

SLOVAK REPUBLIC

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?	In Slovakia there is no additional legislation for implementation of HTVI approach. Slovakia in general applies the OECD Transfer Pricing Guidelines in its latest version, including the latest version of Chapter VI.
2	If your country applies the HTVI approach, what are the conditions for the application of the HTVI approach?	There are no special conditions for application. Conditions are the same as defined in Chapter VI 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)?	The analysis and compliance requirements are the same.
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 limitation is the same for all related party transactions. It is 10 years from the end of the calendar year in which the corporate income tax return was due for the respective fiscal year.
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?	Slovakia offers possibility for taxpayers to request bilateral or multilateral advance pricing agreements for all transfer pricing issues, including transactions falling within the scope of the HTVI approach.

	QUESTION	RESPONSE
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)?	Regular trainings are provided for tax administrators and meetings with methodologists dealing with issues of international taxation..
7	Is it possible for your tax administration to make adjustments under the HTVI approach in open years for closed years?	There are no specific rules in this respect. Therefore the general statute of limitations applies (see answer to question no. 4).
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?	In Slovakia there is no distinction between HTVI approach and other transactions. The procedure is the same.
9	Is it possible for your tax administration to make several adjustments for one single HTVI transaction under the HTVI approach?	There is no specific provision in our domestic law to the HTVI approach for HTVI transaction. The approach is the same as for other transactions.

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