

DRAFT LIST OF JURISDICTIONS CONTEMPLATED IN ARTICLE 2(2)(ii)(b) OF THE COUNTRY-BY-COUNTRY REGULATIONS SPECIFYING 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 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 OECD guidance that provides that, if a near equivalent amount in domestic currency of €750 million as of January 2015 is reflected in the Country-by-Country reporting legislation of the jurisdiction of tax residence of the Ultimate Parent Entity, this near equivalent should be used.

In terms of Article 2(2) of the regulations specifying the Country-by-Country 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 Ultimate Parent Entity of the MNE Group may be required to file a CbC Report with SARS under certain circumstances.

One of these circumstances is that the jurisdiction in which the Ultimate Parent Entity of the MNE Group is resident has an International Agreement in place with South Africa but does not have a Qualifying Competent Authority Agreement in place by the time the CbC Report must be filed. If acceptable alternative arrangements are not made by the MNE Group under Article 2(3) of the CbC Regulations, the filing requirement with SARS stands.

The draft lists below are intended to assist members of MNE Groups resident in South Africa in complying with their obligations under the CbC Regulations. The process of concluding and activating Qualifying Competent Authority Agreements is ongoing. It is, therefore, the intention to update the draft lists in October 2017 and issue the first 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 by the end of November 2017.

Comments on the draft lists must be submitted to acollins@sars.gov.za by no later than 6 October 2017.

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Jurisdictions with both an International Agreement and a Qualifying Competent Authority Agreement in place as at 31 August 2017	
1.	Australia
2.	Austria
3.	Belgium
4.	Brazil
5.	Canada
6.	Denmark
7.	Estonia
8.	Finland
9.	France
10.	Germany
11.	Guernsey
12.	Iceland
13.	Ireland
14.	Isle of Man
15.	Italy
16.	Jersey
17.	Liechtenstein
18.	Malaysia
19.	Mauritius
20.	Mexico
21.	Netherlands
22.	New Zealand
23.	Norway
24.	Slovenia
25.	Spain
26.	United Kingdom
27.	United States of America
28.	Uruguay

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	Jurisdictions with an International Agreement but no Qualifying Competent Authority Agreement in place as at 31 August 2017
1.	Albania
2.	Algeria
3.	Andorra
4.	Anguilla
5.	Argentina
6.	Aruba
7.	Azerbaijan
8.	Barbados
9.	Belarus
10.	Belize
11.	Bermuda
12.	Botswana
13.	British Virgin Islands
14.	Bulgaria
15.	Cameroon
16.	Cayman Islands
17.	Chile
18.	China
19.	Colombia
20.	Cook Islands
21.	Costa Rica
22.	Croatia
23.	Curacao
24.	Cyprus
25.	Czech Republic
26.	Democratic Republic of Congo
27.	Egypt
28.	Ethiopia
29.	Faroe Islands
30.	Georgia
31.	Ghana
32.	Gibraltar
33.	Greece
34.	Greenland
35.	Grenada
36.	Guatemala
37.	Hong Kong
38.	Hungary
39.	India
40.	Indonesia
41.	Iran
42.	Israel
43.	Japan
44.	Kazakhstan
45.	Kenya
46.	Korea
47.	Latvia
48.	Lebanon

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	Jurisdictions with an International Agreement but no Qualifying Competent Authority Agreement in place as at 31 August 2017
49.	Lesotho
50.	Lithuania
51.	Luxembourg
52.	Malta
53.	Marshall Islands
54.	Moldova
55.	Monaco
56.	Montserrat
57.	Mozambique
58.	Namibia
59.	Nauru
60.	Nigeria
61.	Niue
62.	Oman
63.	Pakistan
64.	Panama
65.	Poland
66.	Portugal
67.	Qatar
68.	Romania
69.	Russia Federation
70.	Rwanda
71.	Saint Kitts and Nevis
72.	Saint Lucia
73.	Saint Vincent and the Grenadines
74.	Samoa
75.	San Marino
76.	Saudi Arabia
77.	Senegal
78.	Seychelles
79.	Singapore
80.	Sint Maarten
81.	Slovak Republic
82.	Swaziland
83.	Sweden
84.	Switzerland
85.	Tanzania
86.	Tunisia
87.	Turkey
88.	Turks & Caicos Islands
89.	Uganda
90.	Ukraine
91.	United Arab Emirates
92.	Zimbabwe