



Draft Decree on the modalities of conclusion of Advance Transfer Pricing Arrangements

Presentation note

Article 6 of Finance Law n° 100-14 for fiscal year 2015, enacted by Dahir N 1.14.195 of 1st Rabii I 1436 (24th December, 2014) as modified and completed has introduced in the General Tax Code (GTC) a chapter dedicated to Advance Transfer Pricing Arrangements (APAs) procedure. This chapter is divided into two articles:

- Article 234 bis which defines the scope of APAs and clarifies that the mode of conclusion of these agreements is set through regulation; and
- Article 234 ter which clarifies the guarantees given to enterprises and the conditions for termination of the agreement.

To this effect, a draft decree has been elaborated to set the modalities for implementation of the APAs procedure.

The draft decree recalls the provisions of article 234 bis of the GTC and specifies the following:

- content of the APA application;
- documents to be attached to the APA application;
- elements to be mentioned in the agreement;
- elements to be included in the follow-up report of the agreement.