification Date | Applicable accounting periods |
| 1. | The Revenue Code (“RC”)   * Section 65 bis (4) (7) * Section 65 ter * Section 70 ter | - | - |
| 2. | Departmental Instruction, No. Paw. 113/2545 (2002) | 2002/05/16 | - |
| 3. | RC Amendment Act, (No. 47) | 2018/11/18 | Beginning on or after 2019/01/01 |
| 4. | Notice of the Director-General (“DG”) of the Revenue Department (“RD”): Re Prescription of Form of Reporting of Information Relating to Related Companies or Juristic Partnerships and Total Value of Inter-Transactions in Each Accounting Period | 2019/11/07 | Ending on or after 2019/01/01 |
| 5. | Ministerial Regulations (“MR”), No. 369 (2020), Issued under the RC - Governing Adjustment of Revenues and Expenses of Companies or Juristic Partnerships Having Mutual Relationships | 2020/11/06 | - |
| 6. | MR, No. 370 (2020), Issued under RC - Governing Fixing Amount of Revenues of Companies or Juristic Partnerships under Section 71 ter, Paragraph Three | 2020/11/06 | Beginning on or after 2019/01/01 |
| 7. | Notice of the DG of the RD - Relating to Income Tax (No. 400), Re Bases, Procedures, and Conditions on Adjustment of Incomes and Expenses of Related Companies or Juristic Partnerships | 2021/01/14 | Beginning on or after 2021/01/01 |
| 8. | Notice of the DG of the RD relating to Income Tax (No. 407): Re Documents or Evidence Showing Necessary Information for Analysis of Transactions Rules Between Related Companies or Juristic Partnerships | 2021/09/30 | Beginning on or after 2021/01/01 |
| 9. | Notice of the DG of the RD - Relating to Income Tax (No. 408), Re Person Filing Returns to File Country-by-Country Report | 2021/09/30 | Beginning on or after 2021/01/01 |
| \* Informal pamphlets, annotated instructions, etc., although published by the RD are not presented here. | | | |

\*\*\*\*\*\*\*\*\*\*\*\*\*\*

1. The proper title of this form is *“Annual Disclosure Form for Companies or Juristic Partnerships with Related Parties per Section 71 bis of the Revenue Code”.* [↑](#footnote-ref-1)
2. Definition of “related companies or juristic partnerships” under RC, Section 71 bis, paragraph 2:

   “C*ompanies or juristic partnerships that have relationships with each other under paragraph one refers to companies or juristic partnerships from two juristic persons upwards that have relationships with each other in the following descriptions:*

   *(1)  A juristic person holds shares in or is a partner of another juristic person, either directly or indirectly, at not less than fifty percent of the total capital.*

   *(2) Shareholders or partners holding shares or being a partner in another juristic person, either directly or indirectly, at not less than fifty percent of the total capital, that hold shares or are a partner in another juristic person, either directly or indirectly, at not less than fifty percent of the total capital, or*

   *(3)  Juristic persons with relationships with each other in respect of capital, management, or control in a description that a juristic person may not operate business independently from another juristic person as prescribed in Ministerial Regulations.* [↑](#footnote-ref-2)
3. Here, “Local File” refers to *“documents or evidence showing information necessary for analysis of the conditions of transactions between companies or juristic partnerships that have relationships with each other”* as per the RC, Section 71 ter, paragraph two. (Relevant rules do not use the term “Local File”.) [↑](#footnote-ref-3)
4. See Appendix III for what the OECD recommends to include in a local file. [↑](#footnote-ref-4)
5. Such submission requirement arises under *“Notice of the Director-General of the RD – Relating to Income Tax (No. 408) – R.e., Persons Filing Returns to File Country-by-Country Reports”* [↑](#footnote-ref-5)
6. See APPENDIX I for a translation of the act. [↑](#footnote-ref-6)
7. Source: Ministerial Regulations No. 370 [↑](#footnote-ref-7)
8. RC, Section 35 ter (as added by the RC Amendment Act No. 47) [↑](#footnote-ref-8)
9. The title/term “TP Documentation” is not used in the RC. Rather, the required document is described in Section 71 ter of the RC as: *“[…] documents or evidence showing information necessary for analysis of conditions of transactions between companies or juristic partnerships that are related to each other as required by the Director General [..]”* [↑](#footnote-ref-9)
10. See APPENDIX I for a translation of the act. [↑](#footnote-ref-10)
11. Source: Ministerial Regulations No. 370 [↑](#footnote-ref-11)
12. See definition of “Related Parties” in APPENDIX I (The **Revenue Code Amendment Act (No. 47)).** [↑](#footnote-ref-12)
13. See APPENDIX II for details of the required documents or evidence. [↑](#footnote-ref-13)
14. Notice of the Director General of the RD – Relating to Income Tax (No. 407), Section 4. [↑](#footnote-ref-14)
15. RC, Section 35 ter (as added by the RC Amendment Act No. 47) [↑](#footnote-ref-15)
16. Such submission requirement arises under *“Notice of the Director-General of the RD – Relating to Income Tax (No. 408) – R.e., Persons Filing Returns to File Country-by-Country Reports”* [↑](#footnote-ref-16)
17. “Notice of the Director-General of the RD – Relating to Income Tax (No. 408) – R.e., Persons Filing Returns to File Country-by-Country Reports”, Section 2 [↑](#footnote-ref-17)
18. Per the Notice of the DG of the RD – Relating to income tax (No. 407) [↑](#footnote-ref-18)