# NEW ZEALAND

## Questionnaire on the Implementation of the HTVI Approach

| | QUESTION | RESPONSE |
|---|---|---|
| 1 | **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?** | New Zealand’s domestic transfer pricing legislation explicitly refers to the OECD Transfer Pricing Guidelines 2017 and requires domestic rules to be applied consistently with these. In taking this approach, New Zealand has adopted the HTVIapproach. |
| 2 | **If your country applies the HTVI approach, what are the conditions for the application of the HTVI approach?** | The conditions for the application of the HTVI are those set out in Chapter VI of the OECD Transfer Pricing Guidelines. |
| 3 | **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)?** | No. |
| 4 | **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?** | The statute of limitations for all transfer pricing transactions, including HTVI, is seven years after the tax year in which the relevant tax return was originally filed, if the Commissioner notifies the taxpayer that a tax audit or investigation has commenced within four years of the tax return filing. If no such notification has been provided, the statute of limitations is four years. |
| 5 | **Can taxpayers request a bilateral or multilateral advance pricing agreement (“APA”) for transactions falling within the scope of the HTVI approach under your legislation?** | Yes. |

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| 6 | **What measures exist or approaches have been adopted to avoid the use of hindsight (e.g. training of tax administrators, internal circulars/informative notes)?** | The HVTI approach has been implemented through the incorporation of the OECD Transfer Pricing Guidelines in its entirety, including the relevant safeguards, and is supported by internal training. |
| 7 | **Is it possible for your tax administration to make adjustments under the HTVI approach in open years for closed years?** | Adjustments are generally made in the income year to which they relate. |
| 8 | **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?** | Adjustments are generally made in the income year to which they relate. |
| 9 | **Is it possible for your tax administration to make several adjustments for one single HTVI transaction under the HTVI approach?** | No. |

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