

# Malaysia

1. Malaysia was reviewed as part of the 2017/2018 and the 2018/2019 peer reviews. This report is supplementary to those previous reports (OECD, 2019<sup>[1]</sup>) (OECD, 2018<sup>[2]</sup>).

2. The first filing obligation for a CbC report in Malaysia applies in respect of reporting fiscal years commencing on 1 January 2017. Malaysia also allows its MNE groups to file a CbC report on a voluntary basis, for reporting fiscal years beginning between 1 January 2016 and 31 December 2016.

## Summary of key findings

3. Malaysia's implementation of the Action 13 minimum standard meets all applicable terms of reference (OECD, 2017<sup>[3]</sup>).

## Part A: The domestic legal and administrative framework

4. Malaysia has legislation in place which implements the BEPS Action 13 minimum standard.

### ***(a) Parent entity filing obligation***

5. No changes were identified.

### ***(b) Scope and timing of parent entity filing***

6. No changes were identified.

### ***(c) Limitation on local filing obligation***

7. No changes were identified.

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

8. No changes were identified.

### ***(e) Effective implementation***

9. No changes were identified.

### ***Conclusion***

10. Malaysia 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***

11. As of 31 March 2020, Malaysia has 63 bilateral relationships in place, including those activated under the CbC MCAA and bilateral QCAAs. Within the context of its international exchange of information agreements that allow automatic exchange of information, Malaysia 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 Malaysia's exchange of information framework, no inconsistencies with the terms of reference were identified.

**(b) Content of information exchanged**

12. No changes were identified.

**(c) Completeness of exchanges**

13. No changes were identified.

**(d) Timeliness of exchanges**

14. No changes were identified.

**(e) Temporary suspension of exchange or termination of QCAA**

15. No changes were identified.

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

16. No changes were identified.

**(g) Format for information exchange**

17. No changes were identified.

**(h) Method for transmission**

18. No changes were identified.

**Conclusion**

19. Malaysia meets all the terms of reference regarding the exchange of information.

## Part C: Appropriate use

**Appropriate use**

20. No changes were identified.

**Conclusion**

21. Malaysia meets all the terms of reference relating to 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	-

## References

- OECD (2019), *Country-by-Country Reporting – Compilation of Peer Review Reports (Phase 2): Inclusive Framework on BEPS: Action 13*, OECD/G20 Base Erosion and Profit Shifting Project, OECD Publishing, Paris, <https://dx.doi.org/10.1787/f9bf1157-en>. [1]
- OECD (2018), *Country-by-Country Reporting – Compilation of Peer Review Reports (Phase 1): Inclusive Framework on BEPS: Action 13*, OECD/G20 Base Erosion and Profit Shifting Project, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264300057-en>. [2]
- OECD (2017), *Terms of reference for the conduct of peer review of the Action 13 minimum standard on country-by-country reporting*, OECD Publishing, <https://www.oecd.org/tax/beps/beps-action-13-on-country-by-country-reporting-peer-review-documents.pdf>. [3]



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