

## Senegal

Senegal is taking steps to implement the legal basis for the transparency framework and to commence administrative preparations to ensure that information on rulings will be exchanged in a timely manner, in line with the terms of reference (OECD, 2017<sup>[3]</sup>). Senegal is recommended to ensure that it has put in place an effective information gathering process and to implement a review and supervision mechanism, as soon as possible (ToR I.4). In addition, Senegal is recommended to develop a process to complete the templates on relevant rulings, to ensure that the exchanges of information on rulings occur in accordance with the form and timelines under the transparency framework going forward (ToR II.5).

This is Senegal's first review of implementation of the transparency framework.

Senegal can legally issue one type of rulings within the scope of the transparency framework. In practice, Senegal has issued no rulings in the year in review.

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

## Introduction

This peer review covers Senegal's implementation of the BEPS Action 5 transparency framework for the year 2018. The report has four parts, each relating to a key part of the ToR. Each part is discussed in turn. A summary of recommendations is included at the end of this report.

## A. The information gathering process

Senegal can legally issue one type of rulings within the scope of the transparency framework: cross-border unilateral advance pricing agreements (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. .

### ***Past rulings (ToR I.4.1.1, I.4.1.2, I.4.2.1, I.4.2.2)***

For Senegal, past rulings are any tax rulings within scope that are issued either (i) on or after 1 January 2016 but before 1 April 2018; and (ii) on or after 1 January 2014 but before 1 January 2016, provided still in effect as at 1 January 2016.

In Senegal, rulings are issued by the directorate of Legislation and International Cooperation, within the Tax Administration. This unit is responsible for storing and reviewing such rulings and has reviewed its files, being able to confirm that no past rulings have been issued. To date no rulings have been issued. As such there was no need to identify potential exchange jurisdictions.

### ***Future rulings (ToR I.4.1.1, I.4.1.2, I.4.2.1)***

For Senegal, future rulings are any tax rulings within scope that are issued on or after 1 April 2018.

No rulings were issued by Senegal during the future rulings period in the year of review. However, Senegal indicates that there are no processes in place for the record keeping of rulings for the purposes of the transparency framework. It is noted that Senegal intends to implement guidelines and practices to make sure the necessary information to meet the requirements of the transparency framework is required in all cases.

### ***Review and supervision (ToR I.4.3)***

Senegal did not yet have a review and supervision mechanism under the transparency framework for the year in review. Senegal is discussing the implementation of a revision and supervision mechanism for ensuring implementation of the transparency framework.

### ***Conclusion on section A***

Senegal is recommended to finalise its information gathering process, with a review and supervision mechanism, as soon as possible (ToR I.4).

## B. The exchange of information

### **Legal basis for spontaneous exchange of information (ToR II.5.1, II.5.2)**

Senegal has the necessary domestic legal basis to exchange information spontaneously. Senegal 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.

Senegal has international agreements permitting spontaneous exchange of information, including being a party to the (i) *Multilateral Convention on Mutual Administrative Assistance in Tax Matters: Amended by the 2010 Protocol* (OECD/Council of Europe, 2011<sup>[4]</sup>) (the “Convention”) and (ii) bilateral agreements in force with 24 jurisdictions.<sup>1</sup>

### **Completion and exchange of templates (ToR II.5.3, II.5.4, II.5.5, II.5.6, II.5.7)**

Senegal is still developing a process to complete the templates on relevant rulings, to make them available to the Competent Authority for exchange of information, and to exchange them with relevant jurisdictions.

As no exchanges were required to take place in the year of review, no data on the timeliness of exchanges can be reported.

### **Conclusion on section B**

Senegal is recommended to develop a process to complete the templates on relevant rulings and to ensure that the exchanges of information on rulings occur in accordance with the form and timelines under the transparency framework going forward (ToR II.5).

## C. Statistics (ToR IV)

As there were no rulings exchanged by Senegal for the year in review, no statistics can be reported here.

## D. Matters related to intellectual property regimes (ToR I.4.1.3)

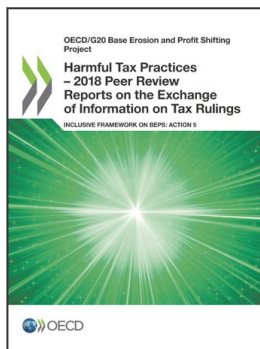
Senegal does not offer an intellectual property regime for which transparency requirements under the Action 5 Report (OECD, 2015<sup>[5]</sup>) were imposed.

## Summary of recommendations on implementation of the transparency framework

Aspect of implementation of the transparency framework that should be improved	Recommendation for improvement
Senegal has not yet finalised the steps to have in place its necessary information and gathering process.	Senegal is recommended to finalise its information gathering process, with a review and supervision mechanism, as soon as possible.
Senegal does not have a process to complete the templates on relevant rulings, to make them available to the Competent Authority for exchange of information, and to exchange them with relevant jurisdictions.	Senegal is recommended to develop a process to complete the templates on relevant rulings and to ensure that the exchanges of information on rulings occur in accordance with the form and timelines under the transparency framework.

## Notes

<sup>1</sup> Parties to the Convention are available here: [www.oecd.org/tax/exchange-of-tax-information/convention-on-mutual-administrative-assistance-in-tax-matters.htm](http://www.oecd.org/tax/exchange-of-tax-information/convention-on-mutual-administrative-assistance-in-tax-matters.htm). Senegal also has bilateral agreements in force with African and Mauritan common organization, Belgium, Canada, Chinese Taipei, France, Italy, Lebanon, Luxembourg, Mauritania, Mauritius, Morocco, Norway, Portugal, Qatar, Spain, Tunisia, United Arab Emirates, United Kingdom, West African Economic and Monetary Union.



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