

# Flash Report

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## ***Latest court practice on transfer pricing issues***



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## ***Supreme Administrative Court ruled for taxpayer in transfer pricing dispute***

On December 12, 2017, the Supreme Administrative Court of Ukraine (hereinafter – “**SACU**”) decided in favour of a taxpayer supporting the correctness of application of the net profit method for substantiation of the market level of prices in the controlled transactions.

The tax authorities attempted to use the data from an information compendium provided by DP “Derzhzovnishinform”, namely “Tender monitor. Ukraine” for the analysis of the market price range. However, the Court of First Instance as well as the First Appellate court and the SACU stated that since it was impossible to ensure the comparability of the controlled and non-controlled transactions, the official sources of information should not have been used for the analysis of prices in the controlled transactions of the taxpayer.

You can learn more by following the link:

**<http://reyestr.court.gov.ua/Review/71169930>**

**\* Decision by the SACU in case # 816/515/17, December 12, 2017,**