

# Kazakhstan

## Overview of CbC reporting requirements

***Kazakhstan has implemented the BEPS Action 13 (CbC reporting) minimum standard with one recommendation for improvement.***

First reporting fiscal year: Commencing on or after 1 January 2016

Consolidated group revenue threshold: EUR 750 million

Filing deadline: 12 months following the end of the reporting fiscal year

Local filing required: Requirement suspended

Surrogate parent entity filing permitted: Yes

First review of the domestic legal framework: 2018/2019

## Summary of recommendations

Area of implementation	Recommendations for improvement
Domestic legal and administrative framework	None.
Exchange of information framework	It is recommended that Kazakhstan take steps to 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 ahead of its first exchanges of information.
Appropriate use	None.

## The domestic legal and administrative framework

Kazakhstan's 2018/2019 peer review recommended that Kazakhstan clarify the exact scope, conditions and legal basis under the minimum standard and/ or the exchange of information framework for the exemption in case of state secrets. Kazakhstan has confirmed the removal of this exemption and this recommendation is removed.<sup>1 2 3</sup>

## The exchange of information framework

Kazakhstan's 2017/2018 peer report recommended that steps be taken to have qualifying competent authority agreements in effect with jurisdictions of the Inclusive Framework which will meet the confidentiality, consistency and appropriate use conditions and with which Kazakhstan has an international exchange of information agreement in effect that allows for the automatic exchange of tax information. Kazakhstan has now activated relationships under the Multilateral Competent Authority Agreement for exchanging CbC reports and this recommendation is removed.

It is recommended that Kazakhstan take steps to 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 ahead of its first exchanges of information. This recommendation remains in place since the 2018/2019 peer review.

## Appropriate use of CbC reports

Kazakhstan's 2017/2018 peer report recommended that steps be taken to ensure that the appropriate use condition is met ahead of the first exchanges of information.

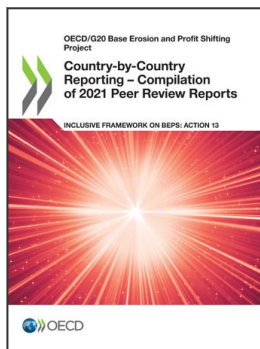
Kazakhstan has submitted a notification under the CbC Multilateral Competent Authority Agreement that it is a non-reciprocal jurisdiction for CbC reporting purposes. As a non-reciprocal jurisdiction, Kazakhstan, will not receive CbC reports submitted to tax authorities in other jurisdictions, and will not apply local filing. It is therefore not necessary for this peer review evaluation to reach any conclusions with respect to compliance with the terms of reference on appropriate use and this recommendation is removed.

## Notes

<sup>1</sup> It was recommended in Kazakhstan's 2017/2018 report that Kazakhstan implement a provision whereby a single Constituent Entity of the same MNE Group may be designated to file the CbC report which would satisfy the local filing requirement of all the Constituent Entities in Kazakhstan. As Kazakhstan's local filing requirement is currently suspended until further notice, this recommendation was removed but the situation will be monitored.

<sup>2</sup> There are no specific processes to take appropriate measures in case Kazakhstan is notified by another jurisdiction that it has reason to believe with respect to a Reporting Entity that an error may have led to incorrect or incomplete information reporting or that there is non-compliance of a Reporting Entity with respect to its obligation to file a CbC report. As no exchange of CbC reports has yet occurred, no recommendation is made but this aspect will be monitored.

<sup>3</sup> It is unclear whether Kazakhstan's legislation provides for the deactivation of local filing in case of surrogate filing. Kazakhstan state that this is the case, this point will be monitored.



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