

Anguilla

1. This report is Anguilla's first annual peer review report. Consistent with the agreed methodology this report covers: (i) the domestic legal and administrative framework, (ii) the exchange of information framework as well as (iii) the appropriate use of CbC reports. The first filing obligation for a CbC report in Anguilla commences on or after the 1 January 2019.

Summary of key findings

2. Anguilla's implementation of the Action 13 minimum standard meets all applicable terms of reference.

Part A: The domestic legal and administrative framework

3. Anguilla has primary law in place to implement the BEPS Action 13 minimum standard, establishing the necessary requirements including the filing and reporting obligations.

(a) Parent entity filing obligation

4. Anguilla has primary law which imposes a CbC filing obligation on Ultimate Parent Entities of MNE Groups which have a consolidated group revenue above a certain threshold, whereby all required Constituent Entities of the MNE Group are included in the CbC report and no entity is excluded from CbC Reporting other than permitted by the Action 13 report.

5. No inconsistencies were identified with respect to Anguilla's domestic legal framework in relation with the parent entity filing obligation.

(b) Scope and timing of parent entity filing

6. The first filing obligation for a CbC report in Anguilla commences in respect of fiscal years beginning on 1 January 2019. The CbC report must be filed within 12 months of the last day of the fiscal year of the MNE Group.

7. No inconsistencies were identified with respect to the scope and timing of parent entity filing.

(c) Limitation on local filing obligation

8. Anguilla does not have a local filing requirement.

(d) Limitation on local filing in case of surrogate filing

9. Anguilla does not have a local filing requirement.

(e) Effective implementation

10. Anguilla has legal mechanisms in place to enforce compliance with the minimum standard: there are notification requirement in place that apply to Anguillan entities. There are also penalties in place in relation to the non-filing or inaccurate filing of a CbC report.

11. Anguilla has a process to take appropriate measures in case it is notified by another jurisdiction that such other jurisdiction has reason to believe that an error may have led to incorrect or incomplete information reporting by a Reporting Entity or that there is non-compliance of a Reporting Entity with respect to its obligation to file a CbC report. Anguilla reports that Section 8 of its CbC regulations will be used. The competent authority may, by notice in writing, require an entity to give the competent authority within 14 days any information that the competent authority may reasonably require for any purpose related to the administration or enforcement of these regulations.

Conclusion

12. Anguilla meets all the terms of reference with regard to its domestic and legal framework.

Part B: The exchange of information framework***(a) Exchange of information framework***

13. As of 31 May 2019, Anguilla has 34 bilateral relationships in place for the exchange of CbC reports including those activated under the CbC MCAA. Within the context of its international exchange of information agreements that allow automatic exchange of information, Anguilla has taken steps to have Qualifying Competent Authority agreements in effect with jurisdictions of the Inclusive Framework that meet the confidentiality, consistency and appropriate use conditions¹. Regarding Anguilla's exchange of information framework, no inconsistencies with the terms of reference were identified.

(b) Content of information exchanged

14. Anguilla has processes and is implementing written procedures that are intended to ensure that each of the mandatory fields of information required in the CbC reporting template are present in the information exchanged. As Anguilla will not be exchanging CbC reports yet no recommendation is given and the implementation will be monitored.

(c) Completeness of exchanges

15. Anguilla has processes and is implementing written procedures that are intended to ensure that CbC reports are exchanged with all tax jurisdictions listed in Table 1 of a CbC report with which it should exchange information as per the relevant QCAA. As Anguilla will not be exchanging CbC reports yet no recommendation is given and the implementation will be monitored

(d) Timeliness of exchanges

16. Anguilla has processes and is implementing written procedures in place that are intended to ensure that the information to be exchanged is transmitted to the relevant jurisdictions in accordance with the timelines provided for in the relevant QCAs. As Anguilla will not be exchanging CbC reports yet no recommendation is given but the implementation will be monitored

(e) Temporary suspension of exchange or termination of QCAA

17. Anguilla has processes and is implementing written procedures in place that are intended to ensure that a temporary suspension of the exchange of information or termination of a relevant QCAA would be carried out only as per the conditions set out in the relevant QCAA. As Anguilla will not be exchanging CbC reports yet no recommendation is given but the implementation will be monitored

(f) Consultation with other Competent Authority before determining systemic failure or significant non-compliance

18. Anguilla has processes and is implementing written procedures in place that are intended to ensure that its Competent Authority consults with the other Competent Authority before making a determination of systemic failure or significant non-compliance with the terms of the relevant QCAA by that other Competent Authority.

(g) Format for information exchange

19. Anguilla confirms that it uses the OECD XML Schema and User Guide (OECD, 2017^[3]) the international exchange of CbC reports.

(h) Method for transmission

20. Anguilla indicates that it will use the Common Transmission System to exchange CbC reports.

Conclusion

21. Anguilla has in place the necessary processes to ensure that the exchange of information is conducted in a manner consistent with the terms of reference relating to the exchange of information framework. Anguilla meets all the terms of reference regarding the exchange of information.

Part C: Appropriate use

22. Anguilla is a non-reciprocal jurisdiction and, as such, will not receive CbC reports submitted to tax authorities in other jurisdictions, and will not apply local filing. It is therefore not necessary for this peer review evaluation to reach any conclusions with respect to appropriate use of the reports.

Conclusion

23. Anguilla is a non-reciprocal jurisdiction and, as such, will not receive CbC reports submitted to tax authorities in other jurisdictions, and will not apply local filing. It is therefore not necessary for this peer review evaluation to reach any conclusions with respect to Anguilla's compliance with paragraphs 11(a), (b), (c) and (d) and paragraph 12(a) of the terms of reference on appropriate use.

Summary of recommendations on the implementation of Country-by-Country Reporting

Aspect of the implementation that should be improved		Recommendation for improvement
Part A	Domestic legal and administrative framework	-
Part B	Exchange of information framework	-
Part B	Exchange of information framework	-
Part C	Appropriate use	-

Notes

¹ No inconsistency with the terms of reference will be identified where a QCAA is not in effect with one or more jurisdictions of the Inclusive Framework that meet the confidentiality, consistency and appropriate use conditions, but this is due to circumstances that are not under the control of the reviewed jurisdiction. This may include, for example, where the other jurisdiction intends to exchange CbC reports using the MCAA but it does not have the Convention in effect for the relevant fiscal period, or where the other jurisdiction has declined to have a QCAA in effect with the reviewed jurisdiction.



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