

# Flash Report

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## *The government clarifies the types of foreign companies subject to transfer pricing rules*



### **Contacts:**

#### **Camiel van der Meij**

Partner & TLS Leader

camiel.van.der.meij@ua.pwc.com

#### **Slava Vlasov**

Partner, Tax and Legal Services

slava.vlasov@ua.pwc.com

#### **Olga Trifonova**

Director,

Transfer Pricing Group Leader

Tax and Legal Services

olga.trifonova@ua.pwc.com

#### **PwC Ukraine**

75 Zhylyanska Street, Kyiv, 01032

Tel: +380 44 354 0404

Fax: +380 44 354 0790

[www.pwc.com/ua](http://www.pwc.com/ua)

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## *The list of organizational and legal forms of non-residents is approved*

On 4 July 2017, the Cabinet of Ministers of Ukraine (further – the CMU) approved a list of organizational and legal forms of non-residents (further – OLF list) that is to be used for transfer pricing purposes.

Transactions with these non-resident may qualify as controlled (i.e. subject to Ukrainian transfer pricing rules) based on criteria specified in para «r» para 39.2.1.1. of Tax Code of Ukraine.

Please refer to the OLF list on the next page.

The CMU's Order comes into effect on the date of its publication.

Please consider the impact of these regulations on your business.

**\*The Order of the Cabinet of Ministry of Ukraine #480 from 4 July 2017 “On Approval of the List of Organizational and Legal Forms of Non-Residents Paying No Income Tax (Corporate Tax), Including Tax on Income Received outside the State of Registration of Such Non-Residents, and/or Are Not Tax Residents of the State in which They Are Registered as Legal Entities Person”**

| Sate (territory)                                                                                                 | Entity's legal form (state registration language) and abbreviation                                                                                                                                                                                                                                                                                 | Entity's legal form (English spelling)                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Australia                                                                                                        | General Partnership (GP)<br>Limited Partnership (LP)                                                                                                                                                                                                                                                                                               | General Partnership (GP)<br>Limited Partnership (LP)                                                                                                                                                                                                            |
| Austrian Republic                                                                                                | Offene Handelsgesellschaft (OHG)<br>Offene Erwerbsgesellschaft (OEG)<br>Kommandit Gesellschaft (KG)<br>Kommandit Erwerbsgesellschaft (KEG),<br>Gesellschaft nach bürgerlichem Recht (GesbnR)                                                                                                                                                       | General Partnership<br>General Commercial Partnership<br>Limited Partnership<br>Limited Commercial Partnership<br>Civil Law Partnership                                                                                                                         |
| Kingdom of Belgium                                                                                               | Société en Nom Collectif, Vennootschap Onder Firma (SNC, VOF)                                                                                                                                                                                                                                                                                      | General Partnership                                                                                                                                                                                                                                             |
| United Kingdom of Great Britain and Northern Ireland                                                             | Partnership (Ordinary Partnership)<br>Limited Partnership (LP)<br>Limited Liability Partnership (LLP)                                                                                                                                                                                                                                              | Partnership (Ordinary Partnership)<br>Limited Partnership<br>Limited Liability Partnership                                                                                                                                                                      |
| The Kingdom of Denmark                                                                                           | Skattesinteressentskab,<br>Interessentskab (I\S)<br>Kommanditselskab (K\S)<br>Udlodende investeringsforening                                                                                                                                                                                                                                       | General Partnership<br>General Partnership, owned shipping firm<br>Limited Partnership<br>Distributing Investment Fund                                                                                                                                          |
| Republic of Estonia                                                                                              | Lepinguline investeerimisfond                                                                                                                                                                                                                                                                                                                      | Investment Fund                                                                                                                                                                                                                                                 |
| State of Israel                                                                                                  | שותפות כללית (GP)<br>שותפות מוגבלת (LP)                                                                                                                                                                                                                                                                                                            | General Partnership<br>Limited Partnership                                                                                                                                                                                                                      |
| Italian Republic                                                                                                 | Società in Nome Collettivo (S.N.C)<br>Società in Accomandita Semplice (LP)                                                                                                                                                                                                                                                                         | General Partnership<br>Limited Partnership                                                                                                                                                                                                                      |
| Canada                                                                                                           | General Partnership (GP)<br>Limited Partnership (LP)<br>Trust<br>Extra Provincial Corporation (EPC)                                                                                                                                                                                                                                                | General Partnership<br>Limited Partnership<br>Trust<br>Extra Provincial Corporation                                                                                                                                                                             |
| Republic of Korea                                                                                                | Johap<br>Hapja johap<br>Hapja hoesa<br>Hapmyung hoesa<br>Ikmyung johap                                                                                                                                                                                                                                                                             | General Partnership<br>Limited Partnership<br>Limited Partnership Company<br>Unlimited Partnership Company<br>Hidden Partnership                                                                                                                                |
| Grand Duchy of Luxembourg                                                                                        | Société en Commandite Simple (SECS)<br>Société en Commandite par Actions (SECA)<br>Société en Nom Collectif (SENC)<br>Société Civile<br>Association en Participation<br>Société en Commandite Spécial (SCSp)<br>Société d'Investissement à Capital Fixe (SICAF)<br>Société d'Investissement à Capital Variable (SICAV)<br>Fonds Communde Placement | Limited Partnership<br>Partnership Limited by Shares<br>General Partnership<br>Civil Partnership<br>Association<br>Special Limited Partnership<br>Investment Company with Fixed Capital<br>Investment Company with Variable Capital<br>Fonds Communde Placement |
| Republic of Mauritius                                                                                            | Société civile<br>Société à responsabilité limitée<br>Société en commandite simple<br>Société en nom collectif<br>Global Business Companies category II                                                                                                                                                                                            | Civil Partnership<br>Limited Liability Partnership<br>Limited Partnership<br>General Partnership<br>Global Business Companies Category II                                                                                                                       |
| Republic of Malta                                                                                                | Partnership en commandite<br>Partnership en nom collectif                                                                                                                                                                                                                                                                                          | Limited Partnership<br>General Partnership                                                                                                                                                                                                                      |
| Kingdom of the Netherlands                                                                                       | Vennootschap Onder Firma (V.O.F)<br>Commanditaire Vennootschap (C.V.)<br>Maatschap<br>Stichting<br>Besloten Fonds voor Gemene Rekening                                                                                                                                                                                                             | General Partnership<br>Limited Partnership<br>Partnership<br>Fund<br>Private Mutual Fund                                                                                                                                                                        |
| Federal Republic of Germany                                                                                      | Gesellschaft Bürgerlichen Rechts (GbR)<br>Stille Gesellschaft<br>Kommandit Gesellschaft auf Aktien (KGaA)<br>Kommandit Gesellschaft (KG)<br>Offene Handelsgesellschaft (OHG)                                                                                                                                                                       | Civil Law Partnership<br>Dormant Partnership<br>Partnership Limited by Shares<br>Limited Partnership<br>General Partnership                                                                                                                                     |
| New Zealand                                                                                                      | General Partnership (GP)<br>Limited Partnership (LP)                                                                                                                                                                                                                                                                                               | General Partnership<br>Limited Partnership                                                                                                                                                                                                                      |
| United Arab Emirates                                                                                             | Free Zone Company (FZCO)<br>Free Zone Establishment (FZE)<br>Free Zone Limited Liability Company (FZ LLC)<br>Limited Liability Company (LLC)<br>Sole Proprietorship (SP)<br>International Business Company (IBC)                                                                                                                                   | Free Zone Company<br>Free Zone Establishment<br>Free Zone Limited Liability Company<br>Limited Liability Company<br>Sole Proprietorship<br>International Business Company                                                                                       |
| Republic of Poland                                                                                               | Spółka Komandytowa (S.K.)<br>Spółka partnerska<br>Spółka Komandytowo-Akcyjna (S.K.A)<br>Spółka Jawna (S.J.)<br>Spółka prawa Cywilnego (S.C.)                                                                                                                                                                                                       | Limited Partnership<br>Professional Partnership<br>Partnership Limited by Shares<br>General Partnership<br>Civil Partnership                                                                                                                                    |
| Republic of Singapore                                                                                            | General Partnership (GP)<br>Limited Partnership (LP)<br>Limited Liability Partnership (LLP)                                                                                                                                                                                                                                                        | General Partnership<br>Limited Partnership<br>Limited Liability Partnership                                                                                                                                                                                     |
| Slovak republic                                                                                                  | Verejná Obhodná Spoločnosť (V.O.S)<br>Komanditná Spoločnosť (K.S.)                                                                                                                                                                                                                                                                                 | повне партнерство<br>партнерство з обмеженою відповідальністю                                                                                                                                                                                                   |
| United States of America<br>(States of Delaware, California,<br>Nevada, New Jersey, New York,<br>Texas, Florida) | General Partnership (GP)<br>Limited Liability Partnership (LLP)<br>Limited Liability Company (LLC)                                                                                                                                                                                                                                                 | General Partnership<br>Limited Liability Partnership<br>Limited Liability Company                                                                                                                                                                               |
| Turkish Republic                                                                                                 | Kollektif Şirket<br>Adi Şirket                                                                                                                                                                                                                                                                                                                     | General Partnership<br>Limited Partnership                                                                                                                                                                                                                      |
| French Republic                                                                                                  | Société en Nom Collectif (S.N.C)<br>Société en Commandite Simple (S.C.S)<br>Groupement d'Intérêt économique (G.I.E.)<br>Société civile<br>Société en participation<br>Fonds Commun de Placement à Risques                                                                                                                                          | General Partnership<br>Limited Partnership<br><br>Civil Partnership                                                                                                                                                                                             |
| Czech Republic                                                                                                   | Komanditní Společnost (K.S.)<br>Veřejná Obhodní Společnost (V.O.S)                                                                                                                                                                                                                                                                                 | Limited Partnership<br>General Partnership                                                                                                                                                                                                                      |
| Swiss Confederation                                                                                              | Kollektivgesellschaft, Société en nom collectif, Società in nome collettivo<br>Kommanditgesellschaft, Société en commandite, Società in accomandita (LP)<br>Einfache Gesellschaft, Société simple, Società semplice                                                                                                                                | General Partnership<br>Limited Partnership<br><br>Simple Partnership                                                                                                                                                                                            |
| Japan                                                                                                            | Nin'i kumiai<br>Toushi jigyo yugen sekinin kumiai<br>Yugen sekinin jigyo kumiai<br>Goshi-Kaisha<br>Gomei Kaisha<br>Tokumei Kumiai                                                                                                                                                                                                                  | General Partnership<br>Investment Business Limited Partnership<br>Limited Liability Partnership<br>Limited Partnership Company<br>General Partnership Company<br>Silent Partnership                                                                             |