

# Turkey Country Profile

EU Tax Centre

June 2017

## Key tax factors for efficient cross-border business and investment involving Turkey

**EU Member State** No

**Double Tax Treaties** With:

Albania	France	Luxembourg	Serbia
Algeria	Gambia <sup>(a)</sup>	Macedonia	Singapore
Australia	Georgia	Malaysia	Slovakia
Austria	Germany	Malta	Slovenia
Azerbaijan	Greece	Mexico	South Africa
Bahrain	Hungary	Moldova	Spain
Bangladesh	India	Mongolia	Sudan
Belarus	Indonesia	Montenegro	Sweden
Belgium	Iran	Morocco	Switzerland
Bosnia & Herzegovina	Rep. of Ireland	Netherlands	Syria
Brazil	Israel	New Zealand	Tajikistan
Bulgaria	Italy	Norway	Thailand
Canada	Japan	Oman	TRN Cyprus
China	Jordan	Pakistan	Tunisia
Croatia	Kazakhstan	Palestine <sup>(a)</sup>	Turkmenistan
Czech Rep.	Rep. of Korea	Philippines <sup>(a)</sup>	UAE
Denmark	Kosovo	Poland	UK
Egypt	Kuwait	Portugal	Ukraine
Estonia	Kyrgyzstan	Qatar	US
Ethiopia	Latvia	Romania	Uzbekistan
Finland	Lebanon	Russia	Vietnam <sup>(a)</sup>
	Lithuania	Saudi Arabia	Yemen

Note: (a) Treaties signed or initialized, but not yet in force.

**Forms of doing business**

Joint-stock corporation (Anonim Sirket - AS)  
Limited liability company (Limited Sirket - Ltd)

**Legal entity capital requirements**

AS: TL 50,000  
Ltd: TL 10,000

<b>Residence and tax system</b>	A company is resident if either its legal seat or its effective place of management is located in Turkey. Resident companies are taxed on their worldwide income.
<b>Compliance requirements for CIT purposes</b>	Generally, fiscal year is the same as calendar year. Corporate tax declarations are made on an annual basis through a corporate tax return. This return can be filed until April 25 following the close of the fiscal year. Companies must file advance tax returns for their quarterly profits. Total corporate taxes declared through the advance tax returns are offset against the final corporate tax payable. Advance tax returns can be filed until the 14th and paid until the 17th of the second month following the end of each quarter.
<b>Tax rate</b>	The standard corporate income tax rate is 20 percent. Reduced rates may be available for companies who hold a certificate for incentivized investments.
<b>Withholding tax rates</b>	<p><b>On dividends paid to non-resident companies</b></p> <p>15 percent.</p> <p><b>On interest paid to non-resident companies</b></p> <p>Rates vary from 0 percent to 10 percent depending on the type of interest and type of receiving entity.</p> <p><b>On patent royalties and certain copyright royalties paid to non-resident companies</b></p> <p>20 percent.</p> <p><b>On fees for technical services</b></p> <p>20 percent.</p> <p><b>On other payments</b></p> <p>20 percent.</p> <p><b>Branch withholding taxes</b></p> <p>15 percent.</p>
<b>Holding rules</b>	<p><b>Dividend received from resident/non-resident subsidiaries</b></p> <p>Dividends received from resident subsidiaries are exempt from corporate tax without further conditions. Dividends received from non-resident subsidiaries may be exempt under certain conditions; otherwise credit method is applicable:</p> <ul style="list-style-type: none"> <li>■ Participation requirement: 10 percent of the paid-in capital of the subsidiary;</li> <li>■ Minimum holding period: one year as of the date that earnings are generated;</li> <li>■ Taxation requirement: 15 percent (including corporate and dividend taxes), or 20 percent (if financing, insurance or capital investments companies);</li> <li>■ Dividends should be transferred to Turkey before the corporate tax filing date of the related fiscal year.</li> </ul>



### Capital gains obtained from resident/non-resident subsidiaries

Subject to tax at 20 percent.

Exemption (75 percent) of capital gains derived from disposal of shares and immovable property held for two full years, subject to certain conditions.

Specific exemption (100 percent) related to sale of shares in foreign subsidiaries (10 percent minimum shareholding) held for two full years subject to certain conditions.

### Tax losses

Losses can be carried forward for a five-year period. Loss carry-back is not possible.

### Tax consolidation rules/Group relief rules

No

### Registration duties

0.04 percent fund payable on capital contribution.

### Transfer duties

#### On the transfer of shares

No

#### On the transfer of land and buildings

2 percent for seller and buyer separately over the sales amount.

#### Stamp duties

Agreements are normally subject to stamp tax at 0.948 percent (capped at TRY 1,865,947 for 2017) but there are certain exemptions which may apply based on certain conditions.

#### Real estate taxes

For buildings: 0.1 percent, 0.2 percent and 0.4 percent of the value calculated by using the value per square meters set by the Authorities. For land and plots: 0.1 percent, 0.2 percent, 0.3 percent and 0.6 percent (depending on the location of property).

### Controlled Foreign Company rules

Yes (foreign subsidiaries that are at least 50 percent controlled by Turkish residents may be qualified as a CFC under certain conditions).

### Transfer pricing rules

#### General transfer pricing rules

According to Transfer Pricing rules, if companies enter into transactions with related individuals/parties by setting prices or amounts that are not in line with



the arm's length principle, related profits will be treated as if they were wholly or partially distributed.

#### Documentation requirement

Yes, Transfer Pricing rules set forth detailed documentation requirements to explain and support the determination of the transfer prices used in dealings with related parties. Submission (upon request) of a transfer pricing report is required if:

- the company is a large company (based on annual net sales), registered with the VIP tax office;
- the company is not a large company but has transactions with foreign related parties.

Transactions between domestic parties do not require a transfer pricing report for small and medium-sized companies.

#### Thin capitalization rules

A 3:1 debt-to-equity ratio applies in the case of borrowings obtained directly or indirectly from related parties. The ratio is 6:1 if the related party providing the loan is a bank or financial institution (excluding those which are solely involved in the financing of group companies).

#### General Anti-Avoidance rules (GAAR)

Substance over form principle applies.

#### Specific Anti-Avoidance rules/Anti Treaty Shopping Provisions

CFC, thin capitalization rules, transfer pricing rules, taxation of payments to low tax jurisdictions.

#### Advance Ruling system

Yes

#### IP / R&D incentives

R&D Incentives - 100 percent deduction in the CIT calculation; also exemption from income tax and social security contribution of R&D employees.

#### Other incentives

Incentives under Investment Incentive Regime (Reduced rate corporate tax, VAT, Customs duty, Social security, Income tax) available for investments under certain conditions and subject to an Investment Incentive Certificate.

#### VAT

The standard rate is 18 percent, and the reduced rates are 8 and 1 percent.

#### Other relevant points of attention

Turkey also has special tax exemptions for holding companies that are established for investment in foreign subsidiaries.

Source: Turkish tax law and local tax administration guidelines, updated 2017.



## Contact us

### Eray Buyuksekban

#### KPMG in Turkey

T +90 21 668 19 000

E [ebuyuksekban@kpmg.com](mailto:ebuyuksekban@kpmg.com)

### Cakmak Timur

#### KPMG in Turkey

T +90 31 249 17 231

E [tcakmak@kpmg.com](mailto:tcakmak@kpmg.com)

### Asli Melek Gulseren

#### KPMG in Turkey

T +90 21 668 19 000

E [agulseren@kpmg.com](mailto:agulseren@kpmg.com)

### Mehmet Dogan

#### KPMG in Turkey

T +90 21 668 19 000

E [mdogan@kpmg.com](mailto:mdogan@kpmg.com)

[www.kpmg.com](http://www.kpmg.com)

© 2017 KPMG International Cooperative ("KPMG International"), a Swiss entity. Member firms of the KPMG network of independent firms are affiliated with KPMG International. KPMG International provides no client services. No member firm has any authority to obligate or bind KPMG International or any other member firm vis-à-vis third parties, nor does KPMG International have any such authority to obligate or bind any member firm. All rights reserved.

Country Profile is published by KPMG International Cooperative in collaboration with the EU Tax Centre. Its content should be viewed only as a general guide and should not be relied on without consulting your local KPMG tax adviser for the specific application of a country's tax rules to your own situation. The information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavor to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.

The KPMG name and logo are registered trademarks or trademarks of KPMG International.

