

## Transfer pricing and customs value of the goods subject to import

**Sümevra Gürbulak**

It is known that transfer pricing (TP) is one of the most important issues especially for multinational related companies. The customs administration may examine whether the customs value of the goods is affected by the transfer pricing in cases where the unit value of the goods subject to the import transactions made by the domestic companies from the related companies changes over time or the price of the goods is below the arm's length price. At this point, the relationship between transfer pricing (TP) and customs emerges. In this context, it is very important to know in which cases the price adjustments prepared within the scope of transfer pricing should be included in the customs value of the goods in order to avoid possible criminal sanctions.

If documents such as adjustment invoices and debit notes, which are issued within the scope of transfer pricing practices between the companies that have a relationship between the buyer and the seller, cause a change in the sales price of the imported goods, these changes must be notified to the customs administration. In other words, if the amounts in the relevant documents prepared within the scope of transfer pricing are due to the change in the unit price of the imported goods, the respective amounts are considered as factors that should be included in the customs value of the goods. If it is known that a price adjustment will come as a result of the relevant transfer pricing, it will be beneficial for the company to benefit from the issuing a declaration under exceptional value in accordance with Article 53 of the Regulation. In this context, if the revised value is higher than the previous value according to the supplementary declaration, additional tax is accrued. If the revised value is lower, the taxes paid can be refunded in accordance with the provisions of "repaying and remittal" pursuant to Article 211 of the Law. If there is no contract and this adjustment is not known at the time of import, we would like to state that it is possible to benefit from the 53/5 article of the Customs Regulation.

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