

Antigua and Barbuda

Antigua and Barbuda has met all aspects of the terms of reference (OECD, 2021^[3]) (ToR) for the calendar year 2020 (year in review) that can be met in the absence of rulings being issued in practice, and no recommendations are made.

Antigua and Barbuda can legally issue four types of rulings within the scope of the transparency framework.

In practice, Antigua and Barbuda issued no rulings within the scope of the transparency framework.

As no exchanges were required to take place, no peer input was received in respect of the exchanges of information on rulings received from Antigua and Barbuda.

A. The information gathering process (ToR I.A)

50. Antigua and Barbuda can legally issue the following four types of rulings within the scope of the transparency framework: (i) cross-border unilateral APAs and any other cross-border unilateral tax rulings (such as an advance tax ruling) covering transfer pricing or the application of transfer pricing principles; (ii) rulings providing for unilateral downward adjustments; (iii) permanent establishment rulings; and (iv) related party conduit rulings.

51. For Antigua and Barbuda, past rulings are any tax rulings issued prior to 1 March 2019. Future rulings are any tax rulings within scope that are issued on or after 1 March 2019.

52. In the prior year peer review report, it was determined that Antigua and Barbuda's undertakings to identify past and future rulings and all potential exchange jurisdictions were sufficient to meet the minimum standard. In the prior year, Antigua and Barbuda indicated the possibility to introduce an internal electronic repository of rulings issued. In the year in review, Antigua and Barbuda confirmed that rulings issued will be stored on the internal drive of the Competent Authority to facilitate electronic access to this information. In the year in review, Antigua and Barbuda has also advanced the drafting of the Tax Administration and Procedures Act (TAPA) Regulations to formally require that the necessary information to meet the requirements of the transparency framework would be obtained in all cases and indicated the intention to complete the regulations by the end of 2021. In addition, it was determined that Antigua and Barbuda's review and supervision mechanism was sufficient to meet the minimum standard. Antigua and Barbuda's implementation remains unchanged, and therefore continues to meet the minimum standard.

53. Antigua and Barbuda has met all of the ToR for the information gathering process that can be met in the absence of rulings being issued and no recommendations are made.

B. The exchange of information (ToR II.B)

54. Antigua and Barbuda has international agreements permitting spontaneous exchange of information, including being a party to (i) the *Multilateral Convention on Mutual Administrative Assistance in Tax Matters: Amended by the 2010 Protocol* (OECD/Council of Europe, 2011^[4]) ("the Convention"), (ii) bilateral agreements in force with 11 jurisdictions and tax information exchange agreements in force with 11 jurisdictions.¹

55. As Antigua and Barbuda did not issue any future rulings within the scope of the transparency framework in the relevant period, Antigua and Barbuda was not required to exchange any information on rulings in the year in review and no data on the timeliness of exchanges can be reported.

56. In the prior year peer review report, it was determined that Antigua and Barbuda's process for the completion and exchange of templates were sufficient to meet the minimum standard. With respect to past rulings, no further action was required. Antigua and Barbuda's implementation in this regard remains unchanged and therefore continues to meet the minimum standard.

57. Antigua and Barbuda has the necessary legal basis for spontaneous exchange of information. Antigua and Barbuda has met all of the ToR for the exchange of information process that can be met in the absence of rulings being issued and exchanged in practice and no recommendations are made.

C. Matters related to intellectual property regimes (ToR I.A.1.3)

58. Antigua and Barbuda does not offer an intellectual property regime for which transparency requirements under the Action 5 Report (OECD, 2015^[1]) were imposed.

Summary of recommendations on implementation of the transparency framework

Aspect of implementation of the transparency framework that should be improved	Recommendation for improvement
	No recommendations are made.

References

- OECD (2021), *BEPS Action 5 on Harmful Tax Practices - Terms of Reference and Methodology for the Conduct of the Peer Reviews of the Action 5 Transparency Framework*, OECD Publishing, Paris, <http://www.oecd.org/tax/beps/beps-action-5-harmful-tax-practices-peer-review-transparency-framework.pdf>. [3]
- OECD (2015), *Countering Harmful Tax Practices More Effectively, Taking into Account Transparency and Substance, Action 5 - 2015 Final Report*, OECD/G20 Base Erosion and Profit Shifting Project, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264241190-en>. [1]
- OECD (ed.) (2017b), *Harmful Tax Practices - 2017 Progress Report on Preferential Regimes*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264283954-en>. [2]
- OECD/Council of Europe (2011), *The Multilateral Convention on Mutual Administrative Assistance in Tax Matters: Amended by the 2010 Protocol*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264115606-en>. [4]

Notes

¹ Participating jurisdictions to the Convention are available here: www.oecd.org/tax/exchange-of-tax-information/convention-on-mutual-administrative-assistance-in-tax-matters.htm. Antigua and Barbuda also has bilateral agreements with Switzerland and jurisdictions party to the CARICOM agreement. Tax information exchange agreements with Aruba, Australia, Denmark, Finland, France, Germany, Ireland, Netherlands, Norway, United Kingdom and United States also permit for the spontaneous exchange of information.



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