

# Lithuania

## Transfer Pricing Country Profile

February 2022

	SUMMARY	REFERENCE
The Arm's Length Principle		
1	<p><b>Does your domestic legislation or regulation make reference to the Arm's Length Principle?</b></p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>For the purpose of calculating taxable profits in accordance with the procedure laid down in the CIT Law and for the purpose of calculating taxable income in accordance with the procedure laid down in the ITI Law, entities and individuals must recognise:</p> <ul style="list-style-type: none"><li>- the amount, which is in line with the actual market price of a transaction or economic operation as income from such transaction or economic operation; and</li><li>- the total amount of costs incurred in a transaction or economic operation, which is in line with the actual market price of said transaction or economic operation as allowable deductions or limited allowable deductions.</li></ul> <p>Where the conditions created or prescribed by mutual transactions or economic operations between associated persons are other than those created or prescribed by a mutual transaction or economic operation between non-associated persons, any profit (income) that would be attributed, if no such conditions existed, to one of such persons, but due to such conditions is not attributed to him, may be included in the income of that person and taxed accordingly.</p> <p>The “<b>Arm's Length Principle</b>” shall mean the principle according to which the prices of the controlled transactions should not differ from the actual market price and the profits earned or the income received from the performance of the controlled transactions should not differ from the profits (income) that should be earned if the transaction was carried out at the actual market price. The arm's length principle shall be based on comparison of the controlled transaction with the comparable transaction or transactions.</p>	<p>Article 40 of the <a href="#">Law on Corporate Income Tax</a> (CIT Law)</p> <p>Article 15 of the <a href="#">Law on Income Tax of Individuals</a> (ITI Law)</p> <p>Clause 3 of the Rules for Implementation of paragraph 2 of Article 40 of the Republic of Lithuania Law on Corporate Income Tax and paragraph 2 of Article 15 of the Republic of Lithuania Law on Personal Income Tax approved by the Minister of Finance of the Republic of Lithuania (<b>hereinafter</b> the <a href="#">Transfer Pricing (TP) Rules</a>)</p>

2	<b>What is the role of the OECD Transfer Pricing Guidelines under your domestic legislation?</b>	The Lithuanian TP rules are mainly in-line with the OECD Transfer Pricing Guidelines ('OECD TPG'). Moreover, Lithuanian TP Rules recommend the use of the OECD TPG insofar as the provisions do not contradict the provisions of the TP Rules.	<a href="#">TP Rules</a>
3	<b>Does your domestic legislation or regulation provide a definition of related parties? If so, please provide the definition contained under your domestic law or regulation.</b>	<p><input checked="" type="checkbox"/> <b>Yes</b></p> <p><input type="checkbox"/> <b>No</b></p> <p>The Arm's Length Principle applies to associated parties. This concept encompasses both related parties and other associated entities (persons). Article 2 of CIT Law provides with the following definitions:</p> <p><b>Associated persons mean persons</b> (entities or natural persons) where at least one of the following criteria is met:</p> <ol style="list-style-type: none"> <li>1) they are related persons.</li> <li>2) they may have an influence over each other, resulting in the conditions of their mutual transactions or economic operations being other than those where a maximum economic benefit is sought by each person.</li> </ol> <p><b>Related persons</b> are treated as such if, on any day of the relevant tax period or the tax period preceding the relevant tax period, at least one of the following criteria is met, they are:</p> <ol style="list-style-type: none"> <li>1) an entity and its members (e. g. shareholders);</li> <li>2) an entity and members of its management bodies;</li> <li>3) an entity and the spouses, <i>fiancés</i> and cohabitants of its members or members of its management bodies, other natural persons related to them by consanguinity (in the direct line up to the second degree, in the collateral line up to the fourth degree) or by marriage - a natural person and the relatives of his spouse (in the direct or collateral line up to the second degree), and also the relatives of the cohabitants of members of the entity or members of its management bodies (in the direct or collateral line up to the second degree), the spouses or cohabitants of the relatives of members of the entity or members of its management bodies (in the direct line up to the first degree, in the collateral line up to the second degree) as well as the relatives of the said spouses or cohabitants (in the direct line up to the first degree, in the collateral line up to the second degree);</li> <li>4) members of a group of entities;</li> <li>5) an entity and members of another entity where such entities comprise a single group of entities;</li> <li>6) an entity and members of the management bodies of another entity where such entities comprise a single group of entities;</li> <li>7) an entity and the spouses, <i>fiancés</i> and cohabitants of members of another entity or members of its management bodies, other natural persons related to</li> </ol>	Article 2 of <a href="#">CIT Law</a> and Article 2 of <a href="#">ITI Law</a> .

members of another entity or members of its management bodies by consanguinity (in the direct line up to the first degree, in the collateral line up to the second degree) or by marriage (a natural person and the relatives of his spouse (in the direct line up to the first degree, in the collateral line up to the second degree), and also the relatives of the cohabitants of members of another entity or members of its management bodies (in the direct line up to the first degree, in the collateral line up to the second degree), the spouses or cohabitants of the relatives of members of another entity or members of its management bodies (in the direct line up to the first degree, in the collateral line up to the second degree) where the said taxable entities comprise a single group of entities;

8) two entities where one of them controls directly or indirectly (through a single or several entities or natural persons) over 25% of the shares of the other entity or holds the right to over 25% of the decisive votes of the other entity or has undertaken to coordinate its decisions regarding the activities with the other entity or has undertaken to be liable for the obligations of the other entity in respect of third parties or has undertaken to transfer all or part of its profits to the other entity or has granted the other entity the right to use over 25% of its assets;

9) two entities where their members or the spouses, *fiancés* and cohabitants of such members, natural persons related by consanguinity (in the direct line up to the second degree, in the collateral line up to the fourth degree) or by marriage (a natural person and the relatives of his spouse (in the direct or collateral line up to the second degree)), and also a natural person and the relatives of his cohabitant (in the direct or collateral line up to the second degree), a natural person and the spouses or cohabitants of his relatives (in the direct line up to the first degree, in the collateral line up to the second degree) as well as the relatives of the said spouses or cohabitants (in the direct line up to the first degree, in the collateral line up to the second degree) control directly or indirectly 25% of the shares in each of such entities;

10) an entity and its permanent establishment;

11) two entities where one of them holds decision-making rights in the other entity.

**Related persons** are treated as such if on any day of the relevant tax period or the tax period preceding the relevant tax period, at least one of the following criteria is met, they are:

- 1) an individual, who is a member of an entity, and that entity, or
- 2) an individual, who is a member of the managing bodies of an entity, and that entity, or
- 3) an individual whose spouse, *fiancé* or cohabitant is a member of the managing bodies of an entity, and that entity, or
- 4) an individual and his spouse, *fiancé*, cohabitant; an individual and persons

related to him by consanguinity (in the direct line up to the second degree, in the collateral line up to the fourth degree) or by marriage (an individual and the relatives of his spouse (in the direct or collateral line up to the second degree)); an individual and the relatives of his cohabitant (in the direct or collateral line up to the second degree); an individual and the spouses or cohabitants of his relatives (in the direct line up to the first degree, in the collateral line up to the second degree) as well as the relatives of the said spouses or cohabitants (in the direct line up to the first degree, in the collateral line up to the second degree), or

5) two individuals who are members of the same entity and each of whom directly or indirectly controls over 25% of the shares (interests, member shares) in that entity, or

6) two individuals who are members (e. g. shareholders) of the same entity and each of the individuals, together with other persons (a spouse, *fiancé*, cohabitant or relatives of the said cohabitant (in the direct or collateral line up to the second degree), persons related to him by consanguinity (in the direct line up to the second degree, in the collateral line up to the fourth degree) or by marriage (an individual and the relatives of his spouse (in the direct or collateral line up to the second degree))), also the spouses or cohabitants of his relatives (in the direct line up to the first degree, in the collateral line up to the second degree) as well as the relatives of the said spouses or cohabitants (in the direct line up to the first degree, in the collateral line up to the second degree), controls directly or indirectly over 25% of the shares (interests, member shares) in that entity, or

7) an individual and his fixed base.

### Transfer Pricing Methods

4 Does your domestic legislation provide for transfer pricing methods to be used in respect of transactions between related parties?

Yes

No

If affirmative, please check those provided for in your legislation:

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 checked="" type="checkbox"/>

The TP Rules also provide for the option to combine and modify the methods if this achieves a result in line with the arm's length principle. In exceptional cases, valuation methods can also be applied.

Clauses 20 and 25 of the [TP Rules](#).

5	<p><b>Which criterion is used in your jurisdiction for the application of transfer pricing methods?</b></p>	<p>Please check all that apply:</p> <p><input type="checkbox"/> Hierarchy of methods</p> <p><input checked="" type="checkbox"/> Most appropriate method</p> <p><input type="checkbox"/> Other (<i>if so, please explain</i>)</p> <hr/> <p>A taxpayer must select the most appropriate transfer pricing method taking into account the characteristics of the transaction, the reliability of the data available, the validity of assumptions and forecasts, the degree of similarity between the transaction for which the pricing method is selected and the comparable transactions.</p>	<p>Clauses 21-25 of the <a href="#">TP Rules</a>.</p>
6	<p><b>If your domestic legislation or regulations contain specific guidance on commodity transactions, indicate which of the following approaches is followed.</b></p>	<p><input checked="" type="checkbox"/> For controlled transactions involving commodities, the guidance contained in paragraphs 2.18-2.22 of the TPG is followed.</p> <p><input type="checkbox"/> Domestic legislation mandates the use of a specific method for controlled transactions involving commodities (<i>if so, please explain</i>)</p> <p><input type="checkbox"/> Other (<i>if so, please explain</i>)</p> <hr/> <p>Due to the requirement in domestic legislation to use the OECD TPG insofar as the provisions do not contradict the provisions of the TP Rules, for controlled transactions involving commodities, the guidance contained in paragraphs 2.18-2.22 of the TPG should be followed.</p>	
<p><b>Comparability Analysis</b></p>			
7	<p><b>Does your jurisdiction follow (or largely follow) the guidance on comparability analysis outlined in Chapter III of the TPG?</b></p>	<p><input checked="" type="checkbox"/> <b>Yes</b></p> <p><input type="checkbox"/> <b>No</b></p> <hr/> <p>The TP Rules determine the following evaluation process:</p> <p>Step I: the evaluation of the controlled transaction;</p> <p>Step II: the selection of the most suitable uncontrolled transaction (or transactions) as a comparable (or comparables);</p> <p>Step III: the evaluation of the selected uncontrolled transaction;</p> <p>Step IV: the application of the proper transfer pricing method.</p> <p>The evaluation of the controlled and uncontrolled transactions is performed according to five comparability factors: characteristics of the subject of the transaction; functions performed, risks assumed, assets used of the parties to the transaction when carrying out the functional analysis; contractual provisions; economic circumstances; and business strategy.</p>	<p>Clauses 6 -13 of the <a href="#">TP Rules</a>.</p>

8	<b>Is there a preference in your jurisdiction for domestic comparables over foreign comparables?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9	<b>Does your tax administration use secret comparables for transfer pricing assessment purposes?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
10	<b>Does your legislation allow or require the use of an arm's length range and/or statistical measure for determining arm's length remuneration?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Determination of the arm's length range is established in Clauses 54-57 of the TP Rules: <ul style="list-style-type: none"> <li>- If the application of the pricing method or methods by a taxpayer provides an arm's length range, rather than a single arm's length price or profit, the transaction price or profit is considered to comply with the arm's length principle if it is within the arm's length range. Statistical methods are used to determine an arm's length range, where more reliable approaches to reject potential comparables are not available;</li> <li>- If the selection and analysis of comparable transactions show that not all comparable transactions selected meet the comparison criteria and/or exhibit other characteristics that prevent achieving equally reliable results of comparison actions, these transactions must be eliminated to ensure that an arm's length range is established using equally reliable comparable transactions;</li> <li>- When an arm's length range has been determined, the tax administrator makes an adjustment to the median of the arm's length range, unless it is possible to determine or a taxpayer proves that a different point in the arm's length range is more appropriate. Where a taxpayer does not cooperate with the tax administrator, the tax administrator has the right to make an adjustment to any point in the arm's length range;</li> <li>- There shall be no adjustment if it is determined that the transaction price or profit is within the arm's length range.</li> </ul>	Clauses 54-57 of the <a href="#">TP Rules</a> .
11	<b>Are comparability adjustments required under your domestic legislation or regulations?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  The TP Rules provide for comparability adjustments where there are significant differences between the controlled and the comparable transactions and making	Clauses 3.12, 16, 28, 34-35, 40-41 of the <a href="#">TP Rules</a> .

		<p>adjustments increases reliability and accuracy of comparables. Where significant adjustments are required, this implies that another transfer pricing method may be more appropriate. In cases, where the adjustment changes the price materially, this should be regarded with caution.</p> <p>The tax administration follows the OECD TPG provisions on the comparability adjustments.</p>	
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**Intangible Property**

12	<b>Does your domestic legislation or regulations contain guidance specific to the pricing of controlled transactions involving intangibles?</b>	<input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	Clauses 58 to 67 of the <a href="#">TP Rules</a> .
		<p>The TP Rules provide for specific provisions regarding transactions related to intangibles. The main aspects are the following:</p> <ul style="list-style-type: none"> <li>- In determining the arm's length price of a controlled transaction related to intangible assets, it is necessary to: <ul style="list-style-type: none"> <li>- determine the intangible assets and the legal owner of such intangible assets;</li> <li>- identify the parties that perform the functions related to the creation, development, improvement, maintenance, protection and use of intangible assets and those that use the assets and assume risks; and</li> <li>- determine controlled transactions and the actions performed by the parties that contribute to the value creation of intangible assets.</li> </ul> </li> <li>- If the functions related to the creation, development, improvement, maintenance, protection and use of intangible assets or the control of such processes are performed and the related risks or their control are assumed and the assets (including the funds necessary for the creation and development of intangible assets) that are required for this purpose are used (make available for use) by more associated persons, each of them must receive a remuneration corresponding to their contribution determined in accordance with the arm's length principle. After paying the associated persons for their contribution, the benefit related to (return from) the intangible assets received by the owner of such assets can be either positive, negative or equal to zero.</li> <li>- When assessing a contribution of the parties, a party is not required to perform physically the relevant functions by itself, it may use other persons. In such case, however, the functional contribution will be assigned to this party if it is proved that this party controls the execution of such function or ensures such control. If significant functions are transferred to other associated persons to be performed by them, it needs to be justified that this would be also the action of independent</li> </ul>	

		<p>persons who act under similar circumstances and seek economic benefits for themselves, and that the transactional structure selected would not artificially burden determining the price of a controlled transaction related to intangible assets.</p> <p>- When determining the arm's length price of a transaction involving intangible assets, it is important to identify the transaction itself, its nature and content. i.e.: whether it is a transfer of intangible assets or related rights or other form of granting the rights to use intangible assets, whether other transactions for supply of goods or provision of services that are related to the use of intangible assets are carried out. It is necessary to assess whether the exclusive rights to use intangible assets are granted, whether there are restrictions on the use, development or transfer of assets (rights), whether the right to use intangible assets for further research and development work is granted, with whom lies the value of intangible assets improvement, whether an object of intangible assets is transferred (granted) for use separately or together with other objects of intangible assets (e.g., brands and business reputation), other assets or services (e.g., franchise), the interaction between these objects must be determined.</p> <p>Once the fact of the existence of intangible assets is established, it is necessary to determine whether or not the price of the subject matter of another transaction includes a remuneration for the use of such assets. When it is found that the price of the subject matter of another transaction includes a remuneration for the use of intangible assets and such price has been determined in accordance with the arm's length principle, the additional contributions for the same assets are considered to be equal to zero.</p>	
13	Does your domestic legislation or regulation provide for transfer pricing rules or special measures regarding hard-to-value intangibles (HTVI)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Domestic legislation regarding HTVI is in line with the OECD TPG.	Clauses 3.12-1 and 67 <sup>1</sup> of the <a href="#">TP Rules</a> . <a href="#">HTVI Implementation Questionnaire</a>
14	Are there any other rules outside transfer pricing rules that are relevant for the tax treatment of transactions involving intangibles?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Intra-Group Services</b>			
15	Does your domestic legislation or regulations provide guidance specific to intra-group services transactions?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Clauses 68-76 of the <a href="#">TP Rules</a> .



		<p>According to the provisions of Clause two of Chapter IV of the TP Rules, when examining the controlled transactions the subject of which is the provision of services or which are related to the provision of services, it is important to determine the following three aspects:</p> <ul style="list-style-type: none"> <li>- if the service was actually provided;</li> <li>- the way of remuneration for provision of the service – for each service separately or by distributing the respective costs among the members of the group;</li> <li>- if remuneration for provision of the service is in line with the arm's length principle - it should be taken into account that, as a rule, the service provider should receive not only such remuneration which covered his costs, but which would also give economic benefit. Nevertheless, in certain economic circumstances or in case of implementation of the respective business strategies, provision of services without any benefit is not in conflict with the arm's length principle.</li> </ul> <p>Remuneration for the provided services may be included in the price of other transactions. In such cases, additional payments for receipt of such services calculating the corporate income tax or personal income tax shall be deemed to be equal to zero.</p>	
16	<p><b>Do you have any simplified approach for low value-adding intra-group services?</b></p>	<p><input checked="" type="checkbox"/> <b>Yes</b></p> <p><input type="checkbox"/> <b>No</b></p>	<p>Clauses 3-1 and 76-1 of the <a href="#">TP Rules</a> .</p>
	<p>Domestic legislation regarding low value-adding intra-group services is in line with the OECD TPG.</p>		
17	<p><b>Are there any other rules outside transfer pricing rules that are relevant for the tax treatment of transactions involving services?</b></p>	<p><input type="checkbox"/> <b>Yes</b></p> <p><input checked="" type="checkbox"/> <b>No</b></p>	
<b>Financial Transactions</b>			
18	<p><b>[NEW] Does your domestic legislation or regulations provide guidance specific to financial transactions?</b></p>	<p><input type="checkbox"/> <b>Yes</b></p> <p><input checked="" type="checkbox"/> <b>No</b></p>	
	<p>Lithuania's domestic legislation or regulations do not contain specific guidance on financial transactions and tend to rely on the OECD guidance.</p>		

19	<p><b>[NEW]</b> Are there any other rules outside transfer pricing rules that are relevant for the tax treatment of financial transactions?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Limitations on interest deductibility:</p> <p>1. <i>Thin Capitalization rule.</i> Interest on debt in excess of a debt/equity ratio of 4:1 are non-deductible for corporate income tax purposes.</p> <p>2. From the taxable period of 2019, a new interest rate deduction rule is established, which is based on the provisions of the EU Anti-Tax Avoidance Directive. Under this rule, an entity can deduct interest costs which:</p> <ul style="list-style-type: none"> <li>- do not exceed interest income; or</li> <li>- exceed interest income, but in such cases the deduction is limited to 30% of the taxable earnings before interest, taxes, depreciation and amortization (EBITDA). However, this limitation does not apply to entities and groups of entities whose total interest costs exceeding interest income are lower than EUR 3 million.</li> </ul>	<p>Paragraph 3 of Article 40 and Article 30-1 of <a href="#">CIT Law</a></p>
<b>Cost Contribution Agreements</b>			
20	<p>Does your jurisdiction have legislation or regulations on cost contribution agreements?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Lithuania's domestic legislation or regulations do not contain specific guidance on CCAs and tend to rely on the OECD TPG.</p>	
<b>Transfer Pricing Documentation</b>			
21	<p>Does your legislation or regulations require the taxpayer to prepare transfer pricing documentation?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If affirmative, please check all that apply:</i></p> <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 checked="" type="checkbox"/> Specific transfer pricing returns (separate or annexed to the tax return)</li> <li><input type="checkbox"/> Other (specify):</li> </ul>	<p>Clauses –77-93 of the <a href="#">TP Rules</a>.</p> <p>Article 61 of the <a href="#">Law on Tax Administration of the Republic of Lithuania</a></p> <p><a href="#">Rules implementing obligations related to CbC Report</a></p>

22	<p><b>Please briefly explain the relevant requirements related to filing of transfer pricing documentation (i.e. timing for preparation or submission, languages, etc.)</b></p>	<p>Taxpayers have to prepare transfer pricing documentation (Master and Local files) by the 15th day of the sixth month of the tax period, which is a period other than that during which the controlled transaction took place.</p> <p>The transfer pricing documentation may be stored in a form and language chosen by the taxpayer until the request by the tax administrator. When the tax administrator requests for the documentation, it has to be provided in an original language. In case, the language is different than Lithuanian, the tax administrator may require the translation. In practice, the transfer pricing documentation is usually prepared in Lithuanian or English – both languages are accepted. The transfer pricing documentation has to be submitted within 30 days after receipt of a special request of the tax administration.</p> <p>Transfer pricing documentation requirements are in line with the Action 13 approach.</p> <p>CbCR - Taxpayers have to notify the tax administration of the identity and tax residency of the reporting entity no later than the last day of the reporting fiscal year.</p>	<p>Clauses 19, 77-93 of the <a href="#">TP Rules</a>.</p>
23	<p><b>Does your legislation provide for specific transfer pricing penalties and/or compliance incentives regarding transfer pricing documentation?</b></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>On 1 January 2017 a new Code of Administrative Offences came into force. Article 188 of the Code establishes a specific penalty related to the transfer pricing documentation imposed on the manager (or other delegated person of an enterprise, i.e. personal liability). Non-compliance with the requirements of transfer pricing documentation rules incurs a penalty ranging from EUR 1 820 to EUR 5 590, while an offense committed repeatedly incurs a penalty ranging from EUR 3 770 to EUR 6 000. The penalty may apply only regarding obligation to document transfer pricing of the controlled transactions concluded in a financial year of 2016 and later.</p>	<p>Article 188 of Code of Administrative Offences <a href="#">Code of Administrative Offences</a></p>
24	<p><b>If your legislation provides for exemption from transfer pricing documentation obligations, please explain.</b></p>	<p>The Master file must be prepared by Lithuanian entities and foreign entities operating in Lithuania through a permanent establishment, whose income (income attributable to a permanent establishment in Lithuania) during a tax period preceding the tax period during which the controlled transactions are conducted exceeded EUR 15 million if the entity (permanent establishment) belongs to an international group of entities.</p> <p>The Local File must only be prepared by the Lithuanian entities and permanent establishments of the foreign entities acting in Lithuania with turnover of a previous taxable year when a controlled transaction was actually carried out exceeding EUR 3 million (this limitation is not applied to financial undertakings,</p>	<p>Clause 84, 85 and 87 of the <a href="#">TP Rules</a>.</p>

		<p>credit institutions and insurance companies which are obliged to prepare the transfer pricing documentation irrespective of the size of their turnover).</p> <p>The entity (permanent establishment) mentioned above are not subject to the requirements of preparation of transfer pricing documentation (neither master file, nor local file) if it conducts controlled transactions only with other Lithuanian entities and/or with foreign entities operating through a permanent establishment or entered in a controlled transaction with a value of less than EUR 90 000 during a tax period, except where:</p> <ul style="list-style-type: none"> <li>- several identical transactions with the total value of more than EUR 90 000 are entered into with the same associated person during a tax period;</li> <li>- such a transaction is inextricably linked to another transaction in excess of EUR 90 000 and therefore they must be assessed together;</li> <li>- a transaction has been entered into with a person registered in a targeted territory (tax heaven).</li> </ul> <p>The taxpayers that do not have an obligation to prepare the transfer pricing documentation according to the aforementioned requirements are allowed to justify the application of the arm's length principle in a free manner.</p>	
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**Administrative Approaches to Avoiding and Resolving Disputes**

25	<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> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Rulings</li> <li><input type="checkbox"/> Enhanced engagement programs</li> <li><input checked="" type="checkbox"/> Advance Pricing Agreements (APA) <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Unilateral APAs</li> <li><input checked="" type="checkbox"/> Bilateral APAs</li> <li><input checked="" type="checkbox"/> Multilateral APAs</li> </ul> </li> <li><input checked="" type="checkbox"/> Mutual Agreement Procedures</li> <li><input type="checkbox"/> Other (<i>please specify</i>):</li> </ul> <p>Relevant regulations on this topic include:</p> <ul style="list-style-type: none"> <li>- The Rules for the Submission of a Taxpayer's Request to Consent to the Application of the Provisions of Tax Laws to a Future Transaction, Examination of the Request, Adoption and Amendment of the Decision Obligating the Tax Administrator, adopted by 19 October 2011 order of Head of State Tax</li> </ul>	<p>Article 37-1 of the <a href="#">Law on Tax Administration</a> of the Republic of Lithuania;</p> <p><a href="#">Tax rulings VA-105</a>;</p> <p><a href="#">APA rules VA-106</a>;</p> <p><a href="#">Law on Resolution of Double Taxation Disputes</a></p> <p><a href="#">MAP and APA</a>;</p> <p><a href="#">Lithuania's MAP Profile</a></p>
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		<p>Inspectorate under Ministry of Finance No. VA-105 (VA-105);</p> <ul style="list-style-type: none"> <li>- The Rules for the Submission of a Taxpayer's Request to Consent to the Principles of Pricing of a Future Controlled Transaction, Adoption and Amendment of the Decision Obligating the Tax Administrator, adopted by 21 October 2011 order of Head of State Tax Inspectorate under Ministry of Finance No. VA-106;</li> <li>- Double Tax Avoidance Treaties;</li> <li>- Convention 90/436/EEC on the elimination of double taxation in connection with the adjustment of profits of associated enterprises;</li> <li>- Law on Resolution of Double Taxation Disputes (which implements Council directive (EU) 2017/1852 of 10 October 2017 on tax dispute resolution mechanisms in the European Union);</li> <li>- The Rules for the Initiation and Execution of the Mutual Agreement Procedure.</li> </ul> <p>For more information on MAPs and APAs, please refer to Lithuania's MAP Profile.</p>	
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### Safe Harbours and Other Simplification Measures

26	Does your jurisdiction have rules on safe harbours in respect of certain industries, types of taxpayers, or types of transactions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
27	Does your jurisdiction have any other simplification measures not listed in this questionnaire? If so, please provide a brief explanation.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

### Other Legislative Aspects or Administrative Procedures

28	Does your jurisdiction allow/require taxpayers to make year-end adjustments?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
29	Does your jurisdiction make secondary adjustments?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

### Attribution of Profits to Permanent Establishments

30	<p><b>[NEW] Does your jurisdiction follow the Authorised OECD Approaches for the attribution of profits to PEs (AOA)?</b></p>	<p><input type="checkbox"/> <b>Yes</b></p> <p><i>In how many tax treaties?</i></p> <p><i>If yes, how do you implement it in cases, where the old tax treaties do not contain the new version of Article 7 (OECD MTC 2010 and later)</i></p>	<p><a href="#">Lithuanian Tax Treaties</a></p>
<p><input type="checkbox"/> <b>No</b></p> <p><i>In how many tax treaties?</i></p> <p>Please see the answer provided for question 31.</p>			
31	<p><b>[NEW] Does your jurisdiction follow also another approach?</b></p>	<p><input type="checkbox"/> <b>Yes</b></p> <p><input type="checkbox"/> <b>No</b></p>	
<p>The Authorized OECD Approach (AOA) is not explicitly implemented in national tax law. Taxation of income of the permanent establishment is aligned with the concept of a functionally separate enterprise insofar as the current regulation does not specifically restrict the calculation of the taxable profit of the permanent establishment by attributing the respective costs to the deductions of the permanent establishment.</p>			
<b>Other Relevant Information</b>			
32	<p><b>Other legislative aspects or administrative procedures regarding transfer pricing</b></p>	N/A	
33	<p><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>)</p>	N/A	

For more information, please visit: <https://oe.cd/transfer-pricing-country-profiles>