

§ 1.6662-1

26 CFR Ch. I (4-1-04 Edition)

§ 1.6662-6 Transactions between persons described in section 482 and net section 482 transfer price adjustments.

- (a) In general.
- (1) Purpose and scope.
- (2) Reported results.
- (3) Identical terms used in the section 482 regulations.
- (b) The transactional penalty.
 - (1) Substantial valuation misstatement.
 - (2) Gross valuation misstatement.
 - (3) Reasonable cause and good faith.
- (c) Net adjustment penalty.
 - (1) Net section 482 adjustment.
 - (2) Substantial valuation misstatement.
 - (3) Gross valuation misstatement.
 - (4) Setoff allocation rule.
 - (5) Gross receipts.
 - (6) Coordination with reasonable cause exception under section 6664(c).
 - (7) Examples.
- (d) Amounts excluded from net section 482 adjustments.
 - (1) In general.
 - (2) Application of a specified section 482 method.
 - (i) In general.
 - (ii) Specified method requirement.
 - (iii) Documentation requirement.
 - (A) In general.
 - (B) Principal documents.
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 - (3) Application of an unspecified method.
 - (i) In general.
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 - (A) In general.
 - (B) Specified method potentially applicable.
 - (C) No specified method applicable.
 - (iii) Documentation requirement.
- (A) In general.
- (B) Principal and background documents.
- (4) Certain foreign to foreign transactions.
- (5) Special rule.
- (6) Examples.
- (e) Special rules in the case of carrybacks and carryovers.
- (f) Rules for coordinating between the transactional penalty and the net adjustment penalty.
 - (1) Coordination of a net section 482 adjustment subject to the net adjustment penalty and a gross valuation misstatement subject to the transactional penalty.
 - (2) Coordination of net section 482 adjustment subject to the net adjustment penalty and substantial valuation misstatements subject to the transactional penalty.
- (3) Examples.
- (g) Effective date.

§ 1.6662-7 Omnibus Budget Reconciliation Act of 1993 changes to the accuracy-related penalty.

- (a) Scope.
- (b) No disclosure exception for negligence penalty.

(c) Disclosure standard for other penalties is reasonable basis.

(d) Reasonable basis.

[T.D. 8381, 56 FR 67497, Dec. 31, 1991; T.D. 8381, 57 FR 6165, Feb. 20, 1992, as amended by T.D. 8519, 59 FR 4794, Feb. 2, 1994; T.D. 8533, 59 FR 12548, Mar. 17, 1994; T.D. 8551, 59 FR 35031, July 8, 1994; T.D. 8617, 60 FR 45663, Sept. 1, 1995; T.D. 8656, 61 FR 4879, Feb. 9, 1996; T.D. 8656, 61 FR 14248, Apr. 1, 1996; T.D. 8790, 63 FR 66434, Dec. 2, 1998; T.D. 9109, 68 FR 75127, Dec. 30, 2003]

§ 1.6662-1 Overview of the accuracy-related penalty.

Section 6662 imposes an accuracy-related penalty on any portion of an underpayment of tax required to be shown on a return that is attributable to one or more of the following:

- (a) Negligence or disregard of rules or regulations;
- (b) Any substantial understatement of income tax;
- (c) Any substantial valuation misstatement under chapter 1;
- (d) Any substantial overstatement of pension liabilities; or
- (e) Any substantial estate or gift tax valuation understatement.

Sections 1.6662-1 through 1.6662-5 address only the first three components of the accuracy-related penalty, *i.e.*, the penalties for negligence or disregard of rules or regulations, substantial understatements of income tax, and substantial (or gross) valuation misstatements under chapter 1. The penalties for disregard of rules or regulations and for a substantial understatement of income tax may be avoided by adequately disclosing certain information as provided in § 1.6662-3(c) and §§ 1.6662-4(e) and (f), respectively. The penalties for negligence and for a substantial (or gross) valuation misstatement under chapter 1 may not be avoided by disclosure. No accuracy-related penalty may be imposed on any portion of an underpayment if there was reasonable cause for, and the taxpayer acted in good faith with respect to, such portion. The reasonable cause and good faith exception to the accuracy-related penalty is set forth in § 1.6664-4.

[T.D. 8381, 56 FR 67498, Dec. 31, 1991, as amended by T.D. 8617, 60 FR 45664, Sept. 1, 1995]