

Mauritius

1. Mauritius was first reviewed during the 2017/2018 peer review. This report is supplementary to Mauritius's 2017/2018 peer review report (OECD, 2018^[1]). The first filing obligation for a CbC report in Mauritius applies to reporting fiscal years commencing on or after 1 July 2018.

Summary of key findings

2. Mauritius's implementation of the Action 13 minimum standard meets all applicable terms of reference (OECD, 2017^[2]).

3. Mauritius's 2017/2018 peer review included a recommendation that Mauritius take steps to finalise its domestic legal and administrative framework to impose and enforce CbC requirements as soon as possible. Since the last peer review, Mauritius has introduced secondary legislation in order to implement CbC Reporting requirements. The recommendation in relation to its domestic and legal framework is removed.

4. Mauritius's 2017/2018 peer review included a recommendation that Mauritius take steps to ensure that the appropriate use condition is met ahead of the first exchanges of information. Mauritius now has measures in place to ensure the appropriate use of information in all six areas identified in the OECD Guidance on the appropriate use of information contained in CbC Reports. The recommendation with respect to appropriate use issued in the 2017/2018 peer review is removed.

Part A: The domestic legal and administrative framework

5. Mauritius has primary law and secondary law (hereafter the "CbCR regulations") in place to implement the BEPS Action 13 minimum standard establishing the necessary requirements including the filing and reporting obligations.¹

(a) Parent entity filing obligation

6. Mauritius has primary and secondary laws 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.

7. No inconsistencies were identified with respect to Mauritius's domestic legal framework in relation to the parent entity filing obligation.²

(b) Scope and timing of parent entity filing

8. The first filing obligation for a CbC report in Mauritius commences in respect of fiscal years beginning on or after 1 July 2018.³ The CbC report must be filed within 12 months of the last day of the reporting fiscal year of the MNE Group.⁴

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

(c) Limitation on local filing obligation

10. Mauritius does not apply or plan to introduce local filing.

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

11. Mauritius does not apply or plan to introduce local filing

(e) Effective implementation

12. Mauritius has legal mechanisms in place to enforce compliance with the minimum standard: there are notification mechanisms in place that apply to a Mauritian entity.⁵ There are also penalties in place in relation to its CbC reporting obligations: (i) penalties for failure to file a CbC report and late filing and (ii) penalties for inaccurate information which Mauritius intends to detail through amended CbCR Regulations,⁶ which are expected to be in force before the end of June 2019. As Mauritius is not exchanging CbC reports in 2019, no recommendation is made but this aspect will be monitored.

13. There are no specific processes in place that would allow appropriate measures in case Mauritius is notified by another jurisdiction that such other jurisdiction has reason to believe that an error may have led to incorrect or incomplete information reported by a Reporting Entity or that a Reporting Entity is failing to comply with respect to CbC reporting obligations. As no exchange of CbC reports has yet occurred, no recommendation is made but this aspect will be further monitored.

Conclusion

14. Mauritius's 2017/2018 peer review included a recommendation that Mauritius take steps to finalise its domestic legal and administrative framework to impose and enforce CbC requirements as soon as possible. Mauritius now has the secondary law in place to impose and enforce CbC requirements. The recommendation with respect to domestic legal and administrative framework issued in the 2017/2018 peer review is removed. Mauritius meets all the terms of reference relating to the domestic legal and administrative framework.

Part B: The exchange of information framework

(a) Exchange of information framework

15. As of 31 May 2019, Mauritius has 65 bilateral relationships in place for the exchange of CbC reports, including those activated under the CbC MCAA and under bilateral CAAs. Within the context of its international exchange of information agreements that allow automatic exchange of tax information, Mauritius 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 conditions. Regarding Mauritius's exchange of information framework, no inconsistencies with the terms of reference were identified.⁷

(b) Content of information exchanged

16. Mauritius has processes in place that are intended to ensure that each of the mandatory fields of information as required in the CbC template are present in the information exchanged. It has provided details in relation to these processes.

(c) Completeness of exchanges

17. Mauritius has processes in place that are intended to ensure that CbC reports are exchanged with all tax jurisdictions listed in Table 1 of a CbC reporting template with which it should exchange information as per the relevant QCAAs. It has provided details in relation to these processes.

(d) Timeliness of exchanges

18. Mauritius has processes 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 QCAAs and terms of reference. It has provided details in relation to these procedures.

(e) Temporary suspension of exchange or termination of QCAA

19. Mauritius has processes in place that are intended to ensure that a temporary suspension of the exchange of information or termination of a relevant QCAA be carried out only as per the conditions set out in the QCAA. It has provided details in relation to those processes.

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

20. Mauritius has processes in place that are intended to ensure that the Competent Authority consults with the other Competent Authority prior to making a determination that there is or has been significant non-compliance with the terms of the relevant QCAA or that the other Competent Authority has caused a systemic failure. It has provided details in relation to those processes.

(g) Format for information exchange

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

(h) Method for transmission

22. Mauritius indicates that it uses the Common Transmission System to exchange CbC reports.

Conclusion

23. Mauritius's 2017/2018 peer review included a recommendation that Mauritius implement processes or written procedures 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. Mauritius now has the necessary processes in place. As such, the recommendation in relation to the exchange of information is removed. Mauritius meets all the terms of reference regarding the exchange of information. It is however noted that Mauritius will not be exchanging CbC reports in 2019.

Part C: Appropriate use

The 2017/2018 peer review included a recommendation that Mauritius take steps to ensure that the appropriate use condition is met ahead of the first exchanges of information. Since the 2017/2018 peer review, Mauritius has provided details in relation to these measures, enabling it to answer “yes” to the additional questions on appropriate use. In light of the

update provided by Mauritius, the recommendation on appropriate use is removed. There are no concerns to be reported for Mauritius in respect of the appropriate use condition.

Conclusion

24. Mauritius meets all the terms of reference relating to the appropriate use of CbC reports.

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 C	Appropriate use	-

Notes

¹ Primary law consists of Section 76 of the Income Tax Act as amended by the Finance Act of 24 July 2017 available at www.mra.mu/download/ITAConsolidated.pdf. Secondary law consisting of the Income Tax (Country-by-Country Reporting) Regulations 2018 (hereafter the “CbCR Regulations”) were gazetted on 19 February 2018 and available at [www.mra.mu/download/GNno20of2018IncomeTaxReg\(countryBycountryReporting\).pdf](http://www.mra.mu/download/GNno20of2018IncomeTaxReg(countryBycountryReporting).pdf). Mauritius is currently in the process of amending the CbCR Regulations (“draft amended CbCR Regulations”) to clarify some of the CbCR provisions.

² The draft amended CbCR Regulations refers to an amended definition of “Fiscal Year” under Article 2 to replace “Ultimate Parent Entity” by “Reporting Entity” to include CbCR filing by a Surrogate Parent Entity.

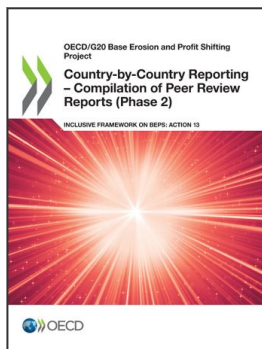
³ See Article 9 of the CbCR Regulations.

⁴ See Article 6 of the CbCR Regulations.

⁵ See Article 4 of the CbCR Regulations.

⁶ Based on Article 7A of the draft amended CbCR Regulations: 1) Any person who fails to comply with the provisions of the CbCR Regulations is liable to a penalty of 5,000 rupees. 2) Where the failure to comply continues, the person will be liable to a further penalty of 10,000 rupees per month or part of the month during which the failure continues, for an aggregate not exceeding 120,000 rupees. 3) A person will be liable to a penalty not exceeding 50,000 rupees where the person provides inaccurate information.

⁷ 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.



From:

Country-by-Country Reporting – Compilation of Peer Review Reports (Phase 2)

Inclusive Framework on BEPS: Action 13

Access the complete publication at:

<https://doi.org/10.1787/f9bf1157-en>

Please cite this chapter as:

OECD (2019), “Mauritius”, in *Country-by-Country Reporting – Compilation of Peer Review Reports (Phase 2): Inclusive Framework on BEPS: Action 13*, OECD Publishing, Paris.

DOI: <https://doi.org/10.1787/d966a4b3-en>

This work is published under the responsibility of the Secretary-General of the OECD. The opinions expressed and arguments employed herein do not necessarily reflect the official views of OECD member countries.

This document, as well as any data and map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area. Extracts from publications may be subject to additional disclaimers, which are set out in the complete version of the publication, available at the link provided.

The use of this work, whether digital or print, is governed by the Terms and Conditions to be found at <http://www.oecd.org/termsandconditions>.