

# ESTONIA

## Questionnaire on the Implementation of the HTVI Approach

	QUESTION	RESPONSE
1	<b>Has your country adopted the hard-to-value intangibles (“HTVI”) approach as defined in Chapter VI of the TPG? If so, under what legal basis?</b>	Estonian legislation contains a direct reference to the OECD Transfer Pricing Guidelines. Therefore, the OECD Transfer Pricing Guidelines as updated by BEPS Actions 8-10 are directly applicable.
2	<b>If your country applies the HTVI approach, what are the conditions for the application of the HTVI approach?</b>	The conditions for the application of the HTVI approach are the same as mentioned in the TPG.
3	<b>Are transactions falling within the scope of the HTVI approach subject to a transfer pricing analysis differing from the one established in Chapter I and VI, or to other compliance requirements specifically applicable to transfer prices (e.g. domestic anti-abuse rules)?</b>	The transactions falling within the scope of the HTVI approach are subject to transfer pricing analysis not differing from the rules stated in Chapter I and VI of the OECD Transfer Pricing Guidelines.
4	<b>What is the statute of limitations applicable to transactions falling within the scope of the HTVI approach in your legislation? Does this statute of limitations differ from those applicable to other transactions?</b>	The statute of limitations is the same for all transactions. The statute of limitations for making a tax assessment is three years. In the event of deliberate non-payment/intentional failure to pay or withhold a tax, including the incurred/creation of tax arrears in the case of the criminal offence, the limitation period for making a tax assessment is five years. The limitation period begins to run on the due date for submission of the tax return (on monthly basis) that was not submitted or which contained information on the basis of which the tax amount was calculated incorrectly.
5	<b>Can taxpayers request a bilateral or multilateral advance pricing agreement (“APA”) for transactions falling within the scope of the HTVI approach under your legislation?</b>	Currently, the Estonian legislation does not provide an opportunity to conclude APAs.

	QUESTION	RESPONSE
6	<b>What measures exist or approaches have been adopted to avoid the use of hindsight (e.g. training of tax administrators, internal circulars/informative notes)?</b>	No measures exist or approaches have been adopted yet.
7	<b>Is it possible for your tax administration to make adjustments under the HTVI approach in open years for closed years?</b>	It is possible for the Estonian tax administration to make adjustments in open years for closed accounting years.
8	<b>Does your domestic legislation or administrative practice allow the tax administration to make corresponding adjustments under the HTVI approach in open years for closed years?</b>	It is possible for the Estonian tax administration to make corresponding adjustments in open years for closed accounting years.
9	<b>Is it possible for your tax administration to make several adjustments for one single HTVI transaction under the HTVI approach?</b>	The Estonian tax administration cannot make several adjustments for one single HTVI transaction.

For further information, please see <http://www.oecd.org/tax/transfer-pricing/transfer-pricing-country-profiles.htm>