



# Safe harbours regimes: main measures implemented in the Peruvian Income Tax Law

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October, 2020

## Agenda

- a. Legal framework of APAs
- b. Main characteristics of APAs
- c. Deadline and Outcome of the Proposal

## Legal Framework

**Income Tax Law  
Ammended by  
Legislative Decree 1112**



**Art. 32-A ITL**

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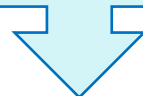
**f) Advance pricing agreements**

SUNAT may celebrate advance price agreements:

1.- **With taxpayers domiciled** in the country, in which the valuation of the different transactions within the scope of the transfer pricing rules, methods and criteria for determination is determined; and,

2.- **With other tax administrations** of countries with which Peru has held a Double Taxation Agreement.

**Regulation of ITL  
Decree Supreme  
340-2018-EF**



**Art. 118 RITL**

**1.- Bilateral APAs (Taxpayers / SUNAT)**

**2.- Agreements - Tax Administrations (MAP)**

**Superintendence  
Resolution  
N° 377-2013/SUNAT**



Provisions relating to the celebration of advance price agreements between taxpayers and the SUNAT.

## Advance Transfer Pricing Agreements (APAs)

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- Peruvian tax law allows taxpayers to enter into APAs before the assessment of the Tax Administration, in order to determine the price, retribution and/or the profit margin. In addition, it can be agreed the methodology which will support the values to be used by taxpayers in setting the prices of the transactions which may be agreed with related parties, tax havens or non-cooperating territories.
- The Peruvian Tax Administration may also enter into APAs with other tax administration of countries that Peru has signed a double tax treaty.

## Main characteristics of APAs

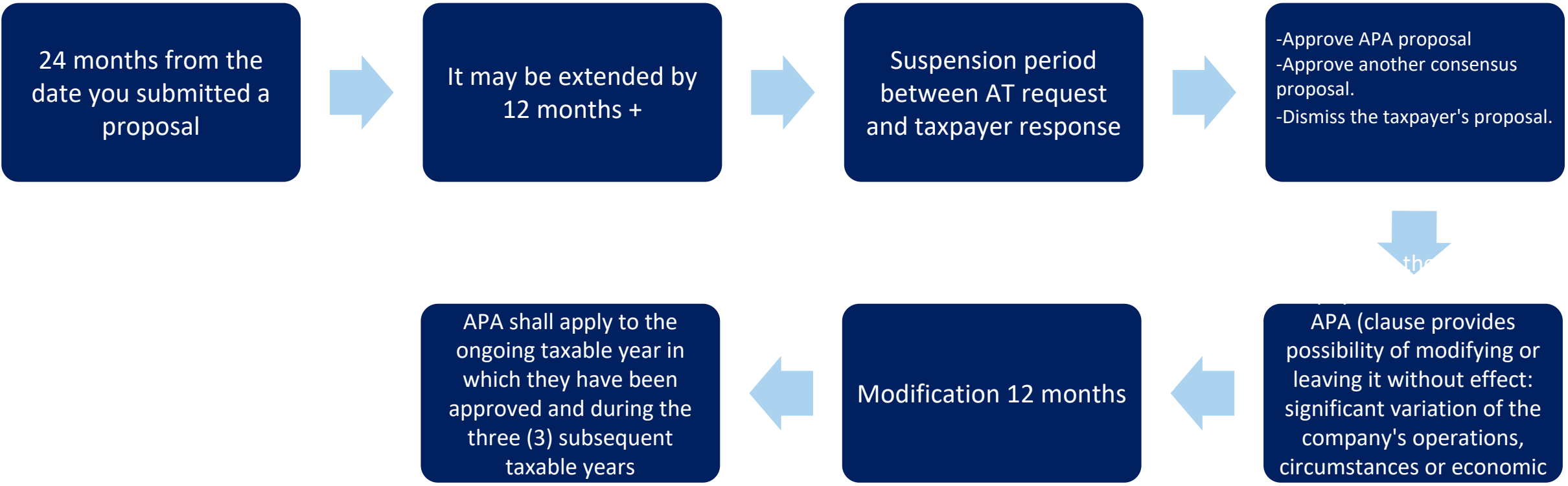
### APA celebrated between Taxpayers and the Tax Administration

- a) Characteristics of APAs
- b) Presentation of the proposal
- c) Content of the proposal
- d) Deadline for considering the proposal
- e) Approval or rejection of the proposal
- f) Subscription of APAs
- g) Effective of APAs
- h) Modification of APAs

### Agreements celebrated between Tax Administrations

The conclusion of agreements with the tax administrations of the countries with which the Republic of Peru has entered into international agreements to avoid double taxation will be carried out within the framework of the **mutual agreement procedure** provided therein.

# Deadline and Outcome of the Proposal





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