



Operational Transfer Pricing

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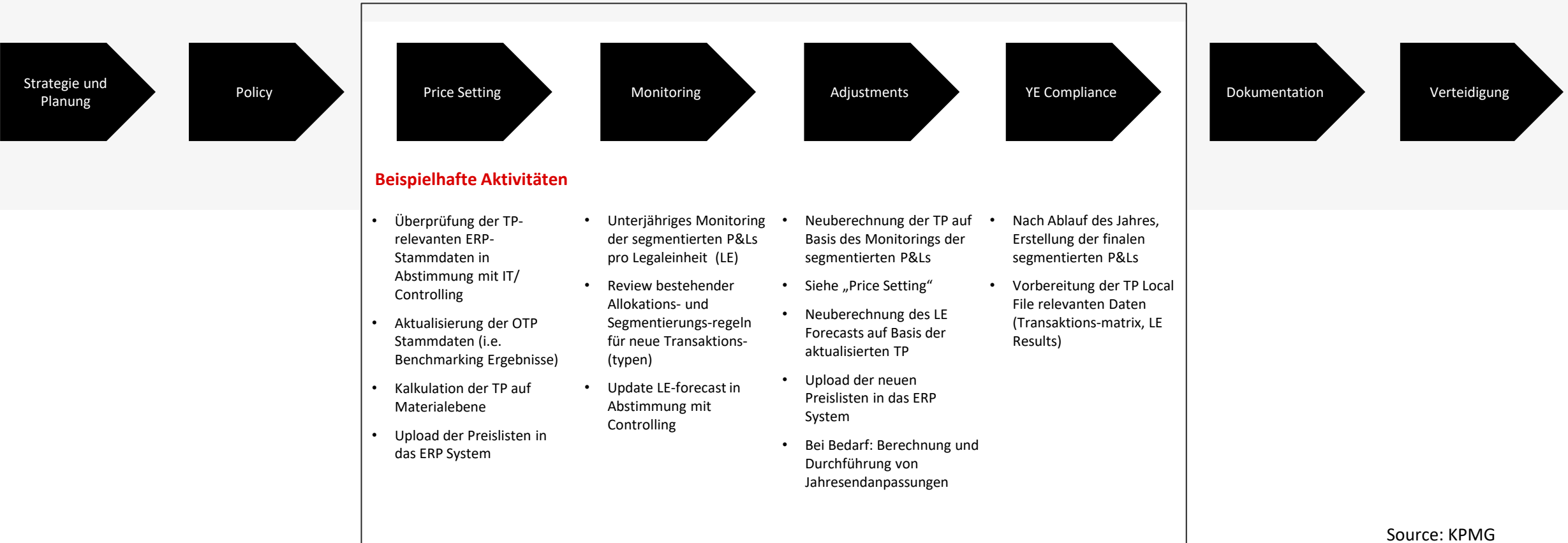
Modul 7, Verrechnungspreise

ENGINEERED
TO OUTFIT

Was ist Operational Transfer Pricing (OTP)

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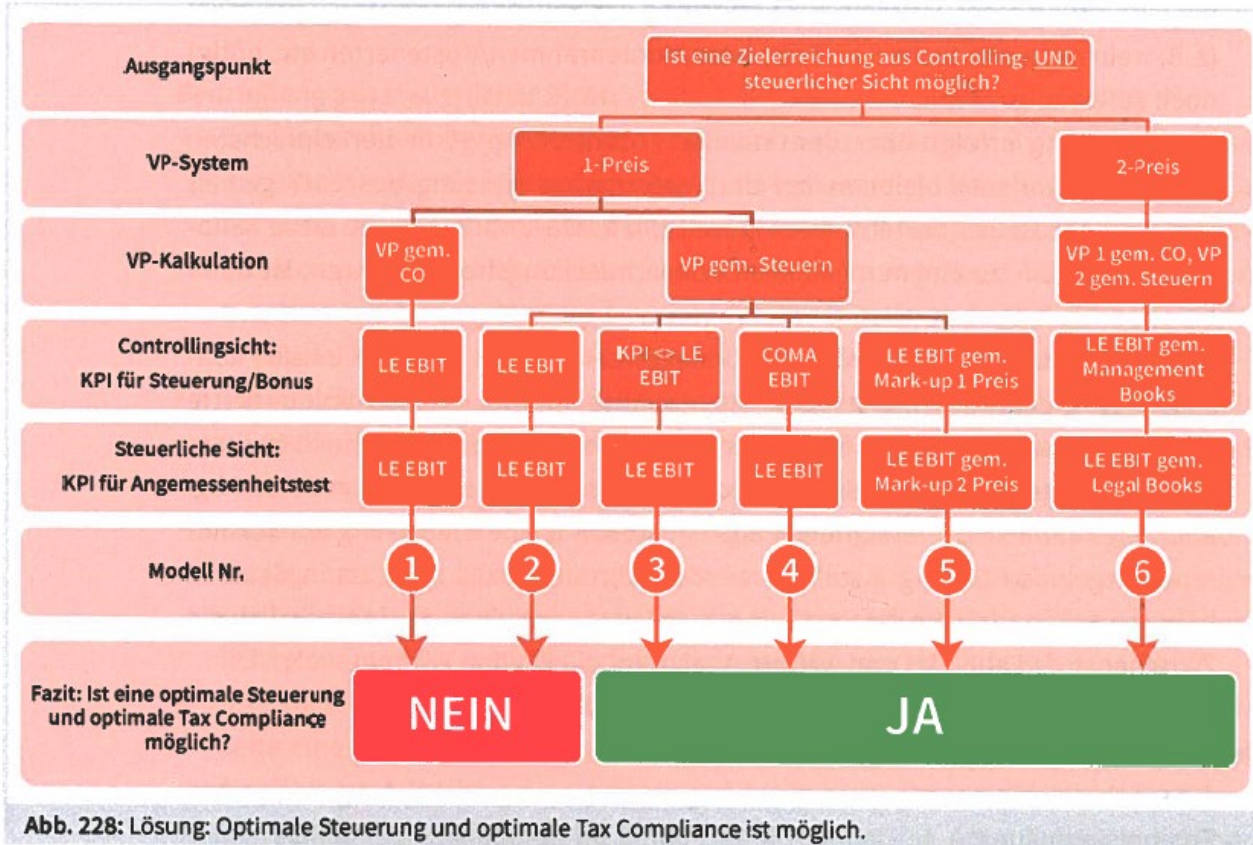
OTP refers to the governance framework, the processes & people as well as the technologies applied to translate target margins into single product or service prices.



Source: KPMG

Steuern vs. Besteuerung

Overview



- Einkreis- vs. Zweikreissystem
- Hybride System

Source: «Verrechnungspreise», Praxisleitfaden für Controller und Steuerexperten, Hanken/Kleinhietspass/Lagarden

Segmentierte P&L

Segmentierte P&L (1/4)

Purposes

- Finanzdaten (P&L) bis hin zu EBIT pro Transfer Pricing Activity (z.B. Vertrieb, Produktion) und Handelspartner.
- Segmentierte P&L ist wichtig
 - um Verrechnungspreise festlegen zu können,
 - zur Überwachung der Verrechnungspreismargen und
 - für die TP-Dokumentation.

Example

Entity	MNE XYZ						
Country	Germany						
TP Segments	Distributor		Contract Manufacturing			Engineering Services	
Division	BU A		BU B		BU C	BU B	BU C
Profit Center	PG1ZZ	PG2YY	PG1XX	PG2MM	PG1PP	PG3EE	PG2DD
Trading Partner	FR	SE	PL	GB	GB	CH	AT
Revenues	1'000	....	500	....	....	2'000	....
COGS	600	....	300	....	....	1'200	....
Gross Margin	400	....	200	....	....	800	....
Operating Expenses	300	....	150	....	....	600	....
Other Income	10	....	5	....	....	20	....
Other Expenses	60	....	35	....	....	120	....
EBIT	50	....	20	....	....	100	....

TP Volumen

Segmentierte P&L (2/4)

Transactional flow

Company code	Company Name	Sold to party	Materialnummer	Materialtext	Plant	Net Sales Group currency
100	ABC Demo Group GmbH	ABC Entity Turkey	2354	ABC Product (200)	45 US Plant	95.83
100	ABC Demo Group GmbH	ABC Entity Turkey	2354	ABC Product (350)	45 US Plant	318.28
100	ABC Demo Group GmbH	ABC Entity Turkey	9874	ABC Product (380)	100 DE Plant	-516.17
100	ABC Demo Group GmbH	ABC Entity Denmark AS	321	ABC Product (20)	100 DE Plant	0
100	ABC Demo Group GmbH	ABC US Inc	2354	ABC Product (98)	100 DE Plant	48158.71
100	ABC Demo Group GmbH	ABC US Inc	6545	ABC Product (254)	100 DE Plant	1564141.81
100	ABC Demo Group GmbH	ABC US Inc	2354	ABC Product (200)	100 DE Plant	3087.38
100	ABC Demo Group GmbH	ABC US Inc	2354	ABC Product (254)	100 DE Plant	55096.43
100	ABC Demo Group GmbH	ABC US Inc	5551	ABC Product (200)	100 DE Plant	314786.7
100	ABC Demo Group GmbH	ABC US Inc	2354	ABC Product (200)	100 DE Plant	329770.98
100	ABC Demo Group GmbH	ABC US Inc	2354	ABC Product (200)	100 DE Plant	102834.77
100	ABC Demo Group GmbH	ABC US Inc	23351	ABC Product (254)	100 DE Plant	5863.6
100	ABC Demo Group GmbH	ABC US Inc	2354	ABC Product (200)	100 DE Plant	163309.36
100	ABC Demo Group GmbH	ABC Italy S p a	46543	ABC Product (350)	100 DE Plant	229425.23
100	ABC Demo Group GmbH	ABC Italy S p a	213	ABC Product (380)	100 DE Plant	31069.15
100	ABC Demo Group GmbH	ABC Italy S p a	2	ABC Product (20)	100 DE Plant	49962.47
100	ABC Demo Group GmbH	ABC Poland Sp z o o	564	ABC Product (98)	100 DE Plant	13310.99
100	ABC Demo Group GmbH	ABC Poland Sp z o o	321	ABC Product (254)	100 DE Plant	2807.2
100	ABC Demo Group GmbH	ABC Poland Sp z o o	785	ABC Product (200)	100 DE Plant	1716.41
100	ABC Demo Group GmbH	ABC Poland Sp z o o	7675	ABC Product (200)	100 DE Plant	117753.5
100	ABC Demo Group GmbH	ABC Poland Sp z o o	786754	ABC Product (200)	100 DE Plant	-172.75
100	ABC Demo Group GmbH	ABC Poland Sp z o o	7869	ABC Product (20)	100 DE Plant	-76.69
100	ABC Demo Group GmbH	ABC Poland Sp z o o	137	ABC Product (98)	100 DE Plant	-4468.47
100	ABC Demo Group GmbH	ABC Poland Sp z o o	74275	ABC Product (254)	100 DE Plant	-209.16
100	ABC Demo Group GmbH	ABC Poland Sp z o o	417	ABC Product (200)	100 DE Plant	-675.56
100	ABC Demo Group GmbH	ABC Espagna SA	2736872	ABC Product (350)	100 DE Plant	-188.72
100	ABC Demo Group GmbH	ABC Espagna SA	278672	ABC Product (380)	100 DE Plant	-187.53
100	ABC Demo Group GmbH	ABC Espagna SA	757	ABC Product (20)	100 DE Plant	-306.53
100	ABC Demo Group GmbH	ABC Espagna SA	7682	ABC Product (98)	100 DE Plant	-306.53
100	ABC Demo Group GmbH	ABC Espagna SA	225	ABC Product (254)	100 DE Plant	-1098.68
100	ABC Demo Group GmbH	ABC Espagna SA	6542	ABC Product (200)	100 DE Plant	-1072.23
100	ABC Demo Group GmbH	ABC Espagna SA	25227	ABC Product (350)	100 DE Plant	-1000.11

Wie sind diese Buchungen den Transaktionen zuzuordnen?

Source: Deloitte

Segmentierte P&L (3/4)

Transactional flow - Classification

Company code	Company Name	Sold to party	Materialnummer	Materialtext	Plant	Net Sales Group currency	Classification
100	ABC Demo Group GmbH	ABC Entity Turkey	2354	ABC Product (200)	45 US Plant	95.83	Finished Goods for Distribution
100	ABC Demo Group GmbH	ABC Entity Turkey	2354	ABC Product (350)	45 US Plant	318.28	Semi-Finished goods for local entrepreneurial activities
100	ABC Demo Group GmbH	ABC Entity Turkey	9874	ABC Product (380)	100 DE Plant	-516.17	Semi-Finished goods for local entrepreneurial activities
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100	ABC Demo Group GmbH	ABC US Inc.	6545	ABC Product (254)	100 DE Plant	1564141.81	Equipment for local R&D
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Source: Deloitte

Segmentierte P&L (4/4)

Resultat

Distributor 1 / Entrepreneur
<i>Sales (aus Verkauf der Produkte von Entrepreneur 1 an External Customers)</i>
<i>Sales (aus Verkauf der Produkte von Entrepreneur 2 an External Customers)</i>
<i>Sales (aus Verkauf eigener Produkte an External Customers)</i>
<i>COGS (Kauf der Produkte von Entrepreneur 1)</i>
<i>COGS (Kauf der Produkte von Entrepreneur 2)</i>
<i>COGS (Kosten zur Beschaffung der eigenen Produkte)</i>
Gross Income
<i>SG&A (Anteil Entrepreneur 1)</i>
<i>SG&A (Anteil Entrepreneur 2)</i>
<i>SG&A (Anteil eigene Produkte)</i>
EBIT

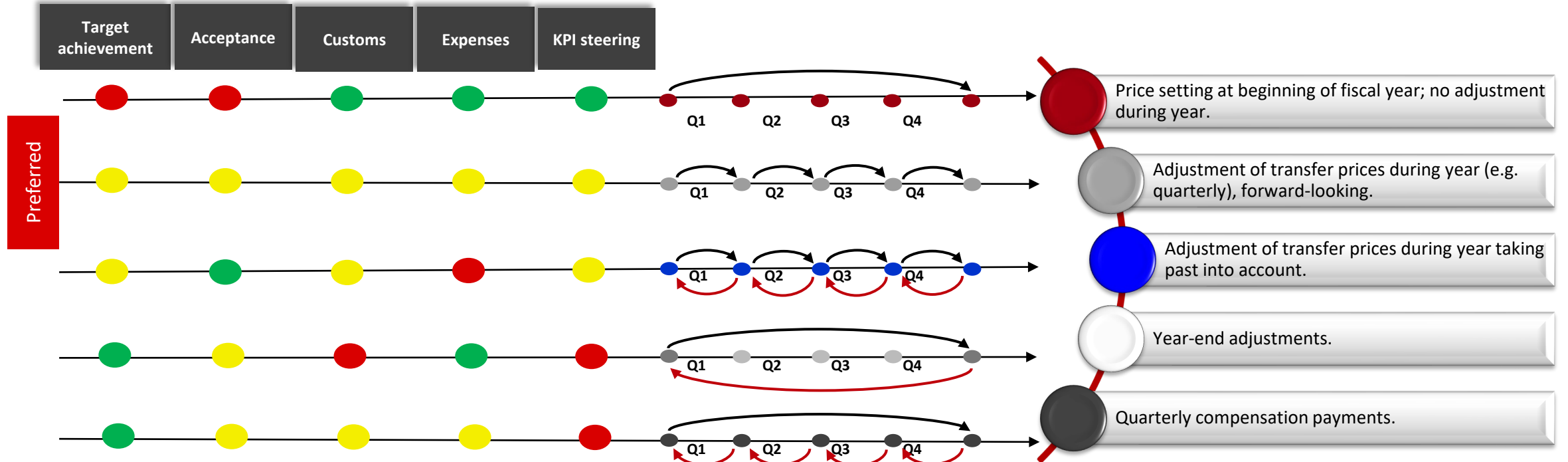
Source: Deloitte

TP Adjustments

Transfer Pricing Adjustments (1/2)

Overview

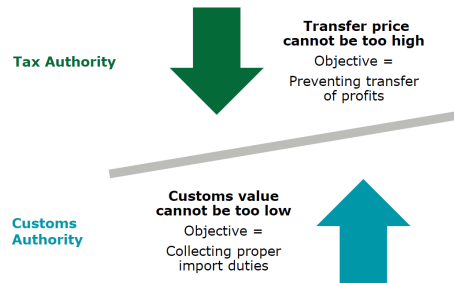
- Positive
- Neutral
- Negative



Transfer Pricing Adjustments (2/2)

Customs Impact

Different approaches to determining arm's length
Tax Authorities and Customs Authorities want to achieve an arm's length result,
but in different ways



- Customs duties usually based on “Transaction Value”
- Price adjustment impact highly dependent on country and whether it results in over or underpayment of customs duties.
- Typically price adjustment should be reported to customs authorities, sometimes even in case of decrease in reported customs value.
- In case of underpayments, additional customs duties are always due whereas refunds may be difficult to obtain.
- Customs audits cover often several years; any adjustment requires good documentation
- No customs impact for transactions between EU countries.

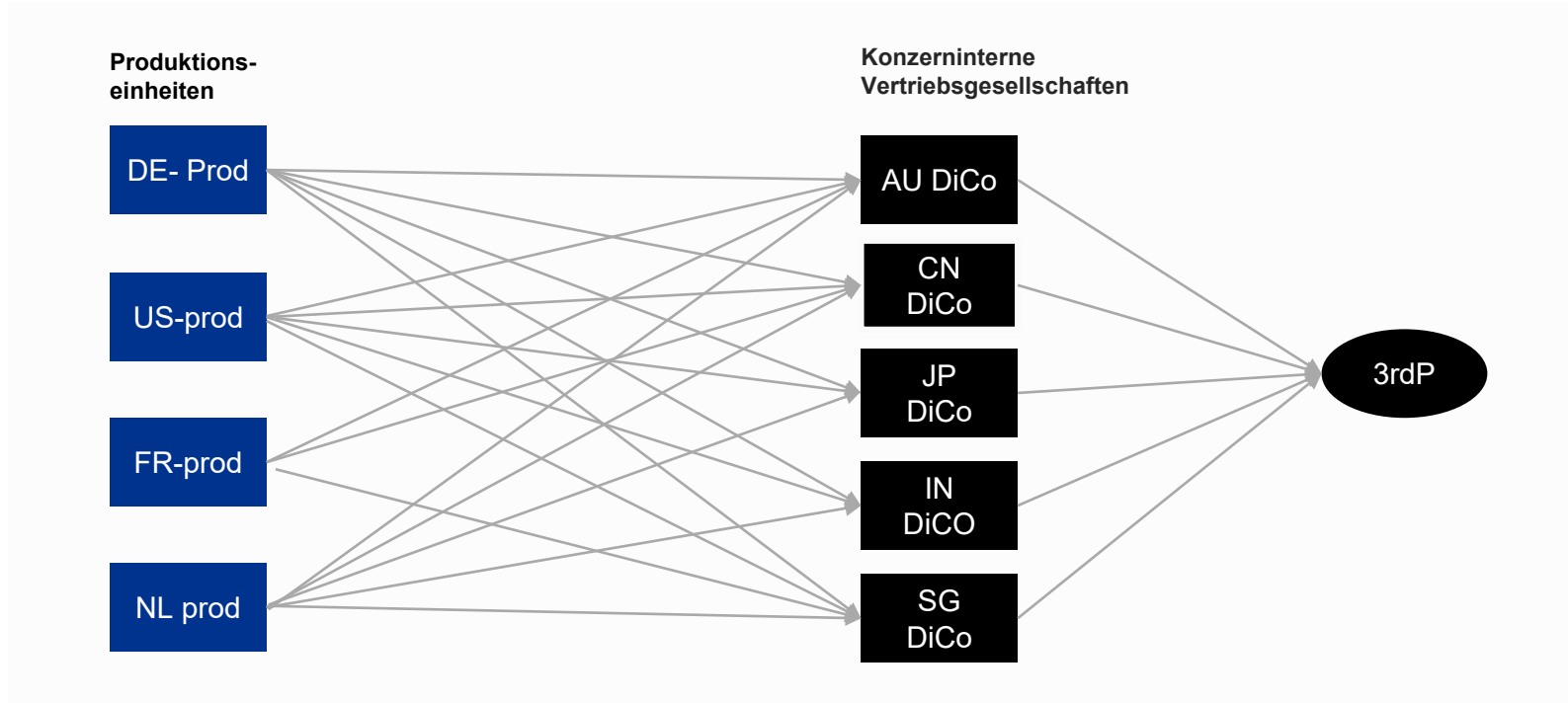
- Prospective Price Adjustments
 - Considered as most practical, but may trigger scrutiny of customs authority in case of variances in declared customs values
- Retroactive Price Adjustments
 - Upward adjustment: Additional customs duties; may require disclosure; penalties and/or late interest may apply. In certain countries any adjustment resulting in change of customs value regarded as violation of law (e.g., RU).
 - Downward adjustment: Refunds may be available; disclosure may be needed; in some countries written contract indicating possibility of TP adjustments is required (e.g., AT, DE) as condition for refund.
- Lump-sum / Profit Adjustments (e.g., marketing support payments)
 - In case of profit adjustment not related to specific product prices or cost of goods, some customs authorities may treat this as workaround to avoid customs duties. Customs authorities may argue that original price was not arm's length for TP purposes (hence profit adjustment).

Country specific Assessment to be performed

Case Study

OTP Case Study: Distributionsgesellschaften (1/3)

Transactional flow



Verrechnungspreis von Produktionsgesellschaften an Vertriebsgesellschaften mit Transaktionaler Nettomargenmethode, hier: Operative Target Marge i.H.v. 5% (Median Interquartilsbandbreite)

Source: KPMG

OTP Case Study: Distributionsgesellschaften (2/3)

Segmented P&L

P&L Chinesische Vertriebsgesellschaft	Total LE	DE-Produkt	US-Produkt	FR-Produkt	NL-Produkt
Net Sales Total	1000	250	350	100	300
COGS	800	150	100	50	500
Gross Profit	200	100	250	50	-200
Gross Margin	20%	40%	71%	50%	-67%
Sales & Marketing	110	7,5	22,5	30	50
Administration	40	20	-	10	10
Total OPEX	150	27,5	22,5	40	60
EBIT	50	72,5	227,5	10	-260
EBIT % (as-is)	5.00%	29.00%	65.00%	10.00%	-86.67%
Difference compared to target margin	0%	24%	60%	5%	-92%

Source: KPMG

OTP Case Study: Distributionsgesellschaften (3/3)

Price adjustments

YTD Juni, gleichbleibende Absatzmenge zum YE geplant

P&L Chinesische Vertriebsgesellschaft	DE-Produkt As-Is	Adj.	DE-Produkt Revised
Net Sales Total	250		250
COGS	150	x 1.4	210
Gross Profit	100		40
Gross Margin	40%		16%
Total SG&A	27.5		27.5
EBIT	72.5		12.5
EBIT %	29%	→	5%
Difference compared to target margin	24%		

Verhältnis EBIT / Net Sales = 29% (Excess margin 24%, 60)
 Verhältnis excess EBIT / COGS = 40%

1

Ausgangssituation

Bisherige IC Preise (DE Produktionsgesellschaft an Chinesische Vertriebsgesellschaft)
 Material A: 10 EUR (durchschnittlich erzielter Marktpreis in China ~ 11 EUR)
 Material B: 10 EUR (durchschnittlich erzielter Marktpreis in China ~ 28 EUR)

An fremde Dritte verkaufte Einheiten:

10 x Material A: 10 x 11 EUR = 110 EUR

5 x Material B: 5 x 28 EUR = 140 EUR

Net Sales = 250 EUR

2

Neuberechnung der IC Preise auf Basis des Soll/Ist Abgleichs (24%)

Material A: 10 EUR x (1 + 40%) = 14 EUR

Material B: 10 EUR x (1 + 40%) = 14 EUR

Vorsicht: Der neu-berechnete IC Preis für Material A (14 EUR) liegt über dem Marktpreis von 11 EUR. Dies könnte zu Verwerfungen aus lokaler Sicht führen (z.B. anti-dumping). Daher ist eine dynamische Kalkulation unter Einhaltung bestimmt definierter Grenzwerte notwendig.

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2. Iteration der Neuberechnung der IC Preise

Material A: 10 EUR x (1 + max. 5%) = 10.50 EUR (x 10 Einheiten = 105 EUR COGS)

Material B: 10 EUR x (1 + 110%) = 21 EUR (x 5 Einheiten = 105 EUR COGS)

Source: KPMG

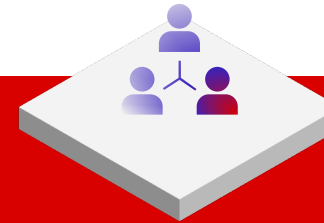
— Umsetzung eines OTP Projekts

Umsetzungs eines OTP Projekts



Anforderungsparameter einer OTP Software

- Funktionale Anforderungen (Reporting, Kalkulation, Transaktionsspektrum automatisierte Neuberechnung)
- Organisatorische Anforderungen: Nutzerfreundlichkeit, Komplexität der Lösung, Wartung
- Technische Anforderungen: Schnittstellen, On-Prem vs. Cloud, IT strategische Erwägungen
- Sonstige Anforderungen: Flexibilität, Kosten

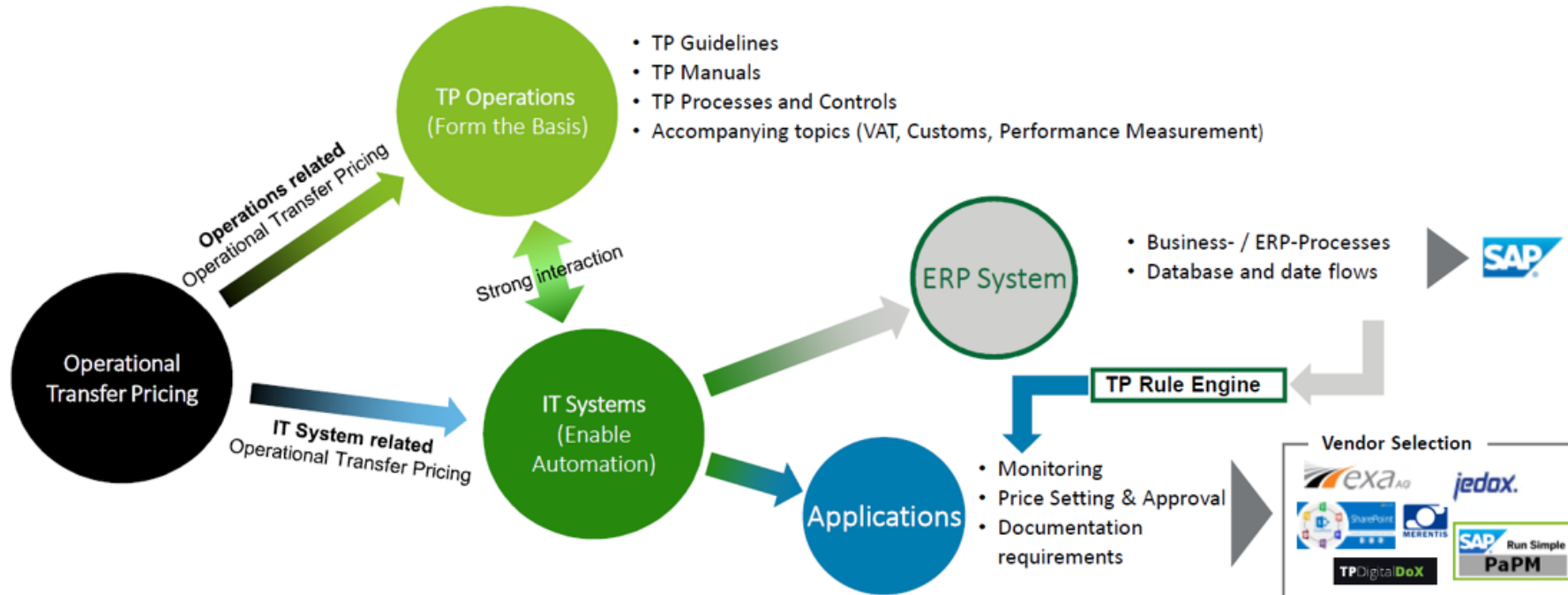


Beteiligte Funktionen

- Steuer- bzw. Transfer Pricing Abteilung: Funktionale Anforderungen und Design (Logik)
- Umsatzsteuer & Trade Compliance zur Identifikation bestimmter Restriktionen
- (Corporate und BU-) Controlling: „Translator“, Sparrings-Partner oder Umsetzungsverantwortlich
- Accounting: Sparrings-Partner
- IT-Abteilung: Software Evaluierung, Implementierungsunterstützung (z.B. Schnittstelleneinrichtungen)

Source: KPMG

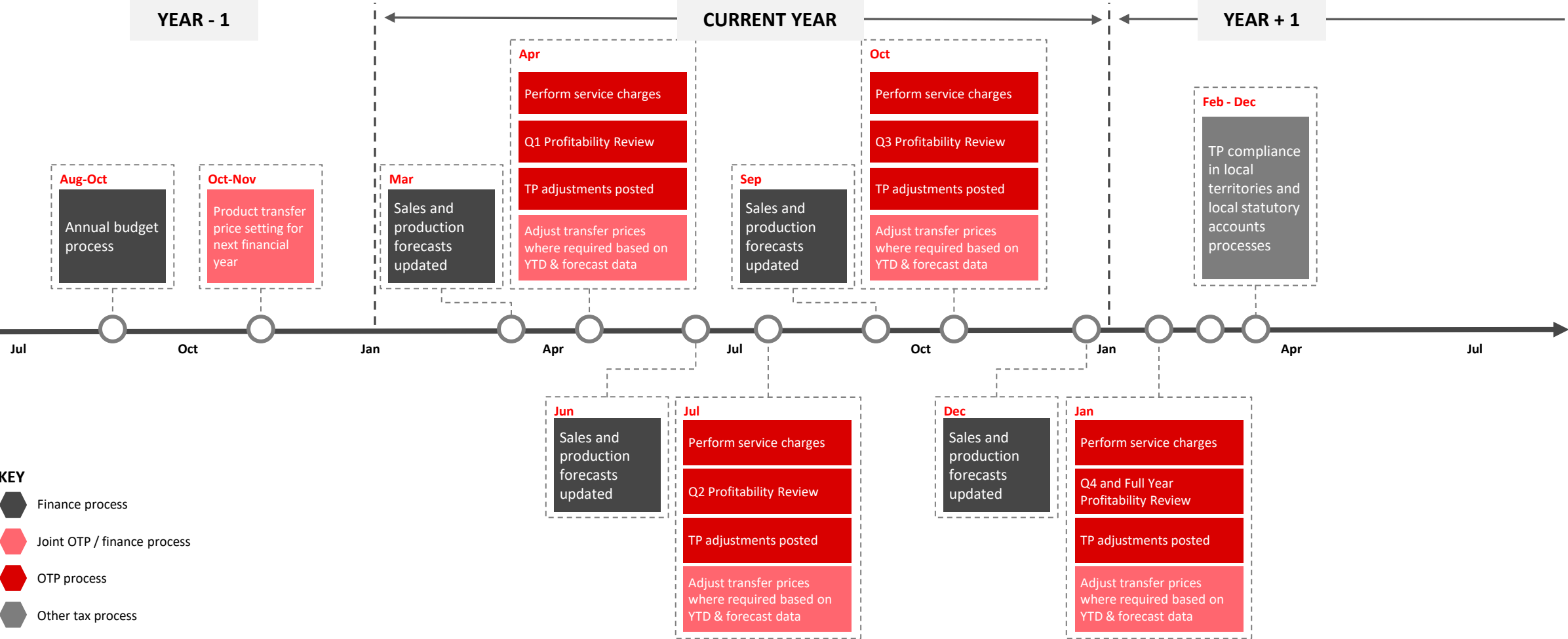
ERP Systems and TP Applications



Deloitte 2020

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Example Price Setting Process



ABB