

# The Netherlands

## Transfer Pricing Country Profile<sup>1</sup>

July 2025

		SUMMARY	REFERENCE
The Arm's Length Principle			
1	Does your domestic transfer pricing framework <sup>2</sup> make reference to the arm's length principle?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  The arm's length principle is codified in article 8b of the Dutch Corporate Income Tax Act 1969 ("CIT Act").	<a href="#">Article 8b CIT Act</a>
2	Does your domestic transfer pricing framework give the OECD Transfer Pricing Guidelines any role or status (e.g. legal binding effect, subsidiary application in the absence of domestic legislation, source of interpretation of domestic legislation and/or treaty provisions, other)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <a href="#">The OECD Transfer Pricing Guidelines ("TPG")</a> are not incorporated in Dutch legislation, however based on the Dutch Transfer Pricing Decree, the TPG are considered as internationally accepted guidance providing explanation and clarification of the (application of the) arm's length principle.	<a href="#">Transfer Pricing Decree, June 14, 2022, 2022-0000139020</a>  <a href="#">English translation</a>
3	Does your domestic transfer pricing framework provide for a definition of related parties applicable for transfer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<a href="#">Article 8b CIT Act</a>

<sup>1</sup> Information in transfer pricing country profiles is provided directly by jurisdictions. By publishing the transfer pricing country profiles on the OECD website, the OECD does not certify the accurateness of the information provided therein. Importantly, transfer pricing country profiles published on the OECD website are made available to stakeholders for information purposes only, and are not intended to be used in substitution to a jurisdiction's legal instruments, jurisprudence, or administrative guidance or practice nor relied on as an accurate and complete description of domestic law.

<sup>2</sup> For purposes of transfer pricing country profiles, the term "domestic transfer pricing framework" refers to a jurisdiction's domestic legislation, regulations, administrative guidance or practice, jurisprudence or governing general principles in the jurisdiction.

	<b>pricing purposes? If so, please provide the definition contained under your domestic transfer pricing framework.</b>	Article 8b CIT Act (codification of the arm's length principle) applies if an entity participates, directly or indirectly, in the management, control or capital of another entity, or the same entity participates, directly or indirectly, in the management, control or capital of both the first and second entity.													
<b>Transfer Pricing Methods</b>															
4	<b>Does your domestic transfer pricing framework provide for transfer pricing methods to be used in respect of transactions between related parties?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  If affirmative, please check those provided for in your legislation: <table border="1"> <thead> <tr> <th>CUP</th><th>Resale Price</th><th>Cost Plus</th><th>TNMM</th><th>Profit Split</th><th>Other (If so, please describe)</th></tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td></tr> </tbody> </table>	CUP	Resale Price	Cost Plus	TNMM	Profit Split	Other (If so, please describe)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<a href="#">Transfer Pricing Decree, June 14, 2022, 2022-0000139020</a>  <a href="#">English translation</a>
CUP	Resale Price	Cost Plus	TNMM	Profit Split	Other (If so, please describe)										
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>										
5	<b>Which criterion is provided for in your domestic transfer pricing framework for the application of transfer pricing methods?</b>	Please check all that apply: <input type="checkbox"/> Hierarchy of methods <input checked="" type="checkbox"/> Most appropriate method <input type="checkbox"/> Other (if so, please explain)  Depending on the facts and circumstances, taxpayers have to choose a transfer pricing method. It is in principle up to the taxpayer to decide which method to apply, however, this must lead to an arm's length outcome. The Netherlands also follows <a href="#">the OECD TPG</a> in this respect.													
6	<b>Does your domestic transfer pricing framework contain specific guidance on commodity transactions?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> For controlled transactions involving commodities, the guidance contained in paragraphs 2.18-2.22 of the TPG is followed.													

		<input type="checkbox"/> Domestic transfer pricing framework provides for the use of a specific method for controlled transactions involving commodities ( <i>if so, please explain</i> )  <input checked="" type="checkbox"/> No	
		The Netherlands does not have specific guidance on commodity transactions. However, the Netherlands follows <a href="#">the OECD TPG</a> in this respect.	
Comparability Analysis			
7	Does your jurisdiction follow (or largely follow) the guidance on comparability analysis outlined in Chapter III of the TPG?	<input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No  The Netherlands follows <a href="#">the OECD TPG</a> in this respect.	
8	Is there a preference in your jurisdiction for domestic comparables over foreign comparables?	<input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No  The Dutch tax authorities accept foreign comparables as long as geographic differences have no material impact on the comparability. Comparables from the Pan-European region are in the majority of cases accepted.	
9	Does your domestic transfer pricing framework permit the use of secret comparables for transfer pricing assessment purposes?	<input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No  The Dutch tax authorities can only use secret comparables for case selection and MAP cases.	
10	Does your domestic transfer pricing framework allow or require the use of an arm's length range and/or statistical measure (e.g. the interquartile range or other percentiles) for determining arm's length remuneration?	<input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No  The Netherlands follows <a href="#">the OECD TPG</a> in this respect.	

11	<b>Are comparability adjustments required under your domestic transfer pricing framework?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  There are no specific provisions regarding comparability adjustments in the Netherlands. However, and given the reference to the TPG, comparability adjustments are required, when necessary and provided that the adjustments increase comparability.	
<b>Intangible Property</b>			
12	<b>Does your domestic transfer pricing framework contain guidance specific to the pricing of controlled transactions involving intangibles?</b>	<input checked="" type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow (or largely follow) the guidance in Chapter VI of the TPG? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (please provide further explanations below) <input type="checkbox"/> No  The Dutch Transfer Pricing Decree contains specific guidance on certain issues related to the transfer pricing aspects of intangibles.	<a href="#">Transfer Pricing Decree, June 14, 2022, 2022-0000139020, paragraph 5</a>  <a href="#">English translation</a>
13	<b>Are there any other rules outside your transfer pricing framework that are relevant for the pricing of controlled transactions involving intangibles?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Hard-to-Value Intangibles</b>			
14	<b>Does your domestic transfer pricing framework contain guidance specific to hard-to-value intangibles (HTVI)?<sup>3</sup></b>	<input checked="" type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow the guidance on HTVI in Chapter VI of the TPG? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (please provide further explanations below)	<a href="#">Transfer Pricing Decree, June 14, 2022, 2022-0000139020, paragraph 5.3</a>

<sup>3</sup> In the case of jurisdictions that do not apply the HTVI approach (i.e. they responded “no” to question 14), it is not necessary to respond to the remaining questions in the HTVI section and these questions will not be published as part of jurisdiction’s transfer pricing country profile.

		<input type="checkbox"/> No	<a href="#">English translation</a>
		The Dutch Transfer Pricing Decree incorporated the OECD's guidance on hard to value intangibles.	
15	<b>If your jurisdiction applies the HTVI approach, what are the conditions for the application of the HTVI approach?</b>	<p>The Netherlands has adopted the approach in the transfer pricing decree in 2022 which contains the following paragraph on HTVI:</p> <p><b>5.3 Hard-to-value intangibles (paragraphs 6.186 to 6.195)</b></p> <p><i>In the case of the transfer or licensing of intangible assets as described in paragraph 6.189 of the OECD Guidelines, where it is difficult for the Tax and Customs Administration to assess the value in relation to the present transactions due to major uncertainties regarding future value development, the Tax and Customs Administration can use the results actually achieved with the relevant intangible assets when assessing the arm's length nature of the price at the time the transaction occurred. If it turns out that there are major discrepancies between the results achieved and the expectations and resulting forecasts that formed the basis for the price determination at the time of the transaction and that these discrepancies cannot be explained on the basis of facts and circumstances occurring after the date of the price determination, the Tax and Customs Administration can still question the price determined at the time of the transaction with a reference to the results actually achieved. I believe that a major discrepancy is a difference of over 20% compared with the projections that formed the basis for the price originally set. If such a discrepancy occurs only after a period of five years after revenues were realised for the first time with the intangible asset in transactions with independent parties, the intangible assets will not be regarded as 'hard-to-value intangible assets' (in accordance with paragraphs 6.186 to 6.195 of the OECD Guidelines).</i></p>	<p><a href="#">Transfer Pricing Decree, June 14, 2022, 2022-0000139020, paragraph 5.3</a></p> <p><a href="#">English translation</a></p>
16	<b>Are transactions falling within the scope of the HTVI approach subject to a transfer pricing analysis different from the one established in Chapters I and VI, or to other compliance requirements specifically applicable to transfer prices (e.g. domestic anti-abuse rules)?</b>	No.	

17	<b>What is the statute of limitations applicable to transactions falling within the scope of the HTVI approach in your domestic transfer pricing framework? Does this statute of limitations differ from those applicable to other transactions?</b>	Transactions falling within the scope of the HTVI approach are subject to the same statute of limitations that applies to other transactions.	
18	<b>Can taxpayers request a bilateral or multilateral advance pricing agreement (“APA”) for transactions falling within the scope of the HTVI approach under your domestic transfer pricing framework?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No It is possible under the same conditions as with other transfer pricing issues (including valuation issues).	
19	<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>	In the Dutch transfer pricing decree, the Netherlands embrace the OECD guidelines including the guidance on hindsight. The decree is a public decree and in our internal training and discussions we always refer to the problem of the use of hindsight.	
20	<b>Is it possible for your tax administration to make adjustments under the HTVI approach in open years amounts pertaining to closed years?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
21	<b>Does your domestic transfer pricing framework allow the tax administration to make corresponding adjustments under the HTVI approach in open years for amounts pertaining to closed years?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
22	<b>Is it possible for your tax administration to make several adjustments for one single HTVI transaction under the HTVI approach?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <b>Other:</b> The Netherlands see the HTVI-approach as a tool to discuss the arm’s length nature of the price at the time the transaction occurred. In general, the Netherlands do not expect this to lead to several adjustments for one HTVI transaction under the HTVI approach.	

Intra-group Services			
23	Does your domestic transfer pricing framework provide guidance specific to intra-group services transactions?	<input checked="" type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow (or largely follow) the guidance in Chapter VII of the TPG? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (please provide further explanations below) <input type="checkbox"/> No	<a href="#">Transfer Pricing Decree, June 14, 2022, 2022-0000139020, paragraph 6</a>  <a href="#">English translation</a>
		The Dutch Transfer Pricing Decree describes intra-group services, shareholder activities and mixed activities. The Decree contains several examples on whether a charge for a service can be considered as arm's length.	
24	Does your domestic transfer pricing framework provide for or allow the application of a simplified approach for low value-adding intra-group services?	<input checked="" type="checkbox"/> Yes. If so, does it follow (largely follow) the low value-adding services approach in Chapter VII? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (please provide further explanations below) <input type="checkbox"/> No	<a href="#">Transfer Pricing Decree, June 14, 2022, 2022-0000139020, paragraph 6</a>  <a href="#">English translation</a>
		The Dutch Transfer Pricing Decree incorporated the OECD's approach on low value adding services, including the mark-up of 5%.	
25	Are there any other rules outside your transfer pricing framework for pricing intragroup services?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Financial Transactions			
26	Does your domestic transfer pricing framework provide guidance specific to financial transactions?	<input checked="" type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow (or largely follow) the guidance in Chapter X of the TPG? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (please provide further explanations below)	<a href="#">Transfer Pricing Decree, June 14, 2022, 2022-0000139020, paragraph 9, 10 and 11</a>  <a href="#">English translation</a>

		<input type="checkbox"/> No	
		The Dutch Transfer Pricing Decree contains sections on loans, captives and guarantees.	
27	<b>Are there any other rules outside your transfer pricing framework that are relevant for the tax treatment of financial transactions?</b> <i>(e.g. whether your jurisdiction has implemented the measures in BEPS Action 4 to limit interest deductions and other financial payments or any similar rules)</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>Anti-abuse rules might apply to limit the deduction of interest. These anti-abuse rules vary from the EBITDA rule (BEPS Action plan 4 / ATAD) to limitations on interest deductions on related party financing transactions.</p> <p>In addition, the non-businesslike loan doctrine developed in Dutch case law is relevant in determining the tax treatment of a financial transaction. The case law deviates from the relevant paragraphs in the OECD guidelines.</p>	<a href="#">e.g.: article 10a, 10b, and 15b CIT Act (interest deduction limitation rules); article 13ab CIT Act (CFC rules) and article 12aa CIT Act (hybrid mismatches rules).</a>
<b>Cost Contribution Arrangements</b>			
28	<b>Does your jurisdiction allow cost contribution arrangements?</b>	<input checked="" type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow (or largely follow) the guidance in Chapter VIII of the TPG? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (please provide further explanations below) <input type="checkbox"/> No <p>The Dutch transfer pricing Decree contains specific guidance on certain issues related to cost contribution agreements including several examples.</p>	<a href="#">Transfer Pricing Decree, June 14, 2022, 2022-0000139020, paragraph 7</a>  <a href="#">English translation</a>



## Transfer Pricing Documentation

29	Does your domestic transfer pricing framework require the taxpayer to prepare transfer pricing documentation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If affirmative, please check all that apply:</i> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Master file consistent with Annex I to Chapter V of the TPG</li> <li><input checked="" type="checkbox"/> Local file consistent with Annex II to Chapter V of the TPG</li> <li><input checked="" type="checkbox"/> Country-by-country report consistent with Annex III to Chapter V of the TPG</li> <li><input type="checkbox"/> Specific transfer pricing returns (separate or annexed to the tax return)</li> <li><input checked="" type="checkbox"/> Other (specify):  Article 8b paragraph 3 of the CIT Act requires taxpayers to document and substantiate all intercompany transactions in transfer pricing documentation. As no threshold applies to this obligation, this also applies to small and medium sized companies. This documentation requirement is form free. Companies that prepare a local file automatically fulfill this requirement.</li> </ul>	<a href="#">Article 8b and Articles 29b up and to including 29h CIT Act</a>
30	Please briefly explain the relevant requirements related to each transfer pricing documentation requirement (i.e. timing for preparation or submission, languages, etc.)	<p>The Dutch legislation on CbCR, master file and local file is in line with the OECD model legislation. The legislation applies on January 1, 2016. The documentation may be prepared in English or in Dutch.</p> <p>There is no requirement to file the master file and local file, however the documentation must be available at the moment the taxpayer is required to file its tax return for the same year.</p> <p>Taxpayers that prepare transfer pricing documentation based on Article 8b CIT Act, need to keep this documentation in their administration, so also for this documentation there is no filing requirement..</p>	<a href="#">Article 8b and Articles 29b up and to including 29h CIT Act</a>
31	Does your domestic transfer pricing framework provide for specific transfer pricing penalties and/or compliance incentives regarding transfer pricing documentation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <p>There are no specific transfer pricing penalties. However, penalties may be levied and the burden of proof may shift to the taxpayer as in the case of other corporate income tax adjustments.</p>	

32	<p><b>Does your domestic transfer pricing framework provide for exemption from transfer pricing documentation obligations?</b></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>The requirements for the submission of a country-by-country report do not apply to group entities of a multinational group that has achieved less than €750,000,000 in consolidated group revenue in the reporting year immediately preceding the reporting year to which the country-by-country report would relate.</p> <p>The obligation for a master file and a local file applies to group entities of a multinational group that, in the reporting year immediately preceding the year to which the declaration relates, has generated at least € 50,000,000 in consolidated group revenues.</p>	
<p align="center"><b>Administrative Approaches to Avoiding and Resolving Disputes</b></p>			
33	<p><b>Which mechanisms are available in your jurisdiction to prevent and/or resolve transfer pricing disputes?</b></p>	<p>Please check those that apply:</p> <p><input checked="" type="checkbox"/> Rulings</p> <p><input checked="" type="checkbox"/> Enhanced engagement or cooperative compliance programmes</p> <p><input checked="" type="checkbox"/> Advance Pricing Agreements (APA)</p> <p style="padding-left: 20px;"><input checked="" type="checkbox"/> Unilateral APAs</p> <p style="padding-left: 20px;"><input checked="" type="checkbox"/> Bilateral APAs</p> <p style="padding-left: 20px;"><input checked="" type="checkbox"/> Multilateral APAs</p> <p><input checked="" type="checkbox"/> International Compliance Assurance Programme (ICAP)</p> <p><input checked="" type="checkbox"/> Mutual Agreement Procedures</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): Multilateral and Joint audits</p> <hr/> <p>Please refer to the MAP profile of the Netherlands.</p>	<p><a href="#">Tax Ruling Decree, December 19, 2023, 2023-00000020007</a></p> <p><a href="#">Mutual Agreement Procedures (MAP) Decree of June 11, 2020, nr. 2020-0000101607</a></p> <p><a href="#">Netherlands' MAP Profile</a></p>

## Simplified and Streamlined Approach for Baseline Marketing and Distribution Activities

34	<b>Does your domestic transfer pricing framework allow the application of the simplified and streamlined approach for baseline marketing and distribution activities in the relevant Annex of Chapter IV of the TPG? <sup>4</sup></b>	<div><input type="checkbox"/> Yes</div> <div><input checked="" type="checkbox"/> No</div> <div><input type="checkbox"/> Other (please elaborate)</div> <div>The Netherlands respect the outcome of the application of the simplified and streamlined approach by a covered jurisdiction in line with the Inclusive Framework political commitment.</div>	<a href="#">Amount B Decree, November 27, 2024, 2024-0000528135.</a>
37	<b>Does your jurisdiction respect the outcome of the application of the simplified and streamlined approach by a covered jurisdiction in line with the Inclusive Framework political commitment?</b>	<div><input checked="" type="checkbox"/> Yes</div> <div><input type="checkbox"/> No</div> <div>The Amount B Decree of 2024 includes the following paragraph:  “In the report, Inclusive Framework members, including the Netherlands, committed to accepting the outcome of the application of Amount B to the extent it was applied by so-called covered jurisdictions.”</div>	<a href="#">Amount B Decree, November 27, 2024, 2024-0000528135, paragraph 3</a>

## Safe Harbours and Other Simplification Measures

39	<b>Does your jurisdiction provide for any safe harbours or other simplification measures in respect of certain industries, types of taxpayers, or types of transactions (not listed in other sections of this questionnaire)?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  If in an individual case about the arm’s-length fee for a guarantee it is not possible to determine a specific arm’s length guarantee fee (within a range), the Netherlands is willing to accept that the guarantee fee be set at half of the benefit obtained by the guarantee recipient (see the Transfer Pricing Decree).	<a href="#">Transfer Pricing Decree, June 14, 2022, 2022-0000139020, paragraph 9.4.3.</a>  <a href="#">English translation</a>
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<sup>4</sup> In the case of jurisdictions that do not apply the simplified and streamlined approach (i.e. they responded “no” to question 34), it is not necessary to respond to questions 35, 36 and 38 and these questions will not be published as part of jurisdiction’s transfer pricing country profile.

### Other Legislative Aspects or Administrative Procedures

40	<b>Does your domestic transfer pricing framework allow downward corresponding adjustments in the absence of a mutual agreement procedure (e.g. unilateral corresponding adjustments)?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<a href="#"><u>Mutual Agreement Procedures (MAP) Decree of June 11, 2020, nr. 2020-0000101607</u></a>
		Please refer to par. 8.1 of the MAP decree of June 11, 2020.	
41	<b>Does your domestic transfer pricing framework allow or require taxpayers to make year-end adjustments?</b>	<input type="checkbox"/> Yes. Year-end adjustments are required. <input checked="" type="checkbox"/> Yes. Year-end adjustments are allowed. <input type="checkbox"/> No	
		In the Netherlands, a year-end adjustment is possible (and sometimes required) if this leads to an arm's length outcome.	
42	<b>Does your domestic transfer pricing framework provide for secondary adjustments?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
		From the Dutch point of view, a secondary transaction is in general necessary for recognition of the transfer pricing adjustment.	

### Attribution of Profits to Permanent Establishments

43	<b>Which version of Article 7 of the OECD Model Tax Convention on Income and on Capital do your tax treaties contain?</b>	<input checked="" type="checkbox"/> Article 7 as it read before 2010.  <input type="checkbox"/> If so, please indicate in how many treaties: <input checked="" type="checkbox"/> Article 7 as it reads after 2010.  <input type="checkbox"/> If so, please indicate in how many treaties: <input checked="" type="checkbox"/> Other (please provide additional details)	
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		<p>The text of article 7 can have a different wording dependent on the outcome of negotiations. Some countries want to make use of the text of the UN model.</p> <p>The Netherlands has the new article 7 as it reads after 2010 in 14 treaties.</p> <p>In the other treaties there are different versions of article 7 (and not all the same as article 7 as it reads before 2010).</p>	
44	<b>For tax treaties containing Article 7 as it read before 2010, does your jurisdiction apply the authorized OECD approach (AOA)?</b>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No (please explain the approach used and which tax treaties are concerned)</p> <p>The Netherlands is of the opinion that the commentary of 2008 embraced most of the principles of the AOA.</p>	<p><a href="#">Decree on profit allocation to permanent establishments 2022</a></p> <p><a href="#">English translation</a></p>
45	<b>Does your domestic transfer pricing framework contain specific guidance for the attribution of profits to permanent establishments of non-resident entities? If so, please provide a summary of the main features of this guidance.</b>	<p><input type="checkbox"/> Yes, they follow the AOA as described in the 2008 Report on the Attribution of Profits to Permanent Establishments</p> <p><input checked="" type="checkbox"/> Yes, they follow the AOA as described in the 2010 Report on the Attribution of Profits to Permanent Establishments</p> <p><input type="checkbox"/> Yes, they do not follow the AOA (please provide a summary of the main features of these rules)</p> <p><input type="checkbox"/> No</p> <p>We would like to refer to our decree on profit allocation to permanent establishments (with explanation of the Dutch position on the AOA in general and more specific on the capital allocation method).</p>	<p><a href="#">Decree on profit allocation to permanent establishments 2022</a></p> <p><a href="#">English translation</a></p>

Other Relevant Information			
46	<b>Other legislative aspects or administrative procedures regarding transfer pricing</b>	The Netherlands has adopted legislation to eliminate double non-taxation resulting from transfer pricing mismatches (articles 8ba, 8bb, 8bc and 8bd CIT Act). The rules apply as of 1 January 2022. The legislation provides that a downward adjustment of profits under the arm's length principle is only allowed to the extent a corresponding adjustment will be included in a profit tax by the related party to the transaction. In addition, an adjustment in the tax basis for assets and liabilities transferred by a related party is only granted to the extent a corresponding adjustment for the arm's length value is taken into account by the transferor. This also applies to transfers of assets and liabilities through contributions or distributions.	
47	<b>Other relevant information</b> (e.g. <i>whether your jurisdiction is preparing new transfer pricing regulations, or other relevant aspects not addressed in this questionnaire</i> )	N/A	

For more information, please visit: <https://www.oecd.org/en/topics/sub-issues/transfer-pricing/transfer-pricing-country-profiles.html>