

**Transfer Pricing in the
1990s**

**TAX AND MANAGEMENT
PERSPECTIVES**

Roger Y.W. Tang

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To
Professor Robert H. Raymond
A Good Friend and an
Outstanding Educator

Preface

Transfer pricing is a dynamic and multidimensional topic that has captured the attention of academicians, corporate executives, and tax authorities for many decades. The issues of transfer pricing are very complex, and the stakes are extremely high because more than 40 percent of international trade is trade between related entities. More than \$360 billion of U.S. foreign trade in 1992 represents intrafirm trade.

In the last fourteen years, I have published two books and many articles on transfer pricing. During the same period, I have also spoken to many corporate executives and government officials on topics related to transfer pricing and intrafirm trade. Many issues in this area remain controversial and unsolved. The focus of debates has shifted, however, from domestic to tax and multinational issues.

I hope to accomplish three objectives with *Transfer Pricing in the 1990s: Tax and Management Perspectives*. First, I will discuss recent changes in transfer pricing regulations introduced by the U.S. government and its major trading partners. Many of these new regulations may have significant implications to the management of a multinational transfer pricing system. Second, I want to provide readers with current information on U.S. transfer pricing practices. The information was obtained from a survey done in 1990. Another objective is to compare the current practices with those of an earlier study done in 1977 and published in *Transfer Pricing Practices in the United States and Japan* by Praeger in 1979. Similarities and differences between findings from the two studies will be explained.

Many corporate executives of Fortune 500 companies contributed their time and experience generously to this research. I would like to thank them

for their cooperation and contribution. My appreciation also extends to many other individuals who provided valuable suggestions and assistance for this study. Professor Herbert L. Jensen and Beverly Eby reviewed the manuscript. Barbara Peacock provided skillful typing of the book.

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Roger Tang
Kalamazoo, Michigan
September, 1992

Transfer Pricing in the 1990s

Contents

Tables and Figures	xiii
Preface	xvii
1. Introduction	1
Intrafirm Transactions in a Corporate Environment	3
<i>Megatrends</i> and the Significance of Intrafirm Transactions in International Trade	5
The Need for a Multidisciplinary Approach	11
Overview of the Book	11
2. The New Tax Environment of Transfer Pricing—A U.S. Perspective	17
Major Legislation and Regulations in the United States	17
Surveillance and Investigation of Transfer Pricing Practices	19
Recent Changes in Transfer Pricing Regulations	21
Some Audit Techniques Used by IRS Examiners	28
Summary	30
3. New Transfer Pricing Regulations in Canada, Japan, South Korea, and the European Community	33
The Importance of Transfer Pricing to Canada	33
Transfer Pricing Regulations in Canada	37

New Regulations in Japan	39
Rules and Regulations in South Korea	41
New Tax Directives and Conventions in the EC	42
Summary	45
4. Research Methodology and Profile of Respondent Firms	49
Current Literature on Transfer Pricing	49
Evaluation of Current Literature	59
Content of the Questionnaire	60
The Survey and Profile of the Respondent Firms	60
Summary	62
5. Transfer Pricing Methods	67
The Magnitude of Intracompany Transfers	68
The Extent of Usage of Transfer Prices	68
Pricing Methods for Intracompany Transactions	69
Company Size and the Orientation of Transfer Prices	72
Some Guidelines for Selecting Transfer Pricing Methods	74
Summary	77
6. Environmental Variables of International Transfer Pricing	81
The Stakeholders in International Transfer Pricing and Their Conflicting Interests	81
Prior Research on Environmental Variables	83
Responses by Multinational Firms—An Overview	85
Responses to the 1990 and 1977 Studies—A Comparison	87
Results from a Factor Analysis	90
Summary	97
7. Other Issues and Conclusions	99
Systems' Objectives and Policy Authority	99
How Policy Disagreements Were Resolved	101
Policies on Outside Purchases of Intermediate Goods	103
Implications from the Research	104
Suggestions for Further Research	106
General Conclusions	107

Appendix A:	Survey Questionnaire	109
Appendix B:	Section 482 of the Internal Revenue Code Allocation of Income and Deductions Among Taxpayers	113
Appendix C:	Sections 69(1), 69(2), and 69(3) of the Canadian Income Tax Act of 1972	114
Appendix D:	Information Circular 87-2 of Revenue Canada, February 27, 1987, International Transfer Pricing and Other International Transactions	116
Appendix E:	Sections 770 to 773 of the U.K. Income and Corporation Taxes Act of 1988	131
Index		139

Tables and Figures

TABLES

1.1	Major Proposals on Proper Transfer Price(s)	2
1.2	Important Social and Economic Trends Discussed in <i>Megatrends</i> and <i>Megatrends 2000</i>	6
1.3	U.S. Merchandise Trade Between U.S. Parents and Their Foreign Affiliates, 1977, 1982–89	8
1.4	Trade Between U.S. Affiliates and Their Parent Groups, 1977, 1980–89	9
1.5	U.S. Intrafirm Trade Associated with U.S. MNCs and Non-U.S. MNCs, 1977, 1982, and 1989	10
2.1	Types of Income Adjustments Recommended by the IRS for Fiscal Years 1980 and 1981	20
2.2	New and Proposed Transfer Pricing Regulations in the United States	22
3.1	Bilateral Direct Investment Positions Between Canada and the United States, 1970, 1980–90	35
3.2	Trade Between Related Companies in the United States and Canada, 1982–89	36
4.1	A Summary of Eight Empirical Studies on U.S. Transfer Pricing Practices	51

4.2	Industrial Classification of the Respondent Firms	62
4.3	Countries Accounting for the Greatest Dollar Amount of Exports to Foreign Subsidiaries by the Respondent Firms	64
4.4	Countries Where Greatest Dollar Amount of Imports from U.S. Subsidiaries Originated	65
5.1	Intracompany Transfers as Percentages of Total Revenue of Respondent Firms	69
5.2	The Use of Transfer Prices by Industry	69
5.3	Number of Transfer Pricing Methods Used by the Respondent Firms	70
5.4	Transfer Pricing Methods Used by the Respondent Firms	71
5.5	A Comparison Between the Transfer Pricing Methods Used by Respondent Firms in 1977 and 1990	73
5.6	Total Revenue and the Orientation of Dominant Domestic Transfer Prices	73
5.7	Total Revenue and the Orientation of Dominant International Transfer Prices	74
5.8	Conditions in Subsidiary's Country Inducing High and Low Transfer Prices on Flows Between Affiliates and Parents	76
6.1	Environmental Variables of International Transfer Pricing—Results from the 1990 Study	86
6.2	Corporate Income Tax Rates and Dividend Withholding Tax Rates in Selected Countries	88
6.3	Environmental Variables of International Transfer Pricing—A Comparison Between the 1977 and 1990 Studies	89
6.4	Correlation Matrix of Environmental Variables	92
6.5	Rotated Factor Matrix of Environmental Variables	94
6.6	A Summary of Five Dimensions of Variables	96
7.1	Dominant Transfer Pricing Objectives of U.S. Firms in 1977 and 1990	100

7.2	The Authority for Formulating Transfer Pricing Policies of U.S. Firms in 1977 and 1990	101
7.3	How Policy Disagreements Were Settled Among U.S. Firms in 1977 and 1980	103
7.4	Outside Purchasing Policies for Domestic Divisions of U.S. Firms in 1977 and 1990	105
7.5	Outside Purchasing Policies for Foreign Divisions of U.S. Firms in 1977 and 1990	105

FIGURES

1.1	Types of Intrafirm Transactions and Transfer Prices	4
1.2	Transfer Pricing and Its Interfaces with Selected Disciplines	12
4.1	Eccles' Model for the Causes and Effects of Transfer Pricing	55
4.2	Model of Transfer Pricing Choice within the Firm	57
4.3	Sales Revenue of the 143 Respondent Firms	63
4.4	Exports to Foreign Affiliates by 113 Respondent Firms, 1989	63
4.5	Imports from Foreign Subsidiaries to 109 Respondent Firms, 1989	64
5.1	The Extent of Usage of Transfer Prices by Countries	70
6.1	Stakeholders and Environmental Variables of International Transfer Pricing	82

Introduction

Transfer pricing is the process for determining the prices of goods and services transferred among organizational units. The entities involved can be departments, divisions, or related companies of a corporate family. In the past, many authors have recognized the significance and difficulties of transfer pricing. For example, in an earlier edition of his popular textbook, Horngren (1977, p. 679) stated that “transfer pricing information affects many critical decisions concerning the acquisition and allocation of an organization’s resources, just as prices in the entire economy affect decisions concerning the allocation of a nation’s resources.” Eccles (1985, p. 1) commented that “the transfer pricing problem is a difficult and frustrating one. Although there has been substantial interest in this problem among academics, many managers regard it as unsolved and unsolvable.”

In a multinational context, the problem takes on new dimensions such as international taxation, tariffs, foreign currency translations, and the like. These dimensions (or environmental variables) of transfer pricing may have enormous control implications for a multinational company.

Because of the importance and complexity of the transfer pricing problem, many issues in this area have been discussed extensively in business and economic literature. Most of the studies, however, deal with the theoretical merits of various pricing methods. A list of major proposals on proper transfer prices can be seen in Table 1.1. These proposals range from doing away with transfer pricing under most circumstances to using different prices for different purposes. However, the arguments put forward by these authors are often inconsistent and sometimes even contradict each other.

Table 1.1
Major Proposals on Proper Transfer Price(s)

-
- I. Do away with transfer price under most circumstances: Wells (1968, 1971)
 - II. Cost-oriented methods:
 - A. Economic cost-oriented methods:
 - 1. Marginal cost: Hirschleifer (1956); McMurray (1961)
 - 2. Opportunity cost: Samuels (1965); Onsi (1970); Holstrum and Sauls (1973)
 - B. Accounting cost or cost-plus methods:
 - 1. Incremental cost: Goetz (1967)
 - 2. Standard variable cost plus the cost contribution margin: Benke and Edwards (1980)
 - 3. Cost plus some allowance for profit: Gordon (1970); Crompton (1972); Vendig (1973)
 - III. Market-oriented methods:
 - Market price: Cook (1955); also proposed by Hirschleifer (1956) under some circumstances
 - IV. Negotiated price: Dean (1955); LJ (1965); Haidinger (1970); Fremgen (1970); Shaub (1978)
 - V. Contribution approach: Schwab (1975)
 - VI. Dual pricing (the use of two transfer prices): Drebin (1959); Greer (1962); Edwards and Roemmich (1976); Cassel and McCormack (1987)
 - VII. Mathematical programming:
 - A. The decomposition procedure: Dantzig and Wolfe (1963); Baumol and Fabian (1964); Charles, Clower and Kortanek (1967); Hass (1968); Love (1980)
 - B. Linear programming: Petty and Walker (1972)
 - C. Goal programming: Bailey and Boe (1976); Merville and Petty (1979)
 - D. Other methods: Rutenberg (1970); Manes and Verrecchia (1982); Emmanuel and Gee (1982); Kant (1988)
 - VIII. Different prices for different purposes: Bierman (1959); Lococo (1983)
-

Source: Compiled by the author. An earlier version of this table was shown in Tang (1979, p. 10).

Note: The years in parentheses represent the years the authors' articles or books were published. Complete references can be found at the end of Chapter 1.

The crucial fact is that a single transfer price will meet all the needs of an organization only rarely. The appropriate transfer price depends on the economic and legal circumstances and the decision at hand (Horngren 1977, p. 689). This is equally true in international transfer pricing. As observed by Granick (1975, p. 39), "not only do systems of transfer pricing within large organizations differ among industrial nations, but . . . no single system is best in all managerial environments." The implication is that situation-specific answers may be necessary to solve many of the problems facing management of multinational companies. One way to find

out these answers is to conduct systematic long-range monitoring and analysis of transfer pricing practices of multinational companies. In addition, greater emphasis should be placed on the development of transfer pricing strategies that take the constantly changing environmental variables into consideration.

To respond to these needs, the author undertook a series of studies of transfer pricing practices in four industrialized nations (the United States, Japan, Canada, and Britain) in the 1970s and early 1980s. The result of these studies were published in Tang (1979, 1981).

The need for effective transfer pricing systems remained strong throughout the 1980s and in the early 1990s. The focus of transfer pricing has shifted gradually, however, from domestic to international and tax issues. Many legislative changes implemented in the 1980s may have enormous ramifications for tax planning and the management of a multinational transfer pricing system in the future. In 1990, the author conducted another transfer pricing survey of the Fortune 500 companies. The findings and results of that study will be presented in this book.

In the remainder of this chapter, we will discuss the following:

- Types of intrafirm transactions in a corporate environment,
- Megatrends and the significance of intrafirm transactions in international trade, and
- The need for a multidisciplinary approach to solve many problems in transfer pricing.

An overview of the book will also be provided in the last section of the chapter.

INTRAFIRM TRANSACTIONS IN A CORPORATE ENVIRONMENT

To comprehend the magnitude and complexity of the transfer pricing problems, it is necessary to understand the nature of various forms of intrafirm transactions. As shown in Figure 1.1, these transactions cover a wide variety of transfers between divisions within a firm or between related units of multinational companies (MNCs). These transactions include transfers of goods and services, transfers or uses of intangible property, uses of tangible property loans, and intrafirm financing and other cost-sharing arrangements. Related transfer prices for these intrafirm