TRANSFER PRICING
FROM A LEGAL PERSPECTIVE

16 June 2014 (Monday)
Concorde Hotel Kuala Lumpur

22 August 2014 (Friday)
Traders Hotel Penang

29 August 2014 (Friday)
Symphony Suites, Ipoh

8 September 2014 (Monday)
Mutia Johor Bahru

11 September 2014 (Thursday)
Ramada Plaza Melaka

1 December 2014 (Monday)
The Pacific Sutera Kota Kinabalu

2 December 2014 (Tuesday)
Four Points by Sheraton Kuching

Transfer pricing refers to the pricing of international and domestic transactions between associated enterprises. It is expected that the related party transactions are at arm’s length. However, when related parties enter into a transaction, the revenue authority assume that the negotiated price between the related parties is different from the price normally transacted between independent parties. In 2009, our Parliament introduced Section 140A to the Income Tax Act 1967 as a mechanism to introduce transfer pricing legislation in Malaysia. Prior to that, the Inland Revenue Board (“IRB”) invoked Section 140 of the Income Tax Act 1967 to enforce transfer pricing in Malaysia. However, recent developments such as the landmark decision in the MM case has drawn attention to the legality of IRB’s actions as well as the Transfer Pricing Guidelines introduced in 2003 and 2012.

It is undeniable that transfer pricing by changing the value of cross-border transactions could have a huge impact on the distribution of profits of a multinational company. In a global economy where multinational companies play a prominent role, governments need to ensure that the taxable profits of multinational companies are not artificially shifted out of their jurisdiction and that the tax base reported by multinational companies in their country reflects the economic activity undertaken therein. Meanwhile, for taxpayers, it is essential to limit the risks of economic double taxation that may result from a dispute between two countries on the determination of the arm’s length remuneration for their cross-border transactions with associated enterprises.

Be that as it may, it must be remembered that transfer pricing is not an exact science, there will also be many occasions when the application of the most appropriate method or methods produces a range of figures all of which are relatively equally reliable. In these cases, differences in the figures that comprise the range may be caused by the fact that in general the application of the arm’s length principle only produces an approximation of conditions that would have been established between independent enterprises. It is also possible that the different points in a range represent the fact that independent enterprises engaged in comparable transactions under comparable circumstances may not establish exactly the same price for the transaction.

OBJECTIVES

The learning outcome:

• The legality of Transfer Pricing Guidelines 2002 & 2013.
• The OECD Transfer Pricing Guidelines.
• The impact of transfer pricing from a legal perspective on cross-border services, intangibles, costs contribution arrangements and advance pricing arrangements.
• Comparative studies of the OECD Guidelines and the IRB Transfer Pricing Guidelines.
• Malaysia’s first transfer pricing litigation: MM Sdn Bhd case
• The importance of proper documentation, comprehensive transfer pricing report and expert evidence by a transfer pricing specialist.
• Analysis of other transfer pricing cases from the Commonwealth.

METHODOLOGY

Lecture using PowerPoint presentation slides and practical case studies.

WHO SHOULD ATTEND

• CEOs & CFOs
• General Managers
• Accountants
• Legal Counsels and Legal Advisors
• Staff from operations, sales, logistics & administration
**PARTICIPANTS’ DETAILS**

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<th>Participant 1</th>
<th>Full name as per I/C (Dato'/ Datin / Dr / Mr / Mrs / Ms):</th>
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**ORGANISATION’S DETAILS**

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Signature & Company Stamp:

**PAYMENT DETAILS**

**Payment by Cheque**

Bank & Cheque No.: □ Amount RM:  

**Payment by Credit Card**

Cardholder’s Name: 

Card No.: □ Visa □ Master 

Bank: 

Cardholder’s Signature:  

Date: 

**TERMS & CONDITIONS**

**PROGRAMME FEE**

- Fee is payable to MALAYSIAN INSTITUTE OF ACCOUNTANTS
- Fee includes course materials, lunch and 2 tea breaks per day.
- Full payment of the above amount shall be made within thirty (30) days from the date of the invoice or on the day of the event, whichever earlier.
- Admittance may be denied upon failure to make full payment as per the above requirement.

**CANCELLATION / TRANSFER**

Upon registering, participant(s) are considered successfully enrolled in the event. Should participant(s) decide to cancel/transfer their enrolment, a cancellation/transfer policy shall be applied as follows:

- A refund (less administrative charge of 20%) will be made
- Unpaid registrations will also be liable for 25% administrative charges
- Written cancellation/no show on the day of the programme:
- No refund will be entertained
- Unpaid registrations will also be liable for full payment of the registration fee
- Partial cancellation is not allowed

You can substitute an alternate participant if you wish to avoid cancellation/transfer charges. Any difference in fees will be charged accordingly.

**PROGRAMME DATES & VENUES**

- 16 June 2014 (Monday), Concorde Hotel Kuala Lumpur
- 29 August 2014 (Friday), Symphony Suites, Ipoh
- 11 September 2014 (Thursday), Ramada Plaza Melaka
- 22 August 2014 (Friday), Traders Hotel Penang
- 8 September 2014 (Monday), Mutiara Johor Bahru
- 1 December 2014 (Monday), The Pacific Sutera Kota Kinabalu
- 2 December 2014 (Tuesday), Four Points by Sheraton Kuching

**IMPORTANT NOTE:** Registration is on first-come-first-served basis. Only fully completed registration form will be processed.

**CERTIFICATE OF ATTENDANCE AND CPE HOURS**

- For MIA members, the CPE hours will be credited into the Membership System within 2 weeks of the event.
- The Sponsored Staff must report directly to the sponsoring MIA member in his/ her firm or company.

**PAYMENT DETAILS**

**Payment by Credit Card**

Cardholder’s Name: 

Card No.: □ Visa □ Master 

Bank: 

Cardholder’s Signature:  

Date: 

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