New Zealand

New Zealand has met all aspects of the terms of reference (OECD, 2021[3]) (ToR) for the calendar year 2021 (year in review), and no recommendations are made.

New Zealand can legally issue five types of rulings within the scope of the transparency framework, but in practice only issues three types of rulings within the scope of the transparency framework.

In practice, New Zealand issued rulings within the scope of the transparency framework as follows:

Type of ruling	Number of rulings
Past rulings	69
Future rulings in the period 1 April 2016 – 31 December 2016	14
Future rulings in the calendar year 2017	15
Future rulings in the calendar year 2018	8
Future rulings in the calendar year 2019	21
Future rulings in the calendar year 2020	18
Future rulings in the year in review	20

Peer input was received from three jurisdictions in respect of the exchanges of information on rulings received from New Zealand. The input was positive, noting that information was complete, in a correct format and received in a timely manner.

Information gathering process (ToR I.A)

897. New Zealand can legally issue five types of rulings within the scope of the transparency framework, but in practice issues the three following 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) permanent establishment rulings; and (iii) related party conduit rulings.

898. For New Zealand, past rulings are any tax rulings within scope that are issued either: (i) on or after 1 January 2014 but before 1 April 2016; or (ii) on or after 1 January 2010 but before 1 January 2014, provided they were still in effect as at 1 January 2014. Future rulings are any tax rulings within scope that are issued on or after 1 April 2016.

899. In the prior years' peer review reports, it was determined that New Zealand's undertakings to identify past and future rulings and all potential exchange jurisdictions were sufficient to meet the minimum standard. In addition, it was determined that New Zealand's review and supervision mechanism was sufficient to meet the minimum standard. New Zealand's implementation remains unchanged, and therefore continues to meet the minimum standard.

900. New Zealand has met all of the ToR for the information gathering process and no recommendations are made.

Exchange of information (ToR II.B)

901. New Zealand has the necessary domestic legal basis to exchange information spontaneously. New Zealand 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.

902. New Zealand 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[1]) ("the Convention") and (ii) bilateral agreements in force with 40 jurisdictions.[1]

903. For the year in review, the timeliness of exchanges is as follows:

Future rulings within the scope of the transparency framework	Number of exchanges transmitted within three months of the information becoming available to the competent authority or immediately after legal impediments have been lifted	Delayed exchanges		
		Number of exchanges transmitted later than three months of the information on rulings becoming available to the competent authority	Reasons for the delays	Any other comments
	49	0	N/A	N/A

Follow-up requests received for exchange of the ruling	Number	Average time to provide response	Number of requests not answered
	0	N/A	N/A

904. In the prior years' peer review reports, it was determined that New Zealand'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. New Zealand's implementation in this regard remains unchanged and therefore continues to meet the minimum standard.

905. New Zealand 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. New Zealand has met all of the ToR for the exchange of information process and no recommendations are made.

Statistics (ToR IV.D)

906. The statistics for the year in review are as follows:

Category of ruling	Number of exchanges	Jurisdictions exchanged with
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	49	Australia, Austria, Barbados, Belgium, China (People's Republic of), Germany, Hong Kong (China), Indonesia, Ireland, Japan, Luxembourg, Malaysia, Netherlands, Philippines, Singapore, Switzerland, Thailand, United States
Permanent establishment rulings	0	N/A
Related party conduit rulings	0	N/A
Total	49	

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

907. New Zealand does not offer an intellectual property regime for which transparency requirements under the Action 5 Report (OECD, 2015[2]) 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.

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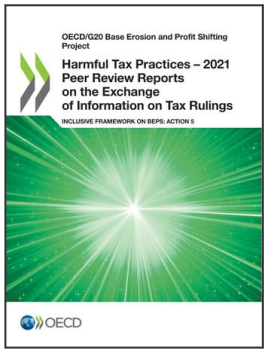
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Notes

[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. New Zealand also has bilateral agreements with Australia, Austria, Belgium, Canada, Chile, China (People's Republic of), Czech Republic, Denmark, Fiji, Finland, France, Germany, Hong Kong (China), India, Indonesia, Ireland, Italy, Japan, Korea, Malaysia, Mexico, Netherlands, Norway, Papua New Guinea, Philippines, Poland, Russia, Samoa, Singapore, South Africa, Spain, Sweden, Switzerland, Chinese Taipei, Thailand, Türkiye, United Arab Emirates, United Kingdom, United States, Viet Nam.



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