



Federal Ministry of Finance, 11016 Berlin

By e-mail only

Supreme tax authorities of
the federal states

For information: Federal

Central Tax Office

Federal Finance Academy in
Federal Ministry of Finance

Subject: Fact sheet on the transaction matrix Section 90 (3) sentence 2 no. 1 AO

Publication of BMF letter

Attachments: 1

REF: IV B 3 - S 0225/00019/004/009

DOC: COO.7005.100.3.11712624

Page 1 from 1

(please GZ and DOK when answering)

Wilhelmstrasse 97
10117 Berlin

Phone +49 30 18 682-0

poststelle@bmf.bund.de

www.bundesfinanzministerium.de

April 2, 2025

Please find enclosed the information sheet on the transaction matrix within the meaning of Section 90 (3) sentence 2 no. 1 AO.

On behalf of

This document was created electronically and is valid without a signature.

Fact sheet on the transaction matrix within the meaning of section 90 (3) sentence 2 number 1 AO

With reference to the outcome of the discussion with the highest tax authorities of the federal states, the following applies to the transaction matrix within the meaning of section 90 (3) sentence 2 no. 1 AO:

I. General information	1
II. Components of a transaction matrix	1
III. Temporal application.....	2
IV. Sanction for failure to submit the transaction matrix.....	3
V. Final provision	3
VI. Annex 1.....	4

I. General information

The Fourth Act to Reduce Bureaucracy for Citizens, Business and the Administration (so-called Fourth Bureaucracy Reduction Act - BEG IV, Federal Law Gazette 2024 I No. 323) amended and restructured the record-keeping obligations for clearing price purposes in Section 90 (3) and (4) AO. In Section 90 (3) AO, the individual record-keeping obligations (transaction matrix, factual documentation and appropriateness documentation) are subdivided numerically. A new component of the records is the transaction matrix (Section 90 (3) sentence 2 number 1 AO), which has already been used in some cases in tax audits.

The transaction matrix is a structured, tabular overview that contains relevant information on the taxpayer's cross-border business relationships with related parties and permanent establishments. In particular, it supports risk-oriented case and audit field selection in the context of external audits.

II. Components of a transaction matrix

The transaction matrix must be specified:

- a) the **subject matter and type of business transactions** (e.g. delivery of goods and continuous business transactions),
- b) the **parties involved** in the business transactions, identifying **the service recipient and service provider**,
- c) **the volume and consideration** (in euros) of the business transactions (e.g. loan volume and interest or consideration for a delivery of goods or services),
- d) the **contractual basis** (designation of the contractual document),
- e) the applied **transfer pricing method (for example cost-plus method or comparable unrelated price method)**,
- f) the **tax jurisdictions concerned** and
- g) **whether transactions are not subject to standard taxation** in the relevant tax jurisdiction.

It should be noted that existing contracts only need to be named and not attached to the transaction matrix. Transactions are not subject to standard taxation, for example, if a tax preferential regime applies in connection with the corresponding transaction in the relevant tax jurisdiction (for example

patent box) is applied. Business transactions with a related party or permanent establishment in relation to a tax jurisdiction that are economically comparable in terms of functions and risks can be combined into groups for the preparation of records and must be entered accordingly in the transaction matrix (see Section 2 (3) GAufzV).

The tax authority can allow deviations in the form, content or scope of the transaction matrix. This enables application in practice to be adapted to the individual case, particularly in cases where an agreement has already been reached with the tax authority in the past on the structure of a transaction matrix for transfer pricing purposes (e.g. follow-up audit). If the taxpayer requests a different presentation of the transaction matrix, it must communicate and justify this at an early stage, at the latest within the 30-day period.

Two examples of a transaction matrix attached.

III. Temporal application

The new regulations of Section 90 AO apply from the 1.1.2025 (see Article 97, § 37 EGAO).

As a rule, transfer pricing records will be submitted as part of an external audit; the same applies to the submission of a transaction matrix. Therefore, in accordance with Section 90 (4) sentence 2 AO, from January 1, 2025, in the event of an external audit without a separate request within 30 days of notification of the audit order

- a) the master documentation if the size classes are exceeded,
- b) Records of extraordinary business transactions and
- c) submit the transaction matrix.

As an audit order issued in 2025 regularly also covers audit periods prior to 2025, a transaction matrix must also be prepared for previous years in these cases. The new regulations (the 30-day deadline) apply to a request for submission of the transaction matrix made in 2025, even if the audit order was issued before January 1, 2025.

Pursuant to Section 90 (4) sentence 1 AO, the tax authorities can request the submission of transfer pricing records at any time in accordance with Section 90 (3) AO (i.e. also outside of an external audit, for example for the purposes of a preliminary assessment procedure pursuant to Section 89a AO).

Example:

An external audit is planned at company X in 2025 for the years 2019 to 2022. In the case of an audit order, which will be announced on March 10, 2025 for the years 2019 to 2022, the transaction matrix (and, if applicable, the master documentation and records of extraordinary business transactions) must then be submitted within 30 days for this audit period without a separate request April 9, 2025.

In the case of external audits in which no foreign income tax matters are audited (in particular special VAT audits, external wage tax audits or insurance tax audits), the transaction matrix, the master documentation and the records of extraordinary business transactions must only be submitted on separate request and are therefore not automatically required to be submitted 30 days after notification of the audit order.

IV. Sanction for failure to submit the transaction matrix

If the transaction matrix is not submitted, a surcharge of EUR 5,000 must be imposed in accordance with Section 162 (4) sentence 1 AO.

V. Final provision

This letter will be published in the Federal Tax Gazette Part I. The BMF letter is now available for download for a transitional period on the website of the Federal Ministry of Finance (<http://www.bundesfinanzministerium.de>) under "Topics - Taxes - International tax law - General information".

Unofficial translation

VI. Appendix 1:

Transaction matrix (Example 1)

Taxable person¹: _____

Financial year: _____

Lfd. No.	Transaction partner ²	Subject and nature of the transaction	Volume	Fee (Euro)	Contractual basis	Transfer pricing method	Tax jurisdiction of the transaction partner	Deviation from the standard taxation of the transaction partner

¹ Indicate whether the taxable person is the recipient or the supplier. If necessary, separate tables for both cases.

² Indicate whether the transaction partner (participant in the business transaction) is the service recipient or service provider. If necessary, separate tables for both cases.

