

Saint Lucia

Saint Lucia has met all aspects of the terms of reference (OECD, 2021^[1]) (ToR) for the calendar year 2022 (year in review), except for identifying all potential exchange jurisdictions for future rulings (ToR I.A.2.1). Saint Lucia receives one recommendation on this point for the year in review.

In the prior year report, as well as in the 2018-2020 peer reviews, Saint Lucia had received the same recommendation. As it has not been addressed, the recommendation remains in place

Saint Lucia can legally issue two types of rulings within the scope of the transparency framework.

In practice, Saint Lucia issued rulings within the scope of the transparency framework as follows:

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

Information gathering process (ToR I.A)

1002. Saint Lucia can legally issue the following two types of rulings within the scope of the transparency framework: (i) preferential regimes;¹ and (ii) permanent establishment rulings.

Past rulings (ToR I.A.1.1, I.A.1.2, I.A.2.1, I.A.2.2)

1003. For Saint Lucia, past rulings are any tax rulings issued prior to 1 September 2018. However, there is no obligation for Saint Lucia to conduct spontaneous exchange information on past rulings.

Future rulings (ToR I.A.1.1, I.A.1.2, I.A.2.1)

1004. For Saint Lucia, future rulings are any tax rulings within scope that are issued on or after 1 September 2018.

1005. In the prior year's peer review report, it was determined that Saint Lucia's undertakings to identify future rulings and all potential exchange jurisdictions have met all the ToR, except for the fact that taxpayers are not required to provide information on permanent establishments and ultimate parent companies, which means that not all information on potential exchange jurisdictions is collected. Therefore, Saint Lucia was recommended to ensure that all potential exchange jurisdictions are identified swiftly for all future rulings.

1006. During the year in review, no additional work was undertaken and therefore, the prior year recommendation remains.

Review and supervision (ToR I.A.3)

1007. In the prior year's peer review report, it was determined that Saint Lucia's review and supervision mechanism was sufficient to meet the minimum standard. Saint Lucia's implementation in this regard remains unchanged, and therefore continues to meet the minimum standard.

Conclusion on section A

1008. Saint Lucia has met all of the ToR for the information gathering process except for identifying all potential exchange jurisdictions for future rulings (ToR I.A.2.1). Saint Lucia is recommended to ensure that all potential exchange jurisdictions are identified swiftly for all future rulings.

Exchange of information (ToR II.B)

1009. Saint Lucia has the necessary domestic legal basis to exchange information spontaneously. Saint Lucia notes that there are no legal or practical impediments that prevent the spontaneous exchange of information on rulings as contemplated in the Action 5 minimum standard.

1010. Saint Lucia has international agreements permitting spontaneous exchange of information, including: (i) the *Multilateral Convention on Mutual Administrative Assistance in Tax Matters: Amended by the 2010 Protocol* (OECD/Council of Europe, 2011^[2]) ("the Convention") and (ii) bilateral agreements in force with 16 jurisdictions.²

1011. During the year in review, no exchanges were required to take place and no data on the timeliness of exchanges is reported.

1012. In the prior years' peer review reports, it was determined that Saint Lucia's process for the completion and exchange of templates were sufficient to meet the minimum standard. Saint Lucia's implementation in this regard remains unchanged and therefore continues to meet the minimum standard.

1013. Saint Lucia has the necessary legal basis for spontaneous exchange of information, a process for completing the templates in a timely way and has completed all exchanges. Saint Lucia has met all of the ToR for the exchange of information process and no recommendations are made.

Statistics (ToR IV.D)

1014. As no rulings were issued, no statistics can be reported.

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

1015. Saint Lucia does not offer an intellectual property regime for which transparency requirements under the Action 5 Report (OECD, 2015^[3]) 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
Saint Lucia does not require taxpayers to provide all necessary information to identify all potential exchange jurisdictions for future rulings.	Saint Lucia is recommended to ensure that all potential exchange jurisdictions are identified swiftly for all future rulings. This recommendation remains unchanged since the 2018, 2019, 2020 and 2021 peer review reports.

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, <https://www.oecd.org/tax/beps/beps-action-5-harmful-tax-practices-peer-review-transparency-framework.pdf>. [1]
- 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://doi.org/10.1787/9789264241190-en>. [3]
- OECD/Council of Europe (2011), *The Multilateral Convention on Mutual Administrative Assistance in Tax Matters: Amended by the 2010 Protocol*, OECD Publishing, Paris, <https://doi.org/10.1787/9789264115606-en>. [2]

Notes

¹ 1) International business company, 2) International trust and 3) International partnership regimes.

² 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. Saint Lucia also has bilateral agreements with CARICOM jurisdictions and the United States.



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