

## **JURISDICTIONS CONTEMPLATED IN ARTICLE 2(2)(ii)(b) OF THE COUNTRY-BY-COUNTRY REGULATIONS SPECIFYING THE CHANGES TO THE COUNTRY-BY-COUNTRY REPORTING STANDARD FOR MULTINATIONAL ENTERPRISES**

One of the outcomes of the G20/OECD Base Erosion and Profit Shifting project was the introduction of Country-by-Country (CbC) Reports for Multinational Enterprise (MNE) Groups. In this context an MNE Group is essentially a group that does business in more than one jurisdiction and has a total consolidated group revenue of €750 million (R10 billion in a South African context) or more. For the purposes of applying the €750 million threshold, regard should be had to the guidance that has been provided that, if a near equivalent amount in domestic currency of €750 million as of January 2015 is reflected in the CbC reporting legislation of the jurisdiction of tax residence of the Ultimate Parent Entity (UPE) of an MNE Group, this near equivalent should be used. (See IV.1. of the [Guidance on the Implementation of Country-by-Country Reporting – BEPS Action 13](#) (OECD Guidance).)

In terms of Article 2(2) of the regulations specifying the changes to the CbC Reporting Standard for Multinational Enterprises, published in *Government Gazette* No. 40516 of 23 December 2016 (CbC Regulations), a member of an MNE Group resident in South Africa that is not the UPE of the MNE Group may be required to file a CbC Report with SARS under three sets of circumstances. If any one of these sets of circumstances applies and acceptable alternative arrangements are not made by the MNE Group under Article 2(3) of the CbC Regulations, the filing requirement with SARS stands.

- a. The first set of circumstances relates to the absence of an obligation for the UPE of an MNE Group to file a CbC Report in its jurisdiction of tax residence during the relevant Reporting Fiscal Year. A summary of the dates when such an obligation first arises is [made available by the OECD](#). For purposes of considering whether this set of circumstances applies, regard should be had to the guidance that has been provided in respect of “parent surrogate filing”. (See V.1. of the OECD Guidance.)
- b. The second set of circumstances relates to cases where the jurisdiction in which the UPE of the MNE Group is tax resident has an International Agreement in place with South Africa but does not have a Qualifying Competent Authority Agreement *in effect* by the time the CbC Report must be filed.
- c. The final set of circumstances relates to cases where there has been a Systemic Failure of the jurisdiction in which the UPE of the MNE Group is tax resident. SARS is not aware of any such failures at this time.

The lists below are intended to assist members of MNE Groups tax resident in South Africa in complying with their obligations under the Article 2(2)(ii)(b) of the CbC Regulations.

The process of concluding and activating Qualifying Competent Authority Agreements is ongoing. It is, therefore, the intention to update the list of jurisdictions contemplated in Article 2(2)(ii)(b) of the CbC Regulations for the purposes of Article 2(4) of the CbC Regulations in future. While Article 2(4) provides for the issue of a list for purposes of Article 2(2)(ii)(b), it does not require exclusive reference to the list. Updates [made available by the OECD](#) in respect of Qualifying Competent Authority Agreements for the provision of information to South Africa may also be referred to.

Date of issue: 18 June 2024

	<b>Jurisdictions with both an International Agreement and a Qualifying Competent Authority Agreement in effect</b>	<b>Effective for Reporting Fiscal Years commencing on or after</b>
1.	Andorra	1 January 2017
2.	Anguilla*	1 January 2016
3.	Argentina	1 January 2016
4.	Aruba	1 January 2016
5.	Australia	1 January 2016
6.	Austria	1 January 2016
7.	Azerbaijan	1 January 2016
8.	Bahamas*	1 January 2019
9.	Bahrain*	1 January 2019
10.	Barbados	1 January 2017
11.	Belgium	1 January 2016
12.	Belize*	1 January 2016
13.	Bermuda*	1 January 2016
14.	Brazil	1 January 2016
15.	British Virgin Islands*	1 January 2016
16.	Bulgaria	1 January 2016
17.	Canada	1 January 2016
18.	Cayman Islands*	1 January 2016
19.	Chile	1 January 2017
20.	China (People's Republic of)	1 January 2017
21.	Colombia	1 January 2016
22.	Costa Rica	1 January 2016
23.	Croatia	1 January 2016
24.	Curaçao	1 January 2016
25.	Cyprus	1 January 2016
26.	Czech Republic	1 January 2016
27.	Denmark	1 January 2016
28.	Estonia	1 January 2016
29.	Finland	1 January 2016
30.	France	1 January 2016
31.	Germany	1 January 2016
32.	Gibraltar	1 January 2016
33.	Greece	1 January 2016
34.	Guernsey	1 January 2016
35.	Hong Kong	1 January 2016
36.	Hungary	1 January 2016
37.	Iceland	1 January 2016
38.	India	1 January 2016
39.	Indonesia	1 January 2016
40.	Ireland	1 January 2016
41.	Isle of Man	1 January 2016
42.	Israel	1 January 2017
43.	Italy	1 January 2016
44.	Japan	1 January 2016

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\* Non-reciprocal: Jurisdictions will supply CbC Reports to South Africa.

	<b>Jurisdictions with both an International Agreement and a Qualifying Competent Authority Agreement in effect</b>	<b>Effective for Reporting Fiscal Years commencing on or after</b>
45.	Jersey	1 January 2016
46.	Kazakhstan	1 January 2016
47.	Kenya	1 January 2021
48.	Korea	1 January 2016
49.	Latvia	1 January 2016
50.	Liberia*	1 January 2022
51.	Liechtenstein	1 January 2016
52.	Lithuania	1 January 2016
53.	Luxembourg	1 January 2016
54.	Macau, China*	1 January 2019
55.	Malaysia	1 January 2016
56.	Maldives	1 January 2023
57.	Malta	1 January 2016
58.	Mauritius	1 January 2016
59.	Mexico	1 January 2016
60.	Monaco	1 January 2018
61.	Netherlands	1 January 2016
62.	New Zealand	1 January 2016
63.	Nigeria	1 January 2016
64.	Norway	1 January 2016
65.	Oman*	1 January 2021
66.	Pakistan	1 January 2016
67.	Panama	1 January 2018
68.	Peru	1 January 2016
69.	Poland	1 January 2016
70.	Portugal	1 January 2016
71.	Qatar*	1 January 2017
72.	Romania*	1 January 2016
73.	Russia	1 January 2016
74.	San Marino	1 January 2016
75.	Saudi Arabia	1 January 2017
76.	Seychelles	1 January 2016
77.	Singapore	1 January 2016
78.	Slovak Republic	1 January 2016
79.	Slovenia	1 January 2016
80.	Spain	1 January 2016
81.	Sweden	1 January 2016
82.	Switzerland	1 January 2016
83.	Thailand	1 January 2016
84.	Tunisia*	1 January 2016
85.	Turkey	1 January 2019
86.	Turks & Caicos*	1 January 2016
87.	United Arab Emirates*	1 January 2019
88.	United Kingdom	1 January 2016

\* Non-reciprocal: Jurisdictions will supply CbC Reports to South Africa.

	<b>Jurisdictions with both an International Agreement and a Qualifying Competent Authority Agreement in effect</b>	<b>Effective for Reporting Fiscal Years commencing on or after</b>
89.	United States of America	1 January 2016
90.	Uruguay	1 January 2016

	<b>Jurisdictions with an International Agreement but no Qualifying Competent Authority Agreement in effect</b>
1.	Albania
2.	Algeria
3.	Antigua and Barbuda (from 1 January 2020)
4.	Armenia (from 1 January 2021)
5.	Belarus
6.	Bosnia & Herzegovina (from 1 January 2022)
7.	Botswana
8.	Brunei Darussalam (from 1 January 2020)
9.	Cabo Verde (from 1 January 2021)
10.	Cameroon
11.	Chile (from 11 August 2016) <sup>†</sup>
12.	China (People's Republic of) <sup>†</sup>
13.	Cook Islands (from 1 January 2018)
14.	Democratic Republic of Congo
15.	Dominica (from 1 January 2020)
16.	Dominican Republic (from 1 January 2020)
17.	Ecuador (from 1 January 2020)
18.	Egypt
19.	El Salvador (from 1 January 2020)
20.	Eswatini (Kingdom of)
21.	Ethiopia
22.	Faroe Islands
23.	Georgia
24.	Ghana
25.	Greenland
26.	Grenada (from 1 January 2019)
27.	Guatemala (from 1 January 2018)
28.	Iran
29.	Jamaica (from 1 January 2020)
30.	Jordan (from 1 January 2022)
31.	Kenya (from 19 June 2015)
32.	Kuwait (from 1 January 2019)
33.	Lebanon (from 1 January 2018)
34.	Lesotho
35.	Marshall Islands (from 1 January 2018)
36.	Moldova
37.	Mongolia (from 1 January 2021)
38.	Montenegro (from 1 January 2021)
39.	Montserrat
40.	Morocco (from 1 January 2020)
41.	Mozambique
42.	Namibia
43.	Nauru (from 1 January 2017)
44.	Niue (from 1 January 2017)
45.	North Macedonia (from 1 January 2021)
46.	Oman <sup>‡</sup>
47.	Paraguay (from 1 January 2022)

<sup>†</sup> Only for Reporting Fiscal Years commencing before 1 January 2017.

	<b>Jurisdictions with an International Agreement but no Qualifying Competent Authority Agreement in effect</b>
48.	Qatar <sup>†</sup>
49.	Rwanda
50.	Saint Kitts and Nevis (from 1 January 2017)
51.	Saint Lucia (from 1 January 2018)
52.	Saint Vincent and the Grenadines (from 1 January 2017)
53.	Samoa (from 1 January 2017)
54.	Senegal (from 1 January 2017)
55.	Serbia (from 1 January 2020)
56.	Sint Maarten
57.	Tanzania
58.	Turkey <sup>‡</sup>
59.	Uganda
60.	Ukraine
61.	United Arab Emirates (from 23 November 2016) <sup>‡</sup>
62.	Vanuatu (from 1 January 2019)
63.	Zimbabwe (from 1 December 2016)

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≠ Only for Reporting Fiscal Years commencing before 1 January 2021.

<sup>†</sup> Only for Reporting Fiscal Years commencing before 1 January 2017.

<sup>‡</sup> Only for Reporting Fiscal Years commencing before 1 January 2019.