



Competent Authority Filing Modifications and APMA APA Consultations

IRS officials today announced certain modifications to procedures for filing documents under Rev. Proc. 2015-40, 2015-35 IRB 236 (mutual agreement procedure (MAP) requests), and Rev. Proc. 2015-41, 2015-35 IRB 263 (advance pricing agreement (APA) requests and APA annual reports). Officials also provided responses from the Advance Pricing and Mutual Agreement program (APMA) to an increasing number of questions it has received about how the current economic environment is affecting its handling of pending APAs and executed APAs.

Pursuant to temporary guidance issued by the Deputy Commissioner, Services and Enforcement (DCSE), on March 27, 2020, any documents requiring the taxpayer's signature under either Rev. Proc. 2015-40 or 2015-41 may be submitted with either an image of the taxpayer's signature (scanned or photographed) or the taxpayer's digital signature created using encryption techniques to provide proof of original and unmodified documentation. Either form of signature is acceptable. Also pursuant to the DCSE guidance, all submissions required by either Rev. Proc. 2015-40 or 2015-41 may be filed electronically; paper copies are not required. Taxpayers with questions about these modifications may contact the Treaty Assistance and Interpretation Team (TAIT) or the applicable APMA program manager (see below).

With regard to questions about pending and executed APAs, APMA is actively discussing various substantive and procedural issues with treaty partners, including such technical issues as the application of transfer pricing methods in periods of economic distress and the impacts of current economic conditions on specific industries, types of taxpayer, regions, etc. Stakeholders wishing to discuss these and other general issues with APMA are asked to contact the appropriate APMA Assistant Director.

APMA will also discuss case-specific issues and concerns with taxpayers and treaty partners. In order to organize, prioritize, and coordinate consultation requests, APMA asks that questions regarding executed APAs in which 2020 is a covered year be directed to the appropriate APMA Assistant Director. Questions regarding pending APAs including 2020 should be directed to the assigned APMA Team Leader. Based upon the specific facts and circumstances at hand, such as the status of negotiations with the treaty partner, APMA will decide whether and when a meeting with the taxpayer would be productive. When arranging any such meeting, APMA will ask that background information (such as a narrative about the issues and concerns being raised and current and forecast financial information), as well as any specific request or proposal concerning an executed or pending APA, be provided in writing at least two weeks in advance.

Questions about this announcement may be directed as follows: regarding submissions for TAIT under Rev. Proc. 2015-40, please contact the TAIT program manager (202-317-8938); regarding submissions for APMA under Rev. Proc. 2015-40 or 2015-41, please contact the applicable APMA program manager identified on the

APMA contacts webpage (<https://www.irs.gov/businesses/corporations/apma-contacts>) ; regarding any other questions on APAs, please contact any APMA Assistant Director or the APMA Director per the APMA contacts webpage.

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