

**OECD/G20 Base Erosion and Profit Shifting  
Project**



# **Making Dispute Resolution More Effective - MAP Peer Review Report, Singapore (Stage 2)**

**INCLUSIVE FRAMEWORK ON BEPS: ACTION 14**



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## *Foreword*

The integration of national economies and markets has increased substantially in recent years, putting a strain on the international tax rules, which were designed more than a century ago. Weaknesses in the current rules create opportunities for base erosion and profit shifting (BEPS), requiring bold moves by policy makers to restore confidence in the system and ensure that profits are taxed where economic activities take place and value is created.

Following the release of the report *Addressing Base Erosion and Profit Shifting* in February 2013, OECD and G20 countries adopted a 15-point Action Plan to address BEPS in September 2013. The Action Plan identified 15 actions along three key pillars: introducing coherence in the domestic rules that affect cross-border activities, reinforcing substance requirements in the existing international standards, and improving transparency as well as certainty.

After two years of work, measures in response to the 15 actions were delivered to G20 Leaders in Antalya in November 2015. All the different outputs, including those delivered in an interim form in 2014, were consolidated into a comprehensive package. The BEPS package of measures represents the first substantial renovation of the international tax rules in almost a century. Once the new measures become applicable, it is expected that profits will be reported where the economic activities that generate them are carried out and where value is created. BEPS planning strategies that rely on outdated rules or on poorly co-ordinated domestic measures will be rendered ineffective.

Implementation is now the focus of this work. The BEPS package is designed to be implemented via changes in domestic law and practices, and in tax treaties. With the negotiation of a multilateral instrument (MLI) having been finalised in 2016 to facilitate the implementation of the treaty related BEPS measures, over 90 jurisdictions are covered by the MLI. The entry into force of the MLI on 1 July 2018 paves the way for swift implementation of the treaty related measures. OECD and G20 countries also agreed to continue to work together to ensure a consistent and co-ordinated implementation of the BEPS recommendations and to make the project more inclusive. Globalisation requires that global solutions and a global dialogue be established which go beyond OECD and G20 countries.

A better understanding of how the BEPS recommendations are implemented in practice could reduce misunderstandings and disputes between governments. Greater focus on implementation and tax administration should therefore be mutually beneficial to governments and business. Proposed improvements to data and analysis will help support ongoing evaluation of the quantitative impact of BEPS, as well as evaluating the impact of the countermeasures developed under the BEPS Project.

As a result, the OECD established the OECD/G20 Inclusive Framework on BEPS (Inclusive Framework), bringing all interested and committed countries and jurisdictions on an equal footing in the Committee on Fiscal Affairs and all its subsidiary bodies. The Inclusive Framework, which already has more than 135 members, is monitoring and peer

reviewing the implementation of the minimum standards as well as completing the work on standard setting to address BEPS issues. In addition to BEPS members, other international organisations and regional tax bodies are involved in the work of the Inclusive Framework, which also consults business and the civil society on its different work streams.

This report was approved by the Inclusive Framework on 12 May 2020 and prepared for publication by the OECD Secretariat.

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*Abbreviations and acronyms*

<b>APA</b>	Advance Pricing Agreement
<b>BEPS</b>	Base Erosion and Profit Shifting
<b>FTA</b>	Forum on Tax Administration
<b>IRAS</b>	Inland Revenue Authority of Singapore
<b>ITBR</b>	Income Tax Board of Review
<b>MAP</b>	Mutual Agreement Procedure
<b>OECD</b>	Organisation for Economic Co-operation and Development



## Executive summary

Singapore has an extensive tax treaty network with over 90 tax treaties. It has an established MAP programme even though it has a small MAP inventory, with a small number of new cases submitted each year and 33 cases pending on 31 December 2018. Of these cases, 55% concern allocation/attribution cases. The outcome of the stage 1 peer review process was that overall Singapore met almost all of the elements of the Action 14 Minimum Standard. Where it has deficiencies, Singapore worked to address them, which has been monitored in stage 2 of the process. In this respect, Singapore solved almost all of the identified deficiencies.

All of Singapore's tax treaties include a provision relating to MAP, which mostly follow paragraphs 1 through 3 of Article 25 of the OECD Model Tax Convention. Its treaty network is largely consistent with the requirements of the Action 14 Minimum Standard, except mainly for the fact that:

- Almost 25% of its tax treaties does not contain a provision stating that mutual agreement shall be implemented notwithstanding any time limits in domestic law (which is required under Article 25(2), second sentence), or contain the alternative provisions for both Article 9(1) and Article 7(2) to set a time limit for making transfer pricing adjustments
- Almost 10% of its tax treaties does not contain a provision stating that the competent authorities may consult together for the elimination of double taxation for cases not provided for in the tax treaty (which is required under Article 25(3), second sentence).

In order to be fully compliant with all four key areas of an effective dispute resolution mechanism under the Action 14 Minimum Standard, Singapore signed and ratified the Multilateral Instrument. Furthermore, Singapore opted for part VI of the Multilateral Instrument concerning the introduction of a mandatory and binding arbitration provision in tax treaties. Through this instrument a number of its tax treaties have been or will be modified to fulfil the requirements under the Action 14 Minimum Standard. Where treaties will not be modified, upon entry into force and entry into effect of this Multilateral Instrument, Singapore reported that it intends to update all of its tax treaties to be compliant with the requirements under the Action 14 Minimum Standard via bilateral negotiations. Such bilateral negotiations have already been initiated, or are envisaged to be initiated for all of those treaties.

Singapore meets the Action 14 Minimum Standard concerning the prevention of disputes. It has in place a bilateral APA programme. This APA programme also enables taxpayers to request rollbacks of bilateral APAs and such rollbacks are granted in practice.

Furthermore, Singapore also meets the requirements regarding the availability and access to MAP under the Action 14 Minimum Standard. It provides access to MAP in all eligible cases. It further has in place a documented bilateral consultation or notification

process for those situations in which its competent authority considers the objection raised by taxpayers in a MAP request as not justified. Singapore also has clear and comprehensive guidance on the availability of MAP and how it applies this procedure in practice under its tax treaties. In October 2017, Singapore updated its MAP guidance to clarify that taxpayers have access to MAP in case of audit settlements.

Concerning the average time needed to close MAP cases, the MAP statistics for Singapore for the years 2016-18 are as follows:

2016-18	Opening inventory	Cases started	Cases closed	End inventory	Average time to close cases (in months)*
Attribution/allocation cases	10	29	21	18	28.66
Other cases	8	20	13	15	20.27
Total	18	49	34	33	25.51

\*The average time taken for closing MAP cases for post-2015 cases follows the MAP Statistics Reporting Framework. For computing the average time taken for closing pre-2016 MAP cases, Singapore used as a start date the date when Singapore's competent authority receives a MAP request regardless of the completeness of the information and documentation required and as the end date, the date when the taxpayer is notified of the outcome by either of the competent authorities.

The number of cases Singapore closed in 2016-18 is 70% of the number of all cases started in those years. During these years, MAP cases were on average not closed within a timeframe of 24 months (which is the pursued average for resolving MAP cases received on or after 1 January 2016), as the average time necessary was 25.51 months. This particularly concerns the resolution of attribution/allocation cases, as the average time to close these cases is longer (28.66 months) than the average time to close other cases (20.27 months). Furthermore, Singapore's MAP inventory as per 31 December 2018 increased with 83% as compared to 1 January 2016, which both regards attribution/allocation cases (80%) as well as other cases (87%). Nevertheless, the overall average to close MAP cases decreased significantly in the period 2016-18 to be almost within the 24-month period and Singapore has allocated additional resources to the competent authority function and has taken several organisational steps to accelerate the resolution of MAP cases. Singapore should therefore continue to closely monitor whether the available resources for the competent authority function are adequate to ensure that current pending and future MAP cases are resolved in a timely, efficient and effective manner. Where needed additional resources should be devoted to cope with the increase in the number of MAP cases.

Furthermore, Singapore meets all other requirements under the Action 14 Minimum Standard in relation to the resolution of MAP cases. Singapore's competent authority operates fully independently from the audit function of the tax authorities and adopts a co-operative approach to resolve MAP cases in an effective and efficient manner. Its organisation is adequate and the performance indicators used are appropriate to perform the MAP function.

Lastly, Singapore also meets the Action 14 Minimum Standard as regards implementation of MAP agreements. In addition, Singapore monitors the implementation of MAP agreements and no issues have surfaced regarding the implementation throughout the peer review process.

## *Introduction*

### **Available mechanisms in Singapore to resolve tax treaty-related disputes**

Singapore has entered into 93 tax treaties on income (and/or capital), 87 of which are in force.<sup>1</sup> These 93 treaties apply to an equal number of jurisdictions. All of these treaties provide for a mutual agreement procedure for resolving disputes on the interpretation and application of the provisions of the tax treaty. In addition, four treaties provide for an arbitration procedure as a final stage to the mutual agreement procedure.<sup>2</sup>

Under the tax treaties Singapore entered into, the competent authority function to conduct MAP is assigned to the Minister for Finance, which it has delegated to the Internal Revenue Authority of Singapore (“**IRAS**”). Since July 2018, the following two divisions within the IRAS are responsible for handling MAP cases:

- Tax Policy and Transfer Pricing Division (“**TPTD**”): two teams within this division are in charge of attribution/allocation cases
- International Tax and Relations Divisions (“**ITaRD**”): one team within this division is in charge of other MAP matters.

In total 18 staff members in both divisions are involved in handling MAP cases, two of which are support staff. Each of the division is headed by an assistant commissioner and assisted by a director. Both divisions work under the oversight of a deputy commissioner

The organisation of this competent authority function is detailed in a webpage of the IRAS, which dedicated to the mutual agreement procedure. This webpage is available at:

[https://www.iras.gov.sg/irashome/Quick-Links/International-Tax/  
Mutual-Agreement-Procedure/](https://www.iras.gov.sg/irashome/Quick-Links/International-Tax/Mutual-Agreement-Procedure/)

On this website, a specific e-Tax Guide on the MAP process, entitled “Avoidance of Double Taxation Agreements (DTAs)”, is available. Furthermore, Singapore also issued a specific e-Tax Guide on “Transfer Pricing Guidelines” that contains information specifically for attribution/allocation cases.

### **Developments in Singapore since 1 August 2017**

#### ***Developments relating to the tax treaty network***

In the stage 1 peer review report of Singapore it is reflected that it had signed new treaties with Cambodia (2016), Ethiopia (2016), Ghana (2016), Nigeria (2017) and Sri Lanka (2014), all of which have not yet entered into force. Since the adoption of the stage 1 report all these treaties entered into force. The new treaty with Sri Lanka has thereby replaced the 1979 treaty. As the treaty with Nigeria was signed after ending of the review period for stage 1 (July 2017), it was not yet taken into account. In addition, Singapore reported that

in 2018 it has signed new treaties with Brazil, Gabon, Kenya and Tunisia, and that in 2019 it signed a new treaty with Armenia, Greece and Turkmenistan. It also signed a treaty with Korea to replace the 1979 treaty currently in force. Of these treaties, those with Korea and Tunisia have entered into force.

All of these treaties contain Article 9(2) and Article 25(1)-(3) of the OECD Model Tax Convention (OECD, 2015) as it read prior to the adoption of the Action 14 final report (OECD, 2015). The treaty with Brazil, however, does not contain Article 9(2). Taking these changes into account, Singapore has now entered into 93 tax treaties instead of the 85 treaties that were taken as the basis in the stage 1 peer review report.

Furthermore, on 7 June 2017 Singapore signed the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (“**Multilateral Instrument**”) to adopt, where necessary, modifications to the MAP article under its tax treaties with a view to be compliant with the Action 14 Minimum Standard in respect of all the relevant tax treaties. On 21 December 2018, Singapore deposited its instrument of ratification, following which the Multilateral Instrument has for Singapore entered into force on 1 April 2019. With the depositing of the instrument of ratification, Singapore also submitted its list of notifications and reservations to that instrument.<sup>3</sup> In relation to the Action 14 Minimum Standard, Singapore reserved, pursuant to Article 16(5)(a), the right not to apply Article 16(1) of the Multilateral Instrument (concerning the mutual agreement procedure) that modifies existing treaties to allow the submission of a MAP request to the competent authorities of either contracting state.<sup>4</sup> This reservation is in line with the requirements of the Action 14 Minimum Standard.

Where treaties will not be modified by the Multilateral Instrument, Singapore reported that it strives updating them through future bilateral negotiations. Out of the ten tax treaties containing a MAP provision that is not in line with the Action 14 Minimum Standard and that have not been or will not be modified by the Multilateral Instrument as stated in this report, Singapore reported that it has already initiated negotiations or is in contact with all of the relevant treaty partners to initiate renegotiation of the tax treaties.

Lastly, in 2019 Singapore signed an amending protocol to the treaty with Germany that includes an arbitration provision that is based on Article 25(5) of the OECD Model Tax Convention.

### ***Other developments***

Singapore mentioned that in October 2017 it has amended section 74(2A) of the Income Tax Act, to clarify that all MAP agreements can be implemented notwithstanding any time limits in Singapore’s domestic legislation. In addition, Singapore also mentioned that it has revised its internal guidance on the MAP process (“**Standard Operating Procedures (SOP)**”) to guide staff in charge of MAP on the administrative requirements for handling MAP cases.

Further to the above, Singapore reported that in October 2017 it has published a new e-Tax Guide on “Avoidance of double taxation agreements (DTAs)”, with a view to (i) provide for guidance on the interpretation and application of tax treaty related issues and (ii) to clarify that access to MAP is available even if the taxpayer has entered into a tax settlement with the IRAS. This guide was updated in June 2018. Singapore also reported that it has reviewed whether it was necessary to update and improve its e-Tax Guides in on “Transfer Pricing Guidelines”. The outcome of the review was that no further updates are

required. Lastly, Singapore also reported that in July 2018 it has updated its published MAP guidance on the IRAS website *inter alia* to reflect that:

- Access to MAP is available for the application of anti-abuse provisions and bona fide foreign-initiated foreign adjustments.
- Suspension of tax collection is not available for the period a MAP case is pending.
- MAP agreements can be implemented notwithstanding any time limits in Singapore’s domestic legislation.

## Basis for the peer review process

### *Outline of the peer review process*

The peer review process entails an evaluation of Singapore’s implementation of the Action 14 Minimum Standard, through an analysis of its legal and administrative framework relating to the mutual agreement procedure, as governed by its tax treaties, domestic legislation and regulations, as well as its MAP programme guidance and the practical application of that framework. The review process performed is desk-based and conducted through specific questionnaires completed by Singapore and its peers.

The process consists of two stages: a peer review process (stage 1) and a peer monitoring process (stage 2). In stage 1, Singapore’s implementation of the Action 14 Minimum Standard as outlined above is evaluated, which has been reflected in a peer review report that has been adopted by the BEPS Inclusive Framework on 22 February 2018. This report identifies the strengths and shortcomings of Singapore in relation to the implementation of this standard and provides for recommendations on how these shortcomings should be addressed. The stage 1 report is published on the website of the OECD.<sup>5</sup> Stage 2 is launched within one year upon the adoption of the peer review report by the BEPS Inclusive Framework through an update report by Singapore. In this update report, Singapore reflected (i) what steps it has already taken, or are to be taken, to address any of the shortcomings identified in the peer review report and (ii) any plans or changes to its legislative and/or administrative framework concerning the implementation of the Action 14 Minimum Standard. The update report forms the basis for the completion of the peer review process, which is reflected in this update to the stage 1 peer review report.

### *Outline of the treaty analysis*

For the purpose of this report and the statistics below, in assessing whether Singapore is compliant with the elements of the Action 14 Minimum Standard that relate to a specific treaty provision, the newly negotiated treaties or the treaties as modified by a protocol, as described above, were taken into account, even if it concerned a modification or a replacement of an existing treaty currently in force. Reference is made to Annex A for the overview of Singapore’s tax treaties regarding the mutual agreement procedure.

### *Timing of the process and input received by peers and taxpayers*

Stage 1 of the peer review process was for Singapore launched on 7 July 2017, with the sending of questionnaires to Singapore and its peers. The FTA MAP Forum has approved the stage 1 peer review report of Singapore in December 2017, with the subsequent approval by the BEPS Inclusive Framework on 22 February 2018. On 22 February 2019, Singapore submitted its update report, which initiated stage of the process.



While the commitment to the Action 14 Minimum Standard only starts from 1 January 2016, Singapore opted to provide information and requested peer input on a period starting as from 1 January 2014. The period for evaluating Singapore’s implementation of the Action 14 Minimum Standard ranges from 1 January 2016 to 31 July 2017 and formed the basis for the stage 1 peer review report. The period of review for stage 2 started on 1 August 2017 and depicts all developments as from that date until 28 February 2019. In addition to its assessment on the compliance with the Action 14 Minimum Standard, Singapore also addressed best practices and asked for peer input on best practices.

In total 11 peers provided input during stage 1: Australia, China, Denmark, Germany, India, Japan, Korea, Liechtenstein, Spain, Switzerland and Turkey. In stage 1, these peers represent almost 40% of post-2015 MAP cases in Singapore’s inventory on 31 December 2016.<sup>6</sup> During stage 2, the same peers provided input, apart from Denmark. In addition, also Belgium, Egypt, Italy, the Slovak Republic, Sweden and the United Kingdom provided input during stage 2. For this stage, these peers represent approximately 46% of post-2015 MAP cases in Singapore’s inventory that started in 2016, 2017 or 2018.<sup>7</sup> Broadly, all peers indicated having a positive MAP experience with Singapore and a co-operative relationship, some of them emphasising IRAS’ efficiency in terms of preventing disputes. Specifically with respect to stage 2, almost all peers that provided input reported that the update report of Singapore fully reflects the experiences these peers have had with Singapore since 1 August 2017 and/or that there was no addition to previous input given. Eight peers, however, reflected additional input or new experiences, which are reflected throughout this document under the elements where they have relevance. Of these peers, nearly all voiced positive experience with Singapore in handling MAP cases.

### *Input by Singapore and co-operation throughout the process*

During stage 1, Singapore provided specific and extensive answers in its questionnaire, which was submitted on time. Singapore was very responsive in the course of the drafting of the peer review report by responding timely and comprehensively to requests for additional information, and provided further clarity where necessary. In addition, Singapore provided the following information:

- MAP profile<sup>8</sup>
- MAP statistics according to the MAP Statistics Reporting Framework (see below).<sup>9</sup>

Concerning stage 2 of the process, Singapore submitted its update report on time and the information included therein was extensive. Singapore was very co-operative during stage 2 and the finalisation of the peer review process.

Finally, Singapore is an active member of the FTA MAP Forum and has shown good co-operation during the peer review process. Singapore provided detailed peer input and made constructive suggestions on how to improve the process with some assessed jurisdictions.

## **Overview of MAP caseload in Singapore**

The analysis of Singapore’s MAP caseload for stage 1 relates to the period starting on 1 January 2016 and ending on 31 December 2016. For stage 2 the period ranges from 1 January 2017 to 31 December 2018. Both periods are taken into account in this report for analysing the MAP statistics of Singapore. The analysis of Singapore’s MAP caseload



therefore relates to the period starting on 1 January 2016 and ending 31 December 2018 (“**Statistics Reporting Period**”).

According to the statistics provided by Singapore, its MAP caseload was as follows:

2016-18	Opening inventory 1/1/2016	Cases started	Cases closed	End inventory 31/12/2018
Attribution/allocation cases	10	29	21	18
Other cases	8	20	13	15
Total	18	49	34	33

## General outline of the peer review report

This report includes an evaluation of Singapore’s implementation of the Action 14 Minimum Standard. The report comprises the following four sections:

- A. Preventing disputes
- B. Availability and access to MAP
- C. Resolution of MAP cases
- D. Implementation of MAP agreements.

Each of these sections is divided into elements of the Action 14 Minimum Standard, as described in the terms of reference to monitor and review the implementation of the BEPS Action 14 Minimum Standard to make dispute resolution mechanisms more effective (“**Terms of Reference**”).<sup>10</sup> Apart from analysing Singapore’s legal framework and its administrative practice, the report also incorporates peer input and responses to such input by Singapore, both during stage 1 and stage 2. Furthermore, the report depicts the changes adopted and plans shared by Singapore to implement elements of the Action 14 Minimum Standard where relevant. The conclusion of each element identifies areas for improvement (if any) and provides for recommendations how the specific area for improvement should be addressed.

The basis of this report is the outcome of the stage 1 peer review process, which has identified in each element areas for improvement (if any) and provides for recommendations how the specific area for improvement should be addressed. Following the outcome of the peer monitoring process of stage 2, each of the elements have been updated with a recent development section to reflect any actions taken or changes made on how recommendations have been addressed, or to reflect other changes in the legal and administrative framework of Singapore relating to the implementation of the Action 14 Minimum Standard. Where it concerns changes to MAP guidance or statistics, these changes are reflected in the analysis sections of the elements, with a general description of the changes in the recent development sections.

The objective of the Action 14 Minimum Standard is to make dispute resolution mechanisms more effective and concerns a continuous effort. Where recommendations have been fully implemented, this has been reflected and the conclusion section of the relevant element has been modified accordingly, but Singapore should continue to act in accordance with a given element of the Action 14 Minimum Standard, even if there is no area for improvement and recommendation for this specific element.

## Notes

1. The tax treaties Singapore has entered into are available at: <https://www.iras.gov.sg/irashome/Quick-Links/International-Tax/>. The treaties that are signed but have not yet entered into force are with Armenia (2019), Brazil (2018), Gabon (2018), Greece (2019), Kenya (2018), and Turkmenistan (2019). The newly signed treaty with Korea will, upon entry into force, replace the 1979 treaty. Reference is made to Annex A for the overview of Singapore’s tax treaties regarding the mutual agreement procedure.
2. This concerns treaties with Armenia, Greece, Mexico and Turkmenistan.
3. An overview of Singapore’s positions on the Multilateral Instrument is available at: [www.oecd.org/tax/treaties/beps-mli-position-singapore.pdf](http://www.oecd.org/tax/treaties/beps-mli-position-singapore.pdf).
4. Ibid. This reservation on Article 16 – Mutual Agreement Procedure reads: “Pursuant to Article 16(5)(a) of the Convention, the Republic of Singapore reserves the right for the first sentence of Article 16(1) not to apply to its Covered Tax Agreements on the basis that it intends to meet the minimum standard for improving dispute resolution under the OECD/G20 BEPS Package by ensuring that under each of its Covered Tax Agreements (other than a Covered Tax Agreement that permits a person to present a case to the competent authority of either Contracting Jurisdiction), where a person considers that the actions of one or both of the Contracting Jurisdictions result or will result for that person in taxation not in accordance with the provisions of the Covered Tax Agreement, irrespective of the remedies provided by the domestic law of those Contracting Jurisdictions, that person may present the case to the competent authority of the Contracting Jurisdiction of which the person is a resident or, if the case presented by that person comes under a provision of a Covered Tax Agreement relating to non-discrimination based on nationality, to that of the Contracting Jurisdiction of which that person is a national; and the competent authority of that Contracting Jurisdiction will implement a bilateral notification or consultation process with the competent authority of the other Contracting Jurisdiction for cases in which the competent authority to which the mutual agreement procedure case was presented does not consider the taxpayer’s objection to be justified.”
5. Available at: [www.oecd.org/tax/beps/making-dispute-resolution-more-effective-map-peer-review-report-singapore-stage-1-9789264290488-en.htm](http://www.oecd.org/tax/beps/making-dispute-resolution-more-effective-map-peer-review-report-singapore-stage-1-9789264290488-en.htm).
6. The breakdown of treaty partners on a jurisdiction-by-jurisdiction basis is only available for post-2015 cases under the MAP Statistics Reporting Framework. Singapore also provided the relevant information for pre-2016 cases, which shows that the peers that provided input represent almost 70% of pre-2016 MAP cases in Singapore’s inventory on 31 December 2016.
7. The breakdown of treaty partners on a jurisdiction-by-jurisdiction basis is only available for post-2015 cases under the MAP Statistics Reporting Framework. All cases falling within the *de minimis* rule are not included in this percentage.
8. Available at: <https://www.oecd.org/tax/dispute/Singapore-Dispute-Resolution-Profile.pdf>.
9. The MAP statistics of Singapore are included in Annex B and C of this report.
10. Terms of reference to monitor and review the implementing of the BEPS Action 14 Minimum Standard to make dispute resolution mechanisms more effective (CTPA/CFA/NOE2(2016)45/REVI).

## *Part A*

### Preventing disputes

#### [A.1] **Include Article 25(3), first sentence, of the OECD Model Tax Convention in tax treaties**

Jurisdictions should ensure that their tax treaties contain a provision which requires the competent authority of their jurisdiction to endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of their tax treaties.

1. Cases may arise concerning the interpretation or the application of tax treaties that do not necessarily relate to individual cases, but are more of a general nature. Inclusion of the first sentence of Article 25(3) of the OECD Model Tax Convention in tax treaties invites and authorises competent authorities to solve these cases, which may avoid submission of MAP requests and/or future disputes from arising, and which may reinforce the consistent bilateral application of tax treaties.

#### *Current situation of Singapore’s tax treaties*

2. Out of Singapore’s 93 tax treaties, 90 contain a provision equivalent to Article 25(3), first sentence, of the OECD Model Tax Convention requiring their competent authority to endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the tax treaty. Of the three remaining treaties, one contains a provision that is based on Article 25(3), first sentence, but this provision only relates to difficulties or doubts arising as to the “application” of the treaty and not as to the “interpretation” of the treaty. The other two treaties do not refer to “doubts” (and one of them does not refer to “difficulties” either). All three treaties therefore are considered not to contain the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention.

3. Singapore reported that in practice it endeavours to resolve with its treaty partners by mutual agreement any difficulties or doubts arising as to the interpretation or application of tax treaties, whether or not the applicable treaty contains a provision equivalent to Article 25(3), first sentence, of the OECD Model Tax Convention.

4. Almost all peers that provided input reported that their tax treaty with Singapore meets the requirements under element A.1. One peer, however, mentioned that its tax treaty does not contain the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention, but reported that this should be modified by the Multilateral Instrument. For the other two treaties identified that do not contain the equivalent of Article 25(3), first sentence, the relevant peers did not provide input.

## *Recent developments*

### *Bilateral modifications*

5. Singapore signed new treaties with nine treaty partners, one of which concerns the replacement of an existing treaty currently in force. All nine treaties contain a provision that is equivalent to Article 25(3), first sentence, of the OECD Model Tax Convention. The one treaty that will be replaced by one of the newly signed treaties, already contained such equivalent. Of these nine treaties, three already entered into force. The effects of these newly signed treaties have been reflected in the analysis above where they have relevance.

### *Multilateral Instrument*

6. Singapore recently signed the Multilateral Instrument and has deposited its instrument of ratification on 21 December 2018. The Multilateral Instrument has for Singapore entered into force on 1 April 2019.

7. Article 16(4)(c)(i) of that instrument stipulates that Article 16(3), first sentence – containing the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention – will apply in the absence of a provision in tax treaties that is equivalent to Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017). In other words, in the absence of this equivalent, Article 16(4)(c)(i) of the Multilateral Instrument will modify the applicable tax treaty to include such equivalent. However, this shall only apply if both contracting parties to the applicable treaty has listed this treaty as a covered tax agreement under the Multilateral Instrument and insofar as both notified, pursuant to Article 16(6)(d)(i), the depositary of the fact that this tax treaty does not contain the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention.

8. In regard of the three tax treaties identified above that are considered not to contain the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention, Singapore listed all as a covered tax agreement under the Multilateral Instrument and made for all, pursuant to Article 16(6)(d)(i), a notification that they do not contain a provision described in Article 16(4)(c)(i). Of the relevant treaty partners, two are a signatory to the Multilateral Instrument, listed their treaty with Singapore as a covered tax agreement under that instrument and also made a notification on the basis of Article 16(6)(d)(i). Both relevant treaty partners also have already deposited their instrument of ratification of the Multilateral Instrument, following which the Multilateral Instrument has entered into force for the treaty between Singapore and these treaty partners, and therefore has modified them to include the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention.

### *Other developments*

9. For the remaining treaty that does not contain the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention and which will not be modified by the Multilateral Instrument to include such equivalent, Singapore reported that contacts have been initiated with the relevant treaty partner for the renegotiation of the tax treaty. However, this treaty partner has not yet responded to Singapore's outreach.

*Peer input*

10. Of the peers that provided input during stage 2, four provided input in relation to their tax treaty with Singapore. One of these peers concerns a treaty partner to one of the treaties identified above that does not contain Article 25(3), first sentence, of the OECD Model Tax Convention and which will be modified by the Multilateral Instrument. This peer mentioned that in the period under review it has held preliminary discussions with Singapore on their tax treaty, not per se related to the BEPS Minimum Standard. The other two relevant peers did not provide input.

*Anticipated modifications*

11. Singapore reported it will seek to include Article 25(3), first sentence, of the OECD Model Tax Convention in all of its future tax treaties.

*Conclusion*

	Areas for improvement	Recommendations
[A.1]	<p>Three out of 93 tax treaties do not contain a provision that is equivalent to Article 25(3), first sentence, of the OECD Model Tax Convention. Of these three treaties:</p> <ul style="list-style-type: none"> <li>• Two have been modified by the Multilateral Instrument to include the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention.</li> <li>• One will not be modified by the Multilateral Instrument to include the required provision. With respect to this treaty, Singapore has approached the relevant treaty partner to initiate discussions on the amendment of the treaty with a view to include the required provision, but the treaty partner has not yet responded.</li> </ul>	<p>For the remaining treaty that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention, Singapore should, upon receipt of a response from the relevant treaty partner agreeing to include the required provision, work towards updating the treaty to include this provision.</p>

**[A.2] Provide roll-back of bilateral APAs in appropriate cases**

Jurisdictions with bilateral advance pricing arrangement (“APA”) programmes should provide for the roll-back of APAs in appropriate cases, subject to the applicable time limits (such as statutes of limitation for assessment) where the relevant facts and circumstances in the earlier tax years are the same and subject to the verification of these facts and circumstances on audit.

12. An APA is an arrangement that determines, in advance of controlled transactions, an appropriate set of criteria (e.g. method, comparables and appropriate adjustment thereto, critical assumptions as to future events) for the determination of the transfer pricing for those transactions over a fixed period of time.<sup>1</sup> The methodology to be applied prospectively under a bilateral or multilateral APA may be relevant in determining the treatment of comparable controlled transactions in previous filed years. The “roll-back” of an APA to these previous filed years may be helpful to prevent or resolve potential transfer pricing disputes.

*Singapore’s APA programme*

13. Singapore reported that it has implemented an APA programme, for which the tax treaties constitute the legal basis and under which it is authorised to enter into unilateral, bilateral and multilateral APAs. In particular, Singapore reported that a bilateral APA

request should be introduced during a pre-filing meeting that should be held at the latest nine months before the start of the period to be covered by the bilateral APA, such to allow the IRAS sufficient time to review the information provided and for the taxpayer to follow-up on requests for additional information.

14. Guidance on Singapore’s APA programme is included in sections 8 and 10 of the e-Tax Guide on “Transfer Pricing Guidelines”. This guidance is available at:

[https://www.iras.gov.sg/irashome/uploadedFiles/IRASHome/e-Tax\\_Guides/etaxguide\\_CIT\\_Transfer%20Pricing%20Guidelines\\_4th.pdf](https://www.iras.gov.sg/irashome/uploadedFiles/IRASHome/e-Tax_Guides/etaxguide_CIT_Transfer%20Pricing%20Guidelines_4th.pdf)

15. This e-Tax Guide includes detailed information on the APA process in Singapore, in particular an outline of: (i) what an APA is, with a specification of the type of APAs, including their advantages and disadvantages, (ii) the period for which an APA can be entered into, (iii) persons eligible to submit an APA request and (iv) the process for requesting and obtaining an APA. Furthermore, this e-Tax Guide identifies four steps in the APA process, which include: 1) a pre-filing meeting, 2) the submission of the APA application, 3) review and negotiation and 4) implementation. The e-Tax Guide also present the timeline of each of the four steps after the submission of pre-filing materials by taxpayers, as well as the required actions for each step that should be taken by taxpayers. Paragraph 8.16 of Singapore’s e-Tax Guide on “Transfer Pricing Guidelines” states that IRAS will generally accept an APA request to cover three to five future fiscal years, although the duration of the covered period should be based on taxpayers’ assessment that there will not be any significant changes during the covered period that may affect the validity of the APA.

16. The e-Tax Guide also provides in Annex B2, the contents of information to be prepared and submitted by taxpayers to apply for a pre-filing meeting that takes place before the submission of the APA request. Annex B3 lists up information that should be included in annual compliance reports concerning the periods covered by APAs.

### ***Roll-back of bilateral APAs***

17. Singapore reported that it allows taxpayers to request a roll-back of bilateral or multilateral APAs, provided that the facts and circumstances of the bilateral APA itself are similar to those of the previous years covered by the request for a roll-back. This possibility is described in section 8.17 of Singapore’s e-Tax Guide on “Transfer Pricing Guidelines”. Furthermore, section 8.18 indicates that roll-backs are generally given up to two years prior to the period originally covered by an APA, although IRAS has discretion to vary the number of years.

### ***Recent developments***

18. Singapore reported that in October 2017 it introduced new legislation on transfer pricing via an amendment of the Income Tax Act, *inter alia* to introduce a mandatory requirement for taxpayers to prepare transfer pricing documentation (section 34F). Furthermore, Singapore reported that it has updated its e-Tax Guide on “Transfer Pricing Guidelines” in February 2018. In this update and with regard to the requirement for taxpayers to prepare transfer pricing documentation, the guidance now explains that such documentation would facilitate discussions by the tax authorities in relation to bilateral APAs.



### ***Practical application of roll-back of bilateral APAs***

19. Statistics on Singapore’s bilateral APA programme are available online on the website of IRAS.<sup>2</sup> The most recent year for which the information is available is the period 1 April 2018 to 31 March 2019.

#### *Period 1 January 2014-31 July 2017 (stage 1)*

20. Singapore reported that in the period 1 January 2014-31 July 2017 four roll-back requests were received by its competent authority. As regards those requests, in all cases Singapore allowed a roll-back.

21. All peers that provided input confirmed that it is possible to enter into roll-back of bilateral APAs with Singapore.

#### *Period 1 August 2017-28 February 2019 (stage 2)*

22. Singapore reported that since 1 August 2017 its competent authority received 11 requests for a roll back of a bilateral APA, all of which were granted.

23. All peers that provided input during stage 1 stated in stage 2 that the update report provided by Singapore fully reflects their experience with Singapore since 1 August 2017 and/or there are no additions to the previous input given. In addition, three peers provided specific input. One of these peers mentioned that while it received requests for a bilateral APA under the treaty with Singapore, none of these concerned a roll-back request. The second peer provided the same input and added that Singapore’s competent authority has not declined to accept any roll-back request. Lastly, the third peer mentioned that in its understanding taxpayers cannot include the fiscal year in which the APA request was submitted as part of the period the APA covers, unless Singapore’s competent authority approves this year to be covered as a roll-back year. The peer, however, noted that it is not aware of any cases where the approval was not granted.

### ***Anticipated modifications***

24. Singapore did not indicate that it anticipates any modifications in relation to element A.2.

### ***Conclusion***

	Areas for improvement	Recommendations
[A.2]	-	-

## **Notes**

1. This description of an APA based on the definition of an APA in the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations.
2. Available at: <https://data.gov.sg/dataset/transfer-pricing-map-and-apa-cases-annual>.

## *References*

OECD (2017a), *Model Tax Convention on Income and on Capital 2017 (Full Version)*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/g2g972ee-en>.

OECD (2017b), *OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations 2017*, <https://dx.doi.org/10.1787/tpg-2017-en>.



## *Part B*

### **Availability and access to MAP**

#### **[B.1] Include Article 25(1) of the OECD Model Tax Convention in tax treaties**

Jurisdictions should ensure that their tax treaties contain a MAP provision which provides that when the taxpayer considers that the actions of one or both of the Contracting Parties result or will result for the taxpayer in taxation not in accordance with the provisions of the tax treaty, the taxpayer, may irrespective of the remedies provided by the domestic law of those Contracting Parties, make a request for MAP assistance, and that the taxpayer can present the request within a period of no less than three years from the first notification of the action resulting in taxation not in accordance with the provisions of the tax treaty.

25. For resolving cases of taxation not in accordance with the provisions of the tax treaty, it is necessary that tax treaties contain a provision allowing taxpayers to request a mutual agreement procedure and that this procedure can be requested irrespective of the remedies provided by the domestic law of the treaty partners. In addition, to provide certainty to taxpayers and competent authorities on the availability of the mutual agreement procedure, a minimum period of three years for submission of a MAP request, beginning on the date of the first notification of the action resulting in taxation not in accordance with the provisions of the tax treaty, is the baseline.

#### ***Current situation of Singapore’s tax treaties***

##### *Inclusion of Article 25(1), first sentence of the OECD Model Tax Convention*

26. Out of Singapore’s 93 tax treaties, 69 contain a provision equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of the Action 14 final report (OECD 2015b), allowing taxpayers to submit a MAP request to the competent authority of the state in which they are resident when they consider that the actions of one or both of the treaty partners result or will result for the taxpayer in taxation not in accordance with the provisions of the tax treaty and that can be requested irrespective of the remedies provided by domestic law of either state. None of Singapore’s tax treaties contain a provision equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention as amended by the Action 14 final report (OECD 2015b) and allowing taxpayers to file a MAP request to the competent authority of either contracting state.

27. The remaining 24 treaties can be categorised as follows:

Provision	Number of tax treaties
A variation of Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of the Action 14 final report (OECD 2015b), whereby taxpayers can only submit a MAP request to the competent authorities of the contracting state of which they are resident.	22
A variation to Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of Action 14 final report (OECD 2015b), whereby the MAP is provided in cases of “double taxation contrary to the provisions of the agreement” instead of “taxation not in accordance with the provisions of the convention”.	1
A variation to Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of the Action 14 final report (OECD 2015b), whereby the taxpayer can submit a MAP request irrespective of domestic available remedies, but whereby pursuant to a protocol provision the taxpayer is also required to initiate these remedies when submitting a MAP request.	1

28. The 22 treaties mentioned in the first row of the above table are considered not to contain the full equivalent of Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of the Action 14 final report (OECD 2015b), since taxpayers are not allowed to submit a MAP request in the state of which they are a national where the case comes under the non-discrimination article. However, for the following reasons all 22 treaties are considered to be in line with this part of element B.1:

- The relevant tax treaty does not contain a non-discrimination provision and only applies to residents of one of the states (three treaties).
- The non-discrimination provision of the relevant tax treaty only covers nationals that are resident of one of the contracting states. Therefore, it is logical to only allow for the submission of MAP requests to the state of which the taxpayer is a resident (19 treaties).

29. With respect to the treaty mentioned in the second row of the table above, this treaty is considered not to contain the equivalent of Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of the Action 14 final report (OECD 2015b), due to the requirement of “double taxation”, which is more restrictive than Article 25(1), first sentence that refers to “taxation not in accordance with the treaty”. In this respect, Singapore specified that it will grant access to MAP for requests submitted under this treaty that would relate to a mere taxation not in accordance with the tax treaty, even though the treaty itself requires a double taxation.

30. With respect to the treaty mentioned in the last row of the table above, the provision incorporated in the protocol to this treaty reads:

... the expression “notwithstanding the remedies provided by the national laws” means that the mutual agreement procedure is not alternative with the national contentious proceedings which shall be, in any case, preventively initiated, when the claim is related with an assessment of taxes not in accordance with this Convention.

31. As pursuant to this provision a domestic procedure has to be initiated concomitantly to the initiation of the mutual agreement procedure, a MAP request can in practice thus not be submitted irrespective of the remedies provided by the domestic law, even though the provision contained in the MAP article is equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of the final report on Action 14 (OECD, 2015b). This treaty is therefore considered not in line with element B.1.

*Inclusion of Article 25(1), second sentence of the OECD Model Tax Convention*

32. Out of Singapore’s 93 tax treaties, 83 treaties contain a provision equivalent to Article 25(1), second sentence, of the OECD Model Tax Convention allowing taxpayers to submit a MAP request within a period of no less than three years from the first notification of the action resulting in taxation not in accordance with the provisions of the particular tax treaty.

33. The remaining ten tax treaties that do not contain such provision can be categorised as follows:

Provision	Number of tax treaties
No filing period for a MAP request	5
Filing period longer than three years for a MAP request (four years)	2
Filing period shorter than three years for a MAP request (two years)	3

*Peer input*

34. Almost all peers that provided input reported that their tax treaty with Singapore meets the requirements under element B.1. One peer, however, mentioned that its tax treaty does not contain the equivalent of Article 25(1) of the OECD Model Tax Convention, as it read prior to the adoption of the Action 14 final report, but reported that its treaty will be modified by the Multilateral Instrument. However, this would apply only to Article 25(1), second sentence and not to the first sentence, due to the reservation made by Singapore (see below). For the two other treaties identified above that do not contain the equivalent of Article 25(1), second sentence, the relevant peers did not provide input.

***Practical application****Article 25(1), first sentence, of the OECD Model Tax Convention*

35. As noted in paragraphs 30-31 above, in all but one of Singapore’s tax treaties taxpayers can file a MAP request irrespective of domestic remedies. In this respect, Singapore reported that access to MAP is available regardless of whether taxpayers also have sought to resolve the dispute via domestically available administrative and judicial remedies. Access to MAP is also available in cases where domestic remedies already have been completed, but Singapore noted that in such a situation it is unlikely that Singapore’s competent authority will depart from that decision in MAP.

36. Section 8.36 of Singapore’s e-Tax Guide on “Transfer Pricing Guidelines” and section 7.16 of the e-Tax Guide on “Avoidance of double taxation agreements (DTA)” stipulate that the submission of a MAP request does not deprive taxpayers from initiating domestic remedies and that taxpayers should inform Singapore’s competent authority if the issue for which a MAP request is submitted is also pending before a domestic or foreign court. It is further clarified that where for the case under review a domestic court has issued a decision, it is unlikely that Singapore’s competent authority will depart from that decision in MAP. Paragraph 7.13 of the latter e-Tax Guide also stipulates that the finalisation of domestic remedies may be a reason for competent authorities not to reach an agreement on the matter.

*Article 25(1), second sentence, of the OECD Model Tax Convention*

37. Singapore reported that in the absence of a filing period for MAP requests in the relevant five tax treaties, there is no domestic time limit to submit a MAP request. In other words, under these treaties a MAP request will be accepted regardless of when they are filed and irrespective the time lapsed between the submission of the request and the first notification of the action resulting in taxation not in accordance with the tax treaty.

***Recent developments****Bilateral modifications*

38. Singapore signed new treaties with nine treaty partners, one of which concerns the replacement of an existing treaty currently in force. Of these nine treaties, three already entered into force.

39. Of these nine treaties, five contain a provision that is equivalent to Article 25(1), first and second sentence, of the OECD Model Tax Convention as it read prior to the adoption of the Action 14 final report. The other four contain provision that based on the first sentence. For the first sentence, these four treaties are considered not to contain the full equivalent of Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of the Action 14 final report (OECD 2015b), since taxpayers are not allowed to submit a MAP request in the state of which they are a national where the case comes under the non-discrimination article. However, since the non-discrimination provision of the relevant tax treaties only covers nationals that are resident of one of the contracting states, all four treaties are in line with element B.1. These four treaties include the one treaty that will be replaced by one of the newly signed treaties, that also contains such equivalent. With respect to this treaty, the newly negotiated treaty contains the second sentence of Article 25(1), which is not the case for the treaty currently in force.

40. The effects of these newly signed treaties have been reflected in the analysis above where they have relevance.

*Multilateral Instrument*

41. Singapore reported it has recently signed the Multilateral Instrument and has deposited its instrument of ratification on 21 December 2018. The Multilateral Instrument has for Singapore entered into force on 1 April 2019.

*Article 25(1), first sentence of the OECD Model Tax Convention*

42. Article 16(4)(a)(i) of that instrument stipulates that Article 16(1), first sentence – containing the equivalent of Article 25(1), first sentence, of the OECD Model Tax Convention as amended by the Action 14 final report and allowing the submission of MAP requests to the competent authority of either contracting state – will apply in place of or in the absence of a provision in tax treaties that is equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of the Action 14 final report. However, this shall only apply if both contracting parties to the applicable tax treaty have listed this tax treaty as a covered tax agreement under the Multilateral Instrument and insofar both notified the depositary, pursuant to Article 16(6)(a), that this tax treaty contains the equivalent of Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of the Action 14 final report. Article 16(4)(a)(i) will not take effect if one of the treaty partners has, pursuant to Article 16(5)(a), reserved the right not to apply the first sentence of Article 16(1) of that instrument to all its covered tax agreements.

43. With the depositing of its instrument of ratification, Singapore reserved, pursuant to Article 16(5)(a) the right not to apply the first sentence of Article 16(1) of that instrument to its existing tax treaties, with a view to allow taxpayers to submit a MAP request to the competent authority of either contracting state.<sup>1</sup> In this reservation, Singapore declared to ensure that all of its tax treaties, which are considered covered tax agreements for purposes of the Multilateral Instrument, contain a provision equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention, as it read prior to the adoption of the Action 14 final report. It subsequently declared to implement a bilateral notification or consultation process for those cases in which its competent authority considers the objection raised by a taxpayer in its MAP request as not being justified. The introduction and application of such process will be further discussed under element B.2.

44. In view of the above, following the reservation made by Singapore, those two treaties identified in paragraphs 29-31 above that are considered not to contain the equivalent of Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of the Action 14 final report will not be modified by the Multilateral Instrument with a view to allow taxpayers to submit a MAP request to the competent authority of either contracting state.

*Article 25(1), second sentence of the OECD Model Tax Convention*

45. With respect to the period of filing of a MAP request, Article 16(4)(a)(ii) of the Multilateral Instrument stipulates that Article 16(1), second sentence – containing the equivalent of Article 25(1), second sentence, of the OECD Model Tax Convention – will apply where such period is shorter than three years from the first notification of the action resulting in taxation not in accordance with the provisions of a tax treaty. However, this shall only apply if both contracting parties to the applicable tax treaty have listed this tax treaty as a covered tax agreement under the Multilateral Instrument and insofar both notified the depositary that this tax treaty does not contain the equivalent of Article 25(1), second sentence, of the OECD Model Tax Convention.

46. In regard of the three tax treaties identified in paragraph 33 above that contain a filing period for MAP requests of less than three years, Singapore listed all of them as a covered tax agreement under the Multilateral Instrument and made for all, pursuant to Article 16(6)(b)(i), a notification that they do not contain a provision described in Article 16(4)(a)(ii). Of the relevant three treaty partners, one is not a signatory to the Multilateral Instrument. The remaining two treaty partners listed their treaty with Singapore as a covered tax agreement under the Multilateral Instrument and also made a notification on the basis of Article 16(6)(b)(i). One of these treaty partners also has already deposited its instrument of ratification of the Multilateral Instrument, following which the Multilateral Instrument has entered into force for the treaty between Singapore and this treaty partner, and therefore has modified it to include the equivalent of Article 25(1), second sentence, of the OECD Model Tax Convention. The other treaty will, upon entry into force for the treaty concerned, be modified by the Multilateral Instrument to include the equivalent of Article 25(1), second sentence, of the OECD Model Tax Convention.

*Other developments*

47. With respect to those two treaties that are considered not to contain the equivalent of Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of the Action 14 final report and which will not be modified by the Multilateral Instrument, Singapore reported that it is currently in negotiations with one of the relevant treaty partners.

For with the other treaty partner contacts have been established with a view to initiate such negotiations. However, the said treaty partner has yet to express interest in such negotiation

48. With respect to the one treaty that does not contain the equivalent of Article 25(1), second sentence, of the OECD Model Tax Convention and which will not be modified by the Multilateral Instrument, Singapore reported that it has contacted the relevant treaty partner contacts with a view to initiate negotiations on the amendment of the treaty. However, the treaty partner has indicated that it is not ready to commence negotiations with Singapore.

### *Peer input*

49. Of the peers that provided input during stage 2, four provided input in relation to their tax treaty with Singapore. Two of these peers concerns a treaty partner to both treaties identified above that does not contain Article 25(1), first sentence, of the OECD Model Tax Convention, as it read prior to the adoption of the Action 14 final report and which will not be modified by the Multilateral Instrument. The first peer mentioned that in the period under review it has held preliminary discussions with Singapore on their tax treaty, not per se related to the BEPS Minimum Standard. It, however, did not provide any further specifications on the status of these discussions or any foreseen negotiations. The second peer reported it has contacted Singapore to address the specific issue of a protocol provision requiring taxpayers to initiate domestic remedies when submitting a MAP request, such by entering into a memorandum of understanding. Apart from this, the peer also mentioned it has ongoing negotiations with Singapore on an amending protocol to the treaty, such at the request of Singapore. While the negotiations are not exclusively focused on the MAP provision, it is not excluded that the MAP provision is addressed as well. The peer, however, did not provide for a status of the negotiations.

### *Anticipated modifications*

50. Singapore reported it will seek to include Article 25(1) of the OECD Model Tax Convention, as it read prior to the adoption of the Action 14 final report in all of its future tax treaties.

### *Conclusion*

	Areas for improvement	Recommendations
[B.1]	<p>Two out of 93 tax treaties do not contain a provision that is equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention, either as it read prior to the adoption of the Action 14 final report or as amended by that report (OECD, 2015b). None of those two tax treaties have been or are expected to be modified by the Multilateral Instrument to include such equivalent. With respect to these treaties:</p> <ul style="list-style-type: none"> <li>• For one negotiations are on-going with a view to include the equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of the Action 14 final report.</li> <li>• For one Singapore is awaiting a response from the treaty partner to express interest in initiating bilateral negotiations with a view to include the equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of the Action 14 final report.</li> </ul>	<p>As the two tax treaties that do not contain the equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention, either as it read prior to the adoption of the Action 14 final report or as amended by that report (OECD, 2015b), will not be modified by the Multilateral Instrument, Singapore should continue with negotiations to include the required provision, or, upon receipt of a response from the treaty partner agreeing to include the required provision, work towards updating the treaty to include this provision.</p> <p>This concerns a provision that is equivalent to Article 25(1), first sentence of the OECD Model Tax Convention either:</p> <ol style="list-style-type: none"> <li>a. as amended in the final report of action 14 (OECD, 2015b); or</li> <li>b. as it read prior to the adoption of final report of action 14 (OECD, 2015b), thereby including the full sentence of such provision.</li> </ol>



	Areas for improvement	Recommendations
[B.1]	<p>Three out of 93 tax treaties do not contain a provision that is equivalent to Article 25(1), second sentence, of the OECD Model Tax Convention, as the timeline to file a MAP request is in these treaties either shorter than three years from the first notification of the action resulting in taxation not in accordance with the provision of the tax treaty. Of these three treaties:</p> <ul style="list-style-type: none"> <li>• One has been modified by the Multilateral Instrument to include Article 25(1), second sentence, of the OECD Model Tax Convention (OECD, 2017).</li> <li>• One is expected to be modified by the Multilateral Instrument to include Article 25(1), second sentence, of the OECD Model Tax Convention (OECD, 2017).</li> <li>• One will not be modified by that instrument to include the Article 25(1), second sentence, of the OECD Model Tax Convention. Singapore has approached the relevant treaty partner to initiate negotiations on the amendment of the treaty with a view to include the required provision, but the treaty partner indicated it is not ready to commence such negotiations.</li> </ul>	<p>For the remaining treaty that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(1), second sentence, of the OECD Model Tax Convention, Singapore should, upon receipt of a response from the relevant treaty partner agreeing to include the required provision, work towards updating the treaty to include this provision.</p>

**[B.2] Allow submission of MAP requests to the competent authority of either treaty partner, or, alternatively, introduce a bilateral consultation or notification process**

Jurisdictions should ensure that either (i) their tax treaties contain a provision which provides that the taxpayer can make a request for MAP assistance to the competent authority of either Contracting Party, or (ii) where the treaty does not permit a MAP request to be made to either Contracting Party and the competent authority who received the MAP request from the taxpayer does not consider the taxpayer's objection to be justified, the competent authority should implement a bilateral consultation or notification process which allows the other competent authority to provide its views on the case (such consultation shall not be interpreted as consultation as to how to resolve the case).

51. In order to ensure that all competent authorities concerned are aware of MAP requests submitted, for a proper consideration of the request by them and to ensure that taxpayers have effective access to MAP in eligible cases, it is essential that all tax treaties contain a provision that either allows taxpayers to submit a MAP request to the competent authority:

- i. of either treaty partner; or in the absence of such provision
- ii. where it is a resident, or to the competent authority of the state of which they are a national if their cases come under the non-discrimination article. In such cases, jurisdictions should have in place a bilateral consultation or notification process where a competent authority considers the objection raised by the taxpayer in a MAP request as being not justified.

***Domestic bilateral consultation or notification process in place***

52. As discussed under element B.1, out of Singapore's 93 tax treaties, none currently contain a provision equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention as amended by the Action 14 final report (OECD 2015b) and allowing taxpayers to submit a MAP request to the competent authority of either treaty partner. In addition,

as was also discussed under element B.1, none of these 93 tax treaties will, following Singapore's reservation according to Article 16(5)(a) of the Multilateral Instrument, be modified by that instrument to allow taxpayers to submit a MAP request to the competent authority of either treaty partner.

53. Singapore reported that it has introduced an informal notification process since the early 1990s, which allows the other competent authority concerned to provide its views on the case when Singapore's competent authority considers the objection raised in a MAP request not to be justified. Singapore further reported that it has formalised such a process in 2006. Concerning the application of the process, Singapore reported that its competent authority sends a letter (via mail and e-mail) to the other competent authority including the taxpayer's information, the issue at stake, the date of application, the outcome of the case as well as the reasons why Singapore's competent authority considers the case as raising a non-justified objection.

54. Section 7.28 of Singapore's e-Tax Guide on "Avoidance of Double Taxation Agreements" and section 9.11 of the e-Tax Guide on "Transfer Pricing Guidelines" stipulates that when IRAS considers a MAP request as raising a not justified objection it notifies both the taxpayer and the relevant treaty partner of this decision.

### ***Recent developments***

55. There are no recent developments with respect to element B.2.

### ***Practical application***

#### *Period 1 January 2014-31 July 2017 (stage 1)*

56. From the 2016 MAP Statistics provided by Singapore, it follows that it has neither denied access to any cases nor considered any objection raised by the taxpayer as not justified. In this respect, Singapore reported that in the period 1 January 2014-31 July 2017 its competent authority considered in none of the MAP requests it received that the objection raised by taxpayers was not justified

57. All peers that provided input indicated not being aware of nor that it had been consulted or notified of a case where Singapore's competent authority considered the objection raised in a MAP request as not justified in the period 1 January 2014-31 July 2017, which can be explained by the fact that Singapore did not consider that an objection raised in a MAP request was not justified in the recent period of time.

#### *Period 1 August 2017-28 February 2019 (stage 2)*

58. Singapore reported that in the period 1 August 2017-28 February 2019 its competent authority also has for none of the MAP requests it received decided that the objection raised by taxpayers in such request was not justified. The 2017 and 2018 MAP statistics submitted by Singapore show that one of its MAP cases were closed with the outcome "objection not justified". For this case, Singapore clarified that the decision hereto was made by the competent authority of the relevant treaty partner and that it has been notified of this decision.

59. All peers that provided input during stage 1 also indicated that since 1 August 2017 they are not being aware of any cases for which Singapore's competent authority considered the objection raised in a MAP request as not justified.



*Anticipated modifications*

60. Singapore did not indicate that it anticipates any modifications in relation to element B.2.

*Conclusion*

	Areas for improvement	Recommendations
[B.2]	-	-

**[B.3] Provide access to MAP in transfer pricing cases**

Jurisdictions should provide access to MAP in transfer pricing cases.

61. Where two or more tax administrations take different positions on what constitutes arm’s length conditions for specific transactions between associated enterprises, economic double taxation may occur. Not granting access to MAP with respect to a treaty partner’s transfer pricing adjustment, with a view to eliminating the economic double taxation that may arise from such adjustment, will likely frustrate the main objective of tax treaties. Countries should thus provide access to MAP in transfer pricing cases.

*Legal and administrative framework*

62. Out of Singapore’s 93 tax treaties, 46 contain a provision equivalent to Article 9(2) of the OECD Model Tax Convention requiring their competent authorities to make a corresponding adjustment in case a transfer pricing adjustment is made by the treaty partner. Furthermore, 13 treaties do not contain a provision on granting corresponding adjustments that is based on or equivalent to Article 9(2) of the OECD Model Tax Convention. The remaining 34 treaties contain either in the treaty itself or in a protocol a provision that is based on Article 9(2) of the OECD Model Tax Convention, but is considered not being equivalent thereof as a corresponding adjustment can only be provided after involving the competent authorities through a consultation process or after the competent authority agrees with such a corresponding adjustment.

63. Access to MAP should be provided in transfer pricing cases regardless of whether the equivalent of Article 9(2) is included in Singapore’s tax treaties and irrespective of whether its domestic legislation enables the granting of corresponding adjustments. In accordance with element B.3, as translated from the Action 14 Minimum Standard, Singapore indicated that it will always provide access to MAP for transfer pricing cases and is willing to make corresponding adjustments when necessary. In practice, in order to obtain a corresponding adjustment after a primary adjustment was imposed in a foreign jurisdiction, Singaporean taxpayers have to ask the IRAS for relief in application of the MAP provision of the relevant tax treaty. This is also specified in section 11.22 of Singapore’s e-Tax Guide on “Transfer Pricing Guidelines”. This e-Tax Guide includes in sections 8 and 9 a further outline of how the MAP process functions specifically for transfer pricing cases.

64. Further to the above, section 6.25 of the e-Tax Guide on “Avoidance of Double Taxation Agreements (DTAs)” stipulates that notwithstanding the absence of Article 9(2) of the OECD Model Tax Convention in a tax treaty, IRAS would be prepared to accept a MAP request in a transfer pricing case.

## *Recent developments*

### *Bilateral modifications*

65. Singapore signed new treaties with nine treaty partners, one of which concerns the replacement of an existing treaty currently in force. Eight of these nine treaties contain a provision that is equivalent to Article 9(2) of the OECD Model Tax Convention. One of the newly signed treaties, which concerns a replacement of an existing treaty, also contains such equivalent, which is not the case for the current treaty in force. Of these nine treaties, three already entered into force. The effects of these newly signed treaties have been reflected in the analysis above where they have relevance.

### *Multilateral Instrument*

66. Singapore signed the Multilateral Instrument and has deposited its instrument of ratification on 21 December 2018. The Multilateral Instrument has for Singapore entered into force on 1 April 2019.

67. Article 17(2) of that instrument stipulates that Article 17(1) – containing the equivalent of Article 9(2) of the OECD Model Tax Convention – will apply in place of or in the absence of a provision in tax treaties that is equivalent to Article 9(2) of the OECD Model Tax Convention. However, this shall only apply if both contracting parties to the applicable treaty have listed this treaty as a covered tax agreement under the Multilateral Instrument. Furthermore, Article 17(2) of the Multilateral Instrument does not take effect if one or both of the signatory states to the tax treaty reserved the right, pursuant to Article 17(3), not to apply Article 17(2) for those tax treaties that already include the equivalent of Article 9(2) of the OECD Model Tax Convention, or not to apply Article 17(2) in the absence of such equivalent, on the basis that: (i) it shall make appropriate corresponding adjustments or (ii) its competent authority shall endeavour to resolve the case under mutual agreement procedure of the applicable tax treaty. Where neither treaty partner has made such a reservation, Article 17(4) of the Multilateral Instrument stipulates that both have to make a notification of whether the applicable treaty already contains a provision equivalent to Article 9(2) of the OECD Model Tax Convention. Where such a notification is made by both of them the Multilateral Instrument will modify this treaty to replace that provision. If not all treaty partners made this notification, Article 17(1) of the Multilateral Instrument will supersede this treaty only to the extent that the provision contained in that treaty relating to the granting of corresponding adjustments is incompatible with Article 17(1) (containing the equivalent of Article 9(2) of the OECD Model Tax Convention).

68. Singapore has, pursuant to Article 17(3), not reserved the right not to apply Article 17(2) of the Multilateral Instrument for those treaties that already contain a provision equivalent to Article 9(2) of the OECD Model Tax Convention. In regard of the 47 treaties identified above in paragraph 62 above and that are considered not to contain a provision that is equivalent to Article 9(2) of the OECD Model Tax Convention, Singapore listed 45 of them as a covered tax agreement under the Multilateral Instrument and made for 34 a notification on the basis of Article 17(4).

69. With regard to those 34 treaties, ten treaty partners are not a signatory to the Multilateral Instrument, whereas one has not listed its treaty with Singapore as a covered tax agreement under that instrument and ten have, on the basis of Article 17(3), reserved the right not to apply Article 17(2) as they considered that their treaty with Singapore already contains the equivalent of Article 9(2). All remaining 13 treaty partners also made a notification on the basis of Article 17(4). Of these 13 treaty partners, five have already

deposited their instrument of ratification of the Multilateral Instrument, following which the Multilateral Instrument has entered into force for the treaty between Singapore and these treaty partners, and therefore has modified the relevant treaty provisions to include the equivalent of Article 9(2) of the OECD Model Tax Convention. The other eight treaties will, upon its entry into force of the Multilateral Instrument for these treaties, be modified to include the equivalent of Article 9(2) of the OECD Model Tax Convention.

70. With regard to the remaining 11 treaties for which Singapore did not make a notification on the basis of Article 17(4), two treaty partners are not a signatory to the Multilateral Instrument, whereas one has not listed its treaty with Singapore as a covered tax agreement under that instrument and three have, on the basis of Article 17(3), reserved the right not to apply Article 17(2) as they considered that their treaty with Singapore already contains the equivalent of Article 9(2). Of the remaining five treaties, one treaty partner has already deposited its instrument of ratification of the Multilateral Instrument, following which the Multilateral Instrument has entered into force for the treaty between Singapore and this treaty, and therefore has superseded the relevant treaty provisions to include the equivalent of Article 9(2) of the OECD Model Tax Convention, but only to the extent that the provisions contained in those treaties relating to the granting of corresponding adjustments are incompatible with Article 17(1). The other four treaties will, upon its entry into force of the Multilateral Instrument for these treaties, be superseded by the Multilateral Instrument to include the equivalent of Article 9(2) of the OECD Model Tax Convention, but only to the extent that the provisions contained in those treaties relating to the granting of corresponding adjustments are incompatible with Article 17(1).

### ***Application of legal and administrative framework in practice***

#### *Period 1 January 2014-31 July 2017 (stage 1)*

71. Singapore reported that in the period 1 January 2014-31 July 2017 it has not denied access to MAP on the basis that their case was a transfer pricing case.

72. All peers that provided input indicated not being aware of a denial of access to MAP by Singapore in the period 1 January 2014-31 July 2017 on the grounds that it was a transfer pricing case.

#### *Period 1 August 2017-28 February 2019 (stage 2)*

73. Singapore reported that also since 1 August 2017 for none of the MAP requests it received relating to transfer pricing it has denied access to MAP on the basis that the case concerned was a transfer pricing case.

74. All peers that provided input during stage 1 stated in stage 2 that the update report provided by Singapore fully reflects their experience with Singapore since 1 August 2017 and/or there are no additions to the previous input given. In addition, one peer mentioned that it is not aware of any cases where Singapore denied access to MAP. Another peer also mentioned it did not encounter any problems with Singapore as regards access to MAP.

### ***Anticipated modifications***

75. Singapore reported that it is in favour of including Article 9(2) of the OECD Model Tax Convention in its tax treaties where possible and that it will seek to include Article 9(2) of the OECD Model Tax Convention in all of its future tax treaties.

### *Conclusion*

	Areas for improvement	Recommendations
[B.3]	-	-

#### **[B.4] Provide access to MAP in relation to the application of anti-abuse provisions**

Jurisdictions should provide access to MAP in cases in which there is a disagreement between the taxpayer and the tax authorities making the adjustment as to whether the conditions for the application of a treaty anti-abuse provision have been met or as to whether the application of a domestic law anti-abuse provision is in conflict with the provisions of a treaty.

76. There is no general rule denying access to MAP in cases of perceived abuse. In order to protect taxpayers from arbitrary application of anti-abuse provisions in tax treaties and in order to ensure that competent authorities have a common understanding on such application, it is important that taxpayers have access to MAP if they consider the interpretation and/or application of a treaty anti-abuse provision as being incorrect. Subsequently, to avoid cases in which the application of domestic anti-abuse legislation is in conflict with the provisions of a tax treaty, it is also important that taxpayers have access to MAP in such cases.

#### *Legal and administrative framework*

77. None of Singapore’s 93 tax treaties allow competent authorities to restrict access to MAP for cases when a treaty anti-abuse provision applies or when there is a disagreement between the taxpayer and the tax authorities as to whether the application of a domestic law anti-abuse provision is in conflict with the provisions of a tax treaty. In addition, the domestic law and/or administrative processes of Singapore do not contain a provision allowing its competent authority to limit access to MAP for cases in which there is a disagreement between the taxpayer and the tax authorities as to whether the application of a domestic law anti-abuse provision is in conflict with the provisions of a tax treaty.

78. Singapore reported that it considers issues relating to the application of a treaty anti-abuse provision and the question whether the application of a domestic anti-abuse provision is in conflict with the provision of a tax treaty are within the scope of MAP. While this is clarified on the IRAS website containing information on MAP, it is, however, not specifically addressed in Singapore’s e-Tax Guide on “Avoidance of double taxation agreements (DTA)” or the e-Tax Guide on “Transfer Pricing Guidelines”.

#### *Recent developments*

79. There are no recent developments with respect to element B.4.

#### *Practical application*

##### *Period 1 January 2014-31 July 2017 (stage 1)*

80. Singapore reported that in the period 1 January 2014-31 July 2017 it has not denied access to MAP in cases in which there was a disagreement between the taxpayer and the tax authorities as to whether the application of a treaty anti-abuse provision has been met, or as to

whether the application of a domestic law anti-abuse provision is in conflict with the provisions of a tax treaty. However, no such cases in relation hereto were received in that period.

81. All peers that provided input indicated not being aware of cases that have been denied access to MAP in Singapore in relation to the application of treaty and/or domestic anti-abuse provisions in the period 1 January 2014-31 July 2017.

*Period 1 August 2017-28 February 2019 (stage 2)*

82. Singapore reported that since 1 August 2017 it has also not denied access to MAP in cases in which there was a disagreement between the taxpayer and the tax authorities as to whether the conditions for the application of a treaty anti-abuse provision have been met, or as to whether the application of a domestic law anti-abuse provision is in conflict with the provisions of a tax treaty. However, no such cases in relation hereto were received since that date.

83. All peers that provided input during stage 1 stated in stage 2 that the update report provided by Singapore fully reflects their experience with Singapore since 1 August 2017 and/or there are no additions to the previous input given. In addition, one peer mentioned that it is not aware of any cases where Singapore denied access to MAP. Another peer also mentioned it did not encounter any problems with Singapore as regards access to MAP.

***Anticipated modifications***

84. Singapore did not indicate that it anticipates any modifications in relation to element B.4.

***Conclusion***

	Areas for improvement	Recommendations
[B.4]	-	-

**[B.5] Provide access to MAP in cases of audit settlements**

Jurisdictions should not deny access to MAP in cases where there is an audit settlement between tax authorities and taxpayers. If jurisdictions have an administrative or statutory dispute settlement/resolution process independent from the audit and examination functions and that can only be accessed through a request by the taxpayer, jurisdictions may limit access to the MAP with respect to the matters resolved through that process.

85. An audit settlement procedure can be valuable to taxpayers by providing certainty on their tax position. Nevertheless, as double taxation may not be fully eliminated by agreeing on such settlements, taxpayers should have access to MAP in such cases, unless they were already resolved via an administrative or statutory disputes settlement/resolution process that functions independently from the audit and examination function and which is only accessible through a request by taxpayers.

## ***Legal and administrative framework***

### *Audit settlements*

86. Singapore reported that under its domestic legislation it is possible that the tax administration and the taxpayer enter into a settlement agreement during the course of or after ending of an audit. Furthermore, when the taxpayer disagrees with the outcome of an audit, it may make an appeal to the Income Tax Board of Review (“ITBR”), which is an independent board set up under the Ministry of Finance. If an audit settlement has been reached, or if the dispute was resolved through the appeal to the ITBR, Singapore reported that this will not preclude taxpayers’ access to MAP.

### *Administrative or statutory dispute settlement/resolution process*

87. Singapore reported that it has no administrative or statutory dispute settlement or resolution process in place, which is independent from the audit and examination functions and which can only be accessed through a request by the taxpayer.

### ***Recent developments***

88. There are no recent developments with respect to element B.5.

### ***Practical application***

#### *Period 1 January 2014-31 July 2017 (stage 1)*

89. Singapore reported that in the period 1 January 2014-31 July 2017 it has not denied access to MAP in cases where the taxpayer and the tax administration have entered into an audit settlement. However, no such cases in relation hereto were received in that period.

90. All peers that provided input indicated not being aware of a denial of access to MAP by Singapore in the period 1 January 2014-31 July 2017 where the issue presented by the taxpayer has already been dealt with in an audit settlement between the taxpayer and the tax authorities.

#### *Period 1 August 2017-28 February 2019 (stage 2)*

91. Singapore reported that since 1 August 2017 it has also not denied access to MAP for cases where the issue presented by the taxpayer has already been dealt with in an audit settlement between the taxpayer and tax administration. However, no such cases in relation hereto were received since that date.

92. All peers that provided input during stage 1 stated in stage 2 that the update report provided by Singapore fully reflects their experience with Singapore since 1 August 2017 and/or there are no additions to the previous input given. In addition, one peer mentioned that it is not aware of any cases where Singapore denied access to MAP. Another peer also mentioned it did not encounter any problems with Singapore as regards access to MAP.

### ***Anticipated modifications***

93. Singapore did not indicate that it anticipates any modifications in relation to element B.5.



### ***Conclusion***

	Areas for improvement	Recommendations
[B.5]	-	-

### **[B.6] Provide access to MAP if required information is submitted**

Jurisdictions should not limit access to MAP based on the argument that insufficient information was provided if the taxpayer has provided the required information based on the rules, guidelines and procedures made available to taxpayers on access to and the use of MAP.

94. To resolve cases where there is taxation not in accordance with the provisions of the tax treaty, it is important that competent authorities do not limit access to MAP when taxpayers have complied with the information and documentation requirements as provided in the jurisdiction’s guidance relating hereto. Access to MAP will be facilitated when such required information and documentation is made publically available.

#### ***Legal framework on access to MAP and information to be submitted***

95. The information and documentation Singapore requires taxpayers to include in a request for MAP assistance are discussed under element B.8.

96. In case a MAP request does not include sufficient information or documentation, Singapore reported that its competent authority would ask the taxpayer to submit missing information within one month after being asked to do so. In case the taxpayer fails to comply with such a timeline, Singapore reported that it would not deny access to MAP for this specific reason and that the timeline may also be extended if the taxpayer requests for it.

97. Section 7.11 of Singapore’s e-Tax Guide on “Avoidance of Double Tax Agreements (DTAs)” and section 8.32 of the e-Tax Guide on “Transfer Pricing Guidelines” include a list of factors that contribute to the success of the MAP process, which includes a requirement to (i) comply with all requirements pertaining to the MAP process, (ii) provide access to all relevant documentation, (iii) be forthcoming in providing complete and reliable information and good quality analysis relating to the MAP application and (iv) adhere to all the stipulated timelines when providing any clarification, information and analysis that may be requested by the competent authority.

#### ***Recent developments***

98. There are no recent developments with respect to element B.6.

#### ***Practical application***

##### *Period 1 January 2014-31 July 2017 (stage 1)*

99. Singapore reported it provides access to MAP in all cases where taxpayers have complied with the information and documentation required by its competent authority and as set out in its MAP guidance. It further reported that in the period 1 January 2014-31 July 2017 it has not denied access to MAP where taxpayers have complied with the information and documentation requirements.

100. All peers that provided input indicated not being aware of a limitation of access to MAP by Singapore in the period 1 January 2014-31 July 2017 in situations where taxpayers complied with information and documentation requirements.

*Period 1 August 2017-28 February 2019 (stage 2)*

101. Singapore reported that since 1 August 2017 it has also not limited access to MAP on the grounds that information in the MAP request was not the information or documentation required by its competent authority.

102. All peers that provided input during stage 1 stated in stage 2 that the update report provided by Singapore fully reflects their experience with Singapore since 1 August 2017 and/or there are no additions to the previous input given. In addition, one peer mentioned that it is not aware of any cases where Singapore denied access to MAP. Another peer also mentioned it did not encounter any problems with Singapore as regards access to MAP.

***Anticipated modifications***

103. Singapore did not indicate that it anticipates any modifications in relation to element B.6.

***Conclusion***

	Areas for improvement	Recommendations
[B.6]	-	-

**[B.7] Include Article 25(3), second sentence, of the OECD Model Tax Convention in tax treaties**

Jurisdictions should ensure that their tax treaties contain a provision under which competent authorities may consult together for the elimination of double taxation in cases not provided for in their tax treaties.

104. For ensuring that tax treaties operate effectively and in order for competent authorities to be able to respond quickly to unanticipated situations, it is useful that tax treaties contain the second sentence of Article 25(3) of the OECD Model Tax Convention, enabling them to consult together for the elimination of double taxation in cases not provided for by these treaties.

***Current situation of Singapore's tax treaties***

105. Out of Singapore's 93 tax treaties, 85 contain a provision equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention allowing their competent authorities to consult together for the elimination of double taxation in cases not provided for in their tax treaties. Of the remaining eight treaties, seven do not contain any provision based on the second sentence of Article 25(3), while one treaty contains a provision that is based on this second sentence, but does not refer to the elimination of double taxation and limits the cases of discussion to certain issues only. This treaty, therefore, is considered not containing the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention.



106. Almost all peers that provided input reported that their tax treaty with Singapore meets the requirements under element B.7. One peer, however, mentioned that its tax treaty with Singapore does not contain the equivalent of Article 25(3), second sentence of the OECD Model Tax Convention, but reported that this should be covered by the Multilateral Instrument. For the other seven treaties identified that do not contain this equivalent, the relevant peers did not provide input.

### ***Recent developments***

#### *Bilateral modifications*

107. Singapore signed new treaties with nine treaty partners, one of which concerns the replacement of an existing treaty currently in force. All nine treaties contain a provision that is equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention. The one treaty that will be replaced by one of the newly signed treaties, also contained such equivalent. Of these nine treaties, three already entered into force. The effects of these newly signed treaties have been reflected in the analysis above where they have relevance.

#### *Multilateral Instrument*

108. Singapore recently signed the Multilateral Instrument and has deposited its instrument of ratification on 21 December 2018. The Multilateral Instrument has for Singapore entered into force on 1 April 2019.

109. Article 16(4)(c)(ii) of that instrument stipulates that Article 16(3), second sentence – containing the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention – will apply in the absence of a provision in tax treaties that is equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention. In other words, in the absence of this equivalent, Article 16(4)(c)(ii) of the Multilateral Instrument will modify the applicable tax treaty to include such equivalent. However, this shall only apply if both contracting parties to the applicable tax treaty have listed this treaty as a covered tax agreement under the Multilateral Instrument and insofar both notified, pursuant to Article 16(6)(d)(ii), the depositary of the fact that this tax treaty does not contain the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention.

110. In regard of the eight tax treaties identified above that are considered not to contain the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention, Singapore listed all of them as a covered tax agreement under the Multilateral Instrument and for all did it make, pursuant to Article 16(6)(d)(ii), a notification that they do not contain a provision described in Article 16(4)(c)(ii). Of the relevant eight treaty partners, one is not a signatory to the Multilateral Instrument. The remaining seven treaty partners listed their tax treaty with Singapore as a covered tax agreement under that instrument and also made a notification on the basis of Article 16(6)(d)(ii).

111. Of the seven treaty partners mentioned above, five have deposited their instrument of ratification, following which the Multilateral Instrument has entered into force for the treaty between Singapore and these treaty partners. Therefore, at this stage, the Multilateral Instrument has modified five treaties to include the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention. For the remaining two treaties, the instrument will, upon entry into force for these treaties, modify them to include the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention.

*Other developments*

112. For the remaining one treaty that does not contain the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention and which will not be modified by the Multilateral Instrument to include such equivalent, Singapore reported that contacts have been initiated with the relevant treaty partner for the renegotiation of the tax treaty to include the equivalent of the second sentence of Article 25(3). However, this treaty partner has not yet responded to Singapore’s outreach.

*Peer input*

113. Of the peers that provided input during stage 2, four provided input in relation to their tax treaty with Singapore. None of these peers concerns a treaty partner to one of the treaties identified above that does not contain Article 25(3), second sentence, of the OECD Model Tax Convention and which not will be modified by the Multilateral Instrument.

*Anticipated modifications*

114. Singapore reported it will seek to include Article 25(3), second sentence, of the OECD Model Tax Convention in all of its future tax treaties.

*Conclusion*

	Areas for improvement	Recommendations
[B.7]	<p>Eight out of 93 tax treaties do not contain a provision that is equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention. Of these eight treaties:</p> <ul style="list-style-type: none"> <li>• Five have been modified by the Multilateral Instrument to include the equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention.</li> <li>• Two are expected to be modified by the Multilateral Instrument to include the equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention.</li> <li>• One treaty will not be modified by the Multilateral Instrument to include the equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention. With respect to this treaty Singapore has approached the relevant treat partner to initiate discussions the amendment of the treaty with a view to include the required provision, but the treaty partner has not yet responded.</li> </ul>	<p>For the remaining treaty that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention, Singapore should, upon receipt of a response from the treaty partner agreeing to include the required provision, work towards updating the treaty w to include this provision.</p>

**[B.8] Publish clear and comprehensive MAP guidance**

Jurisdictions should publish clear rules, guidelines and procedures on access to and use of the MAP and include the specific information and documentation that should be submitted in a taxpayer’s request for MAP assistance.

115. Information on a jurisdiction’s MAP regime facilitates the timely initiation and resolution of MAP cases. Clear rules, guidelines and procedures on access to and use of the MAP are essential for making taxpayers and other stakeholders aware of how a jurisdiction’s MAP regime functions. In addition, to ensure that a MAP request is received and will be reviewed by the competent authority in a timely manner, it is important that

a jurisdiction’s MAP guidance clearly and comprehensively explains how a taxpayer can make a MAP request and what information and documentation should be included in such request.

### *Singapore’s MAP guidance*

116. Singapore has issued rules, guidelines and procedures on the MAP process and how it conducts that process in practice. These rules are laid down in two e-Tax Guides, namely the E-Tax Guide on “Avoidance of Double Tax Agreements (DTAs)” and the E-Tax Guide on “Transfer Pricing Guidelines”. Both guides are available at:

[https://www.iras.gov.sg/irashome/Quick-Links/International-Tax/  
Mutual-Agreement-Procedure/](https://www.iras.gov.sg/irashome/Quick-Links/International-Tax/Mutual-Agreement-Procedure/)

117. The e-Tax Guide on “Avoidance of Double Tax Agreements (DTAs)” includes general information on the MAP process. The e-Tax Guide on “Transfer Pricing Guidelines” includes information on the MAP process specifically relating to attribution/allocation cases. The information contained in both documents is similar as to the operation of the MAP process and contains the following items:

01. General outline of the MAP process, including the expectations and obligations from and for taxpayers and the competent authority.
02. Persons eligible to submit a MAP request
03. Submission of the MAP request <ul style="list-style-type: none"> <li>• Time limits for filing a MAP request</li> <li>• Contact details of the competent authority</li> </ul>
04. The manner and form for the submission of a MAP request
05. Time limits for submitting a MAP request
06. Outline of the MAP process – including steps within the process
07. Rights and role of taxpayers in the MAP process
08. Confidentiality of information throughout the MAP process
09. Implementation of MAP agreements, including the steps to be taken and the timing of these steps
10. Interaction between MAP and domestic remedies
11. The consideration of interest and penalties in MAP

118. The above-described MAP guidance of Singapore includes detailed information on the availability and the use of the MAP and how its competent authority conducts the procedure in practice. This guidance includes the information that the FTA MAP Forum agreed should be included in a jurisdiction’s MAP guidance, which concerns: (i) contact information of the competent authority or the office in charge of MAP cases and (ii) the manner and form in which the taxpayer should submit its MAP request.<sup>2</sup> Moreover, a specific section at the end of the webpage including the MAP guidance enables the taxpayers to rate the page, to suggest any improvements as well as to ask for any additional information via email. Although the guidance is detailed and comprehensive, various subjects are not specifically discussed. This concerns the availability of the MAP (i) in cases where an anti-abuse provision applies and (ii) in cases of bona fide foreign-initiated self-adjustments as well as information on the suspension (or non-suspension of the tax collection).

### ***Information and documentation to be included in a MAP request***

119. Section 7.24 of Singapore’s e-Tax Guide on “Avoidance of Double Taxation Agreements (DTAs)” stipulates that there is no specific application form that taxpayers should use when submitting a MAP request, apart from the fact that such submission should be in the form of a letter in one soft and one hard copy. Annex A of this e-Tax Guide includes the minimum information that taxpayers are expected to include in their MAP request.

120. Furthermore, section 9 of the e-Tax Guide on “Transfer Pricing Guidelines” includes an outline of the MAP process for attribution/allocation cases. It is stated there that before submitting a MAP request, the taxpayer is required to notify the IRS of its intent to submit such a request, after which a pre-filing meeting will be held within one month. In this respect, section 9.6 stipulates that where on the basis of the pre-filing meeting the IRAS is inclined to accept the MAP request, it will provide guidance to the taxpayer as to what information he should include in its MAP request. Section 9.8 further stipulates that a MAP request should be made in a soft and hard copy as well as being submitted to both competent authorities concerned. Annex B2 of the e-Tax Guide includes the minimum information taxpayers should provide when requesting for a pre-filing meeting and thus also for a MAP request.

121. To facilitate the review of a MAP request by competent authorities and to have more consistency in the required content of MAP requests, the FTA MAP Forum agreed on guidance that jurisdictions could use in their domestic guidance on what information and documentation taxpayers need to include in request for MAP assistance.<sup>3</sup> This agreed guidance is shown below. Singapore’s MAP guidance enumerating which items must be included in a request for MAP assistance are checked in the following list:

- identity of the taxpayer(s) covered in the MAP request
- the basis for the request
- facts of the case
- analysis of the issue(s) requested to be resolved via MAP
- whether the MAP request was also submitted to the competent authority of the other treaty partner
- whether the MAP request was also submitted to another authority under another instrument that provides for a mechanism to resolve treaty-related disputes
- whether the issue(s) involved were dealt with previously
- a statement confirming that all information and documentation provided in the MAP request is accurate and that the taxpayer will assist the competent authority in its resolution of the issue(s) presented in the MAP request by furnishing any other information or documentation required by the competent authority in a timely manner.

122. In addition, Singapore requires the following information to be provided along with a MAP request:

- Whether the taxpayer has pursued domestic remedies such as tax tribunals or courts in the foreign jurisdiction. If so, a copy of the decision is to be provided.

- Whether similar issue(s) has been previously dealt with in an advance ruling or by any tax tribunal or court. If so, a copy of these rulings or decisions should be provided where relevant and available.
- How the taxpayer has reflected the issue(s) in its Singaporean income tax return (e.g. income not brought to tax, foreign tax credit claimed).

### ***Recent developments***

123. Singapore has published its e-Tax Guide on “Avoidance of Double Taxation Agreements (DTAs)” in October 2017 with a view to provide guidance on the interpretation and application of the tax treaties it entered into. Section 7 of this guide includes specific information to the MAP process. In June 2018 this guide was updated. Furthermore, Singapore reported in December 2018 it completed its analysis of the e-Tax Guide on “Transfer Pricing Guidelines”, which led to the conclusion that no updates were necessary. It was lastly updated in February 2018. In the above analysis, the content of both e-Tax Guides has been reflected.

### ***Anticipated modifications***

124. Singapore did not indicate that it anticipates any modifications in relation to element B.8.

### ***Conclusion***

	Areas for improvement	Recommendations
[B.8]	-	-

## **[B.9] Make MAP guidance available and easily accessible and publish MAP profile**

Jurisdictions should take appropriate measures to make rules, guidelines and procedures on access to and use of the MAP available and easily accessible to the public and should publish their jurisdiction MAP profiles on a shared public platform pursuant to the agreed template.

125. The public availability and accessibility of a jurisdiction’s MAP guidance increases public awareness on access to and the use of the MAP in that jurisdiction. Publishing MAP profiles on a shared public platform further promotes the transparency and dissemination of the MAP programme.<sup>4</sup>

### ***Rules, guidelines and procedures on access to and use of the MAP***

126. Singapore’s MAP guidance is published and can be found at:

[https://www.iras.gov.sg/irashome/Quick-Links/International-Tax/  
Mutual-Agreement-Procedure/](https://www.iras.gov.sg/irashome/Quick-Links/International-Tax/Mutual-Agreement-Procedure/)

127. This guidance was last updated in July 2018. It is accessible after searching for “mutual agreement procedure” on the homepage of IRAS’ website. This webpage also contains the e-Tax guides discussed under element B.8.

### *MAP profile*

128. Singapore’s MAP profile is published on the website of the OECD, which was last updated in July 2018. This MAP profile is complete and often supplemented with detailed information. It also includes external links which provide extra information and guidance where appropriate.

129. One peer provided input and mentioned that while Singapore included the contact details of its competent authority in the MAP profile, which can easily be found on the website of IRAS, these contact details do not provide for an email address. Such email address, however, is available in Singapore’s guidance on the MAP process.

### *Recent developments*

130. Singapore has updated its MAP guidance in July 2018, which concerns an update to the e-Tax Guide on “Transfer Pricing Guidelines” and the e-Tax Guide on “Avoidance of Double Taxation Agreements”.

### *Anticipated modifications*

131. Singapore did not indicate that it anticipates any modifications in relation to element B.9.

### *Conclusion*

	Areas for improvement	Recommendations
[B.9]	-	-

## **[B.10] Clarify in MAP guidance that audit settlements do not preclude access to MAP**

Jurisdictions should clarify in their MAP guidance that audit settlements between tax authorities and taxpayers do not preclude access to MAP. If jurisdictions have an administrative or statutory dispute settlement/resolution process independent from the audit and examination functions and that can only be accessed through a request by the taxpayer, and jurisdictions limit access to the MAP with respect to the matters resolved through that process, jurisdictions should notify their treaty partners of such administrative or statutory processes and should expressly address the effects of those processes with respect to the MAP in their public guidance on such processes and in their public MAP programme guidance.

132. As explained under element B.5, an audit settlement can be valuable to taxpayers by providing certainty to them on their tax position. Nevertheless, as double taxation may not be fully eliminated by agreeing with such settlements, it is important that a jurisdiction’s MAP guidance clarifies that in case of audit settlement taxpayers have access to MAP. In addition, for providing clarity on the relationship between administrative or statutory dispute settlement or resolution processes and the MAP (if any), it is critical that both the public guidance on such processes and the public MAP programme guidance address the effects of those processes, if any. Finally, as the MAP represents a collaborative approach between treaty partners, it is helpful that treaty partners are notified of each other’s MAP programme and limitations thereto, particularly in relation to the previous mentioned processes.

***MAP and audit settlements in the MAP guidance***

133. As previously mentioned in under element B.5, it is in Singapore possible that taxpayers and the tax administration enter into audit settlements. In this respect, section 8.35 of Singapore’s e-Tax Guide on “Transfer Pricing Guidelines” and section 7.15 of the e-Tax Guide on “Avoidance of double taxation agreements (DTAs)” stipulate that access to MAP is available even when the taxpayer accepted a tax settlement from the IRAS or a foreign tax administration.

134. Peers indicated no issues with respect to the availability of audit settlements and the inclusion of information hereon in Singapore’s MAP guidance.

***MAP and other administrative or statutory dispute settlement/resolution processes in available guidance***

135. As previously mentioned under element B.5, Singapore does not have an administrative or statutory dispute settlement/resolution process in place that is independent from the audit and examination functions and that can only be accessed through a request by the taxpayer, and for that reason its MAP guidance does not address this issue.

136. All peers that provided input indicated not being aware of the existence of an administrative or statutory dispute settlement or resolution processes in Singapore, which can be clarified by the fact that such process is not in place.

***Notification of treaty partners of existing administrative or statutory dispute settlement/resolution processes***

137. As Singapore does not have an internal administrative or statutory dispute settlement/resolution process available, there is no need for notifying treaty partners of such process.

***Recent developments***

138. There are no recent developments with respect to element B.10.

***Anticipated modifications***

139. Singapore did not indicate that it anticipates any modifications in relation to element B.10.

***Conclusion***

	Areas for improvement	Recommendations
[B.10]	-	-



## Notes

1. This reservation on Article 16 – Mutual Agreement Procedure reads: “Pursuant to Article 16(5)(a) of the Convention, the Republic of Singapore reserves the right for the first sentence of Article 16(1) not to apply to its Covered Tax Agreements on the basis that it intends to meet the minimum standard for improving dispute resolution under the OECD/G20 BEPS Package by ensuring that under each of its Covered Tax Agreements (other than a Covered Tax Agreement that permits a person to present a case to the competent authority of either Contracting Jurisdiction), where a person considers that the actions of one or both of the Contracting Jurisdictions result or will result for that person in taxation not in accordance with the provisions of the Covered Tax Agreement, irrespective of the remedies provided by the domestic law of those Contracting Jurisdictions, that person may present the case to the competent authority of the Contracting Jurisdiction of which the person is a resident or, if the case presented by that person comes under a provision of a Covered Tax Agreement relating to non-discrimination based on nationality, to that of the Contracting Jurisdiction of which that person is a national; and the competent authority of that Contracting Jurisdiction will implement a bilateral notification or consultation process with the competent authority of the other Contracting Jurisdiction for cases in which the competent authority to which the mutual agreement procedure case was presented does not consider the taxpayer’s objection to be justified. An overview of Singapore’s positions on the Multilateral Instrument is available at: [www.oecd.org/tax/treaties/beps-mli-position-singapore.pdf](http://www.oecd.org/tax/treaties/beps-mli-position-singapore.pdf).
2. Available at: [www.oecd.org/tax/beps/beps-action-14-on-more-effective-dispute-resolution-peer-review-documents.pdf](http://www.oecd.org/tax/beps/beps-action-14-on-more-effective-dispute-resolution-peer-review-documents.pdf).
3. Ibid.
4. The shared public platform can be found at: [www.oecd.org/ctp/dispute/country-map-profiles.htm](http://www.oecd.org/ctp/dispute/country-map-profiles.htm).

## References

- OECD (2017), *Model Tax Convention on Income and on Capital 2017 (Full Version)*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/g2g972ee-en>.
- OECD (2015a), *Model Tax Convention on Income and on Capital 2014 (Full Version)*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264239081-en>.
- OECD (2015b), “Making Dispute Resolution Mechanisms More Effective, Action 14-2015 Final Report”, in *OECD/G20 Base Erosion and Profit Shifting Project*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264241633-en>.

## *Part C*

### **Resolution of MAP cases**

#### **[C.1] Include Article 25(2), first sentence, of the OECD Model Tax Convention in tax treaties**

Jurisdictions should ensure that their tax treaties contain a provision which requires that the competent authority who receives a MAP request from the taxpayer, shall endeavour, if the objection from the taxpayer appears to be justified and the competent authority is not itself able to arrive at a satisfactory solution, to resolve the MAP case by mutual agreement with the competent authority of the other Contracting Party, with a view to the avoidance of taxation which is not in accordance with the tax treaty.

140. It is of critical importance that in addition to allowing taxpayers to request for a MAP, tax treaties also contain a provision equivalent to the first sentence of Article 25(2) of the OECD Model Tax Convention, which obliges competent authorities, in situations where the objection raised by taxpayers are considered justified and where cases cannot be unilaterally resolved, to enter into discussions with each other to resolve cases of taxation not in accordance with the provisions of a tax treaty.

#### ***Current situation of Singapore’s tax treaties***

141. Out of Singapore’s 93 tax treaties, 91 contain a provision equivalent to Article 25(2), first sentence, of the OECD Model Tax Convention requiring its competent authority to endeavour – when the objection raised is considered justified and no unilateral solution is possible – to resolve by mutual agreement with the competent authority of the other treaty partner the MAP case with a view to the avoidance of taxation which is not in accordance with the tax treaty. For the remaining two treaties the following analysis is made:

- One treaty contains a provision that is based on the first sentence of Article 25(2), but the purpose of the mutual agreement procedure is to avoid “double taxation” instead of “taxation not in accordance with the convention”. While this is in line with the basis for which a MAP request can be submitted under this treaty, it is not considered to be a provision equivalent to Article 25(2), first sentence, of the OECD Model Tax Convention
- One treaty also contains a provision that is based on Article 25(2), first sentence, but also contains additional wording whereby the resolution of a MAP case is dependent on the notification of such MAP case to the other competent authority involved within a certain term. This additional language reads: “... provided that the competent authority of the other Contracting State is notified of the case within four and a half years from the due date or the date of filing of the return in that

other State, whichever is later.” As this additional wording may limit the situations where a MAP case is actually discussed, the provision is not considered being equivalent to Article 25(2), first sentence, of the OECD Model Tax Convention.

142. Almost all peers that provided input reported that their tax treaty with Singapore meets the requirements under element C.1. Two peers, however, mentioned that its tax treaty does not contain the equivalent of Article 25(2), first sentence of the OECD Model Tax Convention, but reported that this should be covered by the Multilateral Instrument.

### ***Recent developments***

#### *Bilateral modifications*

143. Singapore signed new treaties with nine treaty partners, one of which concerns the replacement of an existing treaty currently in force. All nine treaties contain a provision that is equivalent to Article 25(2), first sentence, of the OECD Model Tax Convention. The one treaty that will be replaced by one of the newly signed treaties, already contained such equivalent. Of these nine treaties, three already entered into force. The effect of these newly signed treaties have been reflected in the analysis above where they have relevance.

#### *Multilateral Instrument*

144. Singapore recently signed the Multilateral Instrument and has deposited its instrument of ratification on 21 December 2018. The Multilateral Instrument has for Singapore entered into force on 1 April 2019.

145. Article 16(4)(b)(i) of that instrument stipulates that Article 16(2), first sentence – containing the equivalent of Article 25(2), first sentence, of the OECD Model Tax Convention – will apply in the absence of a provision in tax treaties that is equivalent to Article 25(2), first sentence, of the OECD Model Tax Convention. In other words, in the absence of this equivalent, Article 16(4)(b)(i) of the Multilateral Instrument will modify the applicable tax treaty to include such equivalent. However, this shall only apply if both contracting parties to the applicable tax treaty have listed this tax treaty as a covered tax agreement under the Multilateral Instrument and insofar both notified the depositary of the fact that this tax treaty does not contain the equivalent of Article 25(2), first sentence, of the OECD Model Tax Convention.

146. In regard of the two tax treaties identified above that are considered not to contain the equivalent of Article 25(2), first sentence, of the OECD Model Tax Convention, Singapore listed both of them as a covered tax agreement under the Multilateral Instrument and for all did it make, pursuant to Article 16(6)(c)(i), a notification that they do not contain a provision described in Article 16(4)(b)(i). The relevant treaty partners are signatories to the Multilateral Instrument, listed their treaty with Singapore as a covered tax agreement under that instrument and also made a notification on the basis of Article 16(6)(c)(i).

147. Of the two treaty partners mentioned above, one has deposited its instrument of ratification, following which the Multilateral Instrument has entered into force for the treaty between Singapore and this treaty partner. Therefore, at this stage, the Multilateral Instrument has modified one treaty to include the equivalent of Article 25(2), first sentence, of the OECD Model Tax Convention. For the remaining treaty, the instrument will, Instrument will, upon entry into force for this treaty, modify it to include the equivalent of Article 25(2), first sentence, of the OECD Model Tax Convention.

*Peer input*

148. Of the peers that provided input during stage 2, four provided input in relation to their tax treaty with Singapore. None of these peers concerns a treaty partner to one of the treaties identified above that does not contain Article 25(2), first sentence, of the OECD Model Tax Convention and which will be modified by the Multilateral Instrument.

*Anticipated modifications*

149. Singapore reported it will seek to include Article 25(2), first sentence, of the OECD Model Tax Convention in all of its future tax treaties.

*Conclusion*

	Areas for improvement	Recommendations
[C.1]	-	-

**[C.2] Seek to resolve MAP cases within a 24-month average timeframe**

Jurisdictions should seek to resolve MAP cases within an average time frame of 24 months. This time frame applies to both jurisdictions (i.e. the jurisdiction which receives the MAP request from the taxpayer and its treaty partner).

150. As double taxation creates uncertainties and leads to costs for both taxpayers and jurisdictions, and as the resolution of MAP cases may also avoid (potential) similar issues for future years concerning the same taxpayers, it is important that MAP cases are resolved swiftly. A period of 24 months is considered as an appropriate time period to resolve MAP cases on average.

*Reporting of MAP statistics*

151. Statistics related to MAPs and APAs are published on IRAS' website.<sup>1</sup> The data provided includes the number of cases in inventory as well as the number of cases started and closed and the time needed for the resolution of such cases.

152. The FTA MAP Forum has agreed on rules for reporting of MAP statistics ("MAP Statistics Reporting Framework") for MAP requests submitted on or after 1 January 2016 ("post-2015 cases"). Also, for MAP requests submitted prior to that date ("pre-2016 cases"), the FTA MAP Forum agreed to report MAP statistics on the basis of an agreed template. Singapore provided its MAP statistics pursuant to the MAP Statistics Reporting Framework within the given deadline, including all cases involving Singapore and of which its competent authority was aware. The statistics discussed below include both pre-2016 and post-2015 cases and the full statistics are attached to this report as Annex B and C respectively and should be considered jointly for an understanding of the MAP caseload of Singapore.<sup>2</sup>

153. With respect to post-2015 cases, Singapore reported that for the years 2016-18 it has reached out to all its MAP partners with a view to have their MAP statistics matching. Singapore indicated that it could match its statistics with all of them.

154. Four peers provided input on the matching of MAP statistics with Singapore. Three of these peers confirmed that they were able to match their statistics with Singapore for the years 2016-18 or for any individual year, one of them specifying that it had a positive experience in this regard. Another peer mentioned that for the years 2016-17 it has not matched its MAP statistics with Singapore, but did so for the year 2018. The fourth peer mentioned it had no pending MAP cases with Singapore and therefore did not need to match its statistics.

155. Based on the information provided by Singapore's MAP partners, its post-2015 MAP statistics for the years 2016-18 actually match those of its treaty partners as reported by the latter.

### *Monitoring of MAP statistics*

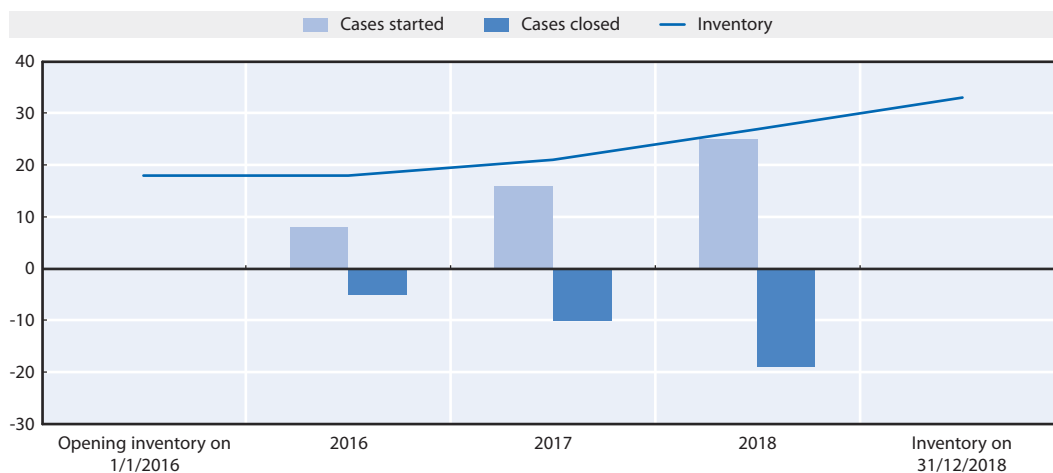
156. Singapore reported that it has a system in place to oversee the total MAP caseload and its evolution as well as the time needed for the resolution of MAP cases on average.

### *Analysis of Singapore's MAP caseload*

157. The analysis of Singapore's MAP caseload relates to the period starting on 1 January 2016 and ending on 31 December 2018.

158. Figure C.1 shows the evolution of Singapore's MAP caseload over the Statistics Reporting Period.<sup>3</sup>

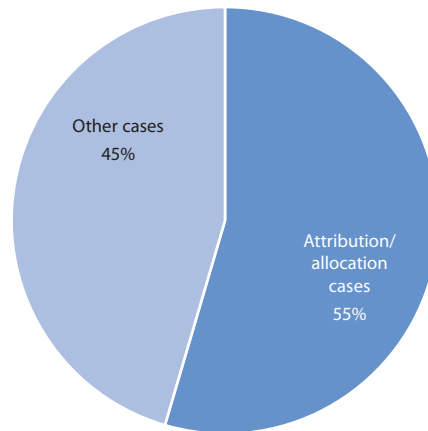
Figure C.1. Evolution of Singapore's MAP caseload



159. At the beginning of the Statistics Reporting Period, Singapore had 18 pending MAP cases, ten of which were attribution/allocation cases and eight other MAP cases.<sup>4</sup> At the end of the Statistics Reporting Period, Singapore had 33 MAP cases in its inventory, of which 18 are attribution/allocation cases and 15 other MAP cases. Consequently, Singapore's pending MAP cases have increased by 83% during the Statistics Reporting Period. This increase can be broken down into an increase of 80% for attribution/allocation cases and an increase of 88% for other cases.

160. This end inventory can be shown as in Figure C.2.

Figure C.2. End inventory on 31 December 2018 (33 cases)

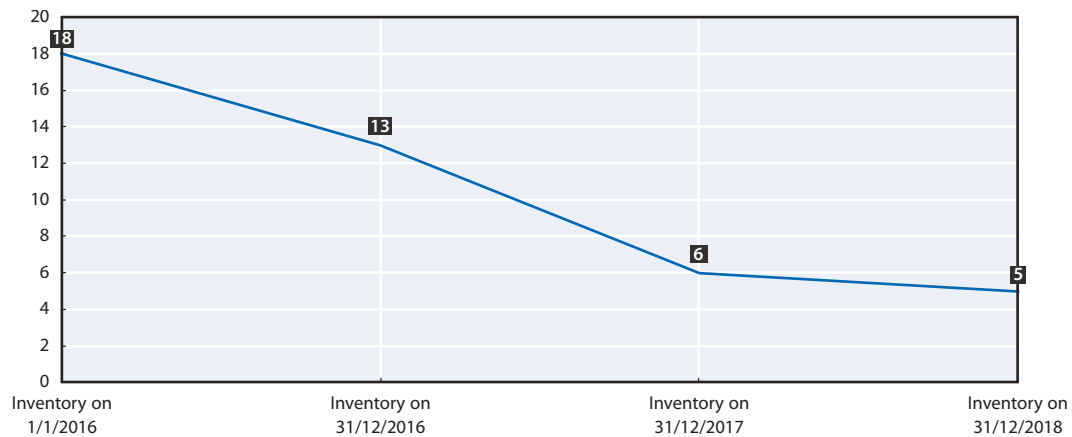


### Pre-2016 cases

161. Figure C.3 shows the evolution of Singapore's pre-2016 MAP cases over the Statistics Reporting Period.

Figure C.3. Evolution of Singapore's MAP inventory

Pre-2016 cases



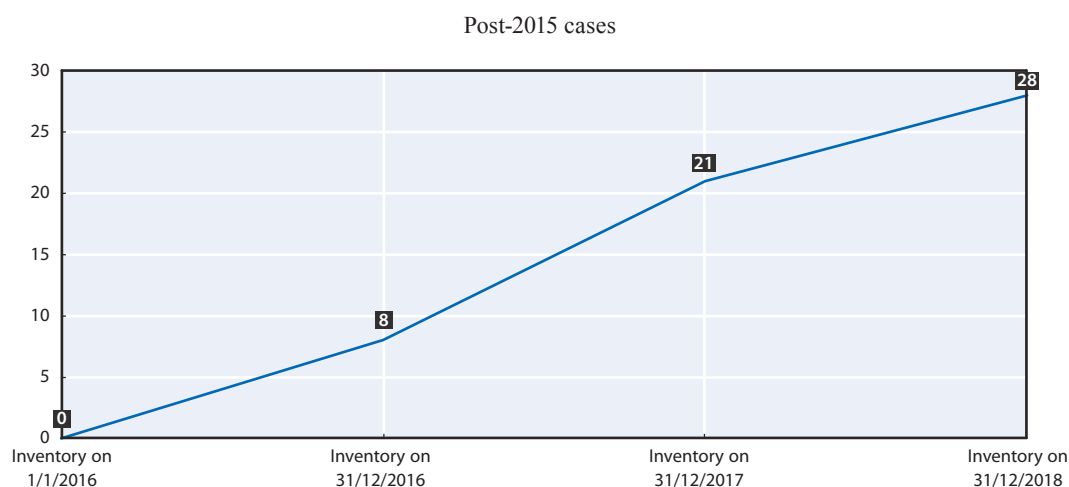
162. At the beginning of the Statistics Reporting Period, Singapore's MAP inventory of pre-2016 MAP cases consisted of 18 cases, of which ten were attribution/allocation cases and eight other cases. At the end of the Statistics Reporting Period the total inventory of pre-2016 cases had decreased to five cases, consisting of two attribution/allocation cases and three other cases. The decrease in the number of pre-2016 MAP cases is shown in the table below.

	Evolution of total MAP caseload in 2016	Evolution of total MAP caseload in 2017	Evolution of total MAP caseload in 2018	Cumulative evolution of total MAP caseload over the three years (2016-18)
Attribution/allocation cases	-34%	-45%	-25%	-73%
Other cases	-31%	-22%	-28%	-62%

### Post-2015 cases

163. Figure C.4 shows the evolution of Singapore's post-2015 MAP cases over the Statistics Reporting Period.

Figure C.4. Evolution of Singapore's MAP inventory



164. In total, 49 MAP cases started during the Statistics Reporting Period, 29 of which concerned attribution/allocation cases and 20 other cases. At the end of this period the total number of post-2015 cases in the inventory was 28 cases, consisting of 16 attribution/allocation cases and 12 other cases. Conclusively, Singapore closed 21 post-2015 cases during the Statistics Reporting Period, 13 of them being attribution/allocation cases and eight other cases. The total number of closed cases represents 43% of the total number of post-2015 cases that started during the Statistics Reporting Period.

165. The number of post-2015 cases closed as compared to the number of post-2015 cases started during the Statistics Reporting Period is shown in the table below.

	% of cases closed in 2016 compared to cases started in 2016	% of cases closed in 2017 compared to cases started in 2017	% of cases closed in 2018 compared to cases started in 2018	Cumulative evolution of total MAP caseload over the three years (2016-18)
Attribution/allocation cases	(no cases closed)	27%	67%	45%
Other cases	(no cases closed)	(no cases closed)	80%	40%

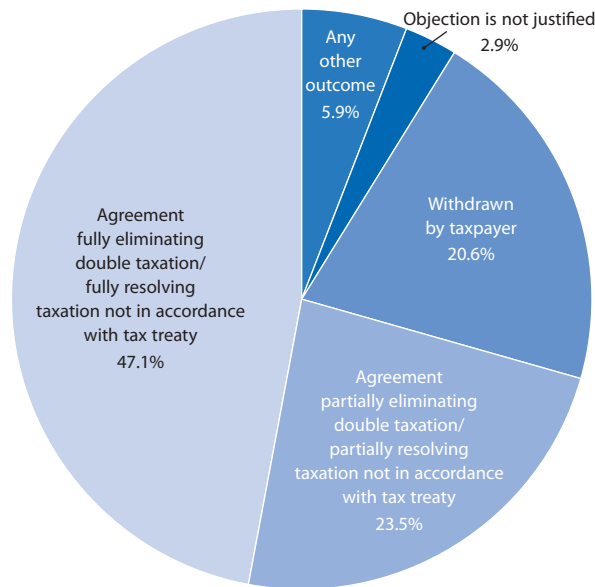


## Overview of cases closed during the Statistics Reporting Period

### Reported outcomes

166. During the Statistics Reporting Period Singapore closed 34 MAP cases, for which the outcomes shown in Figure C.5 were reported.

Figure C.5. Cases closed during 2016, 2017 or 2018 (34 cases)



167. Figure C.5 shows that during the Statistics Reporting Period, 16 out of 34 cases were closed through an agreement that fully eliminated double taxation or fully closed taxation not in accordance with the tax treaty.

### Reported outcomes for attribution/allocation cases

168. In total, 21 attribution/allocation cases were closed during the Statistics Reporting Period. The main reported outcomes for these cases are:

- agreement partially eliminating double taxation/partially resolving taxation not in accordance with the tax treaty (38%)
- agreement fully eliminating double taxation/fully resolving taxation not in accordance with the tax treaty (33%)
- withdrawn by taxpayers (42%).

### Reported outcomes for other cases

169. In total, 13 other cases were closed during the Statistics Reporting Period. The main reported outcomes for these cases are:

- agreement fully eliminating double taxation/fully resolving taxation not in accordance with the tax treaty (69%)
- withdrawn by taxpayers (15%).

### *Average timeframe needed to close MAP cases*

#### *All cases closed during the Statistics Reporting Period*

170. The average time needed to close MAP cases during the Statistics Reporting Period was 25.51 months.<sup>5</sup> This average can be broken down as follows:

	Number of cases	Start date to End date (in months)
Attribution/Allocation cases	21	28.66
Other cases	13	20.27
All cases	<b>34</b>	<b>25.51</b>

#### *Pre-2016 cases*

171. For pre-2016 cases, Singapore reported that on average it needed 65.56 months to close eight attribution/allocation cases and 39.70 months to close five other cases. This resulted in an average time needed of 56.15 months to close 13 pre-2016 cases. For the purpose of computing the average time needed to close pre-2016 cases, Singapore used:

- *Start date*: the date when Singapore's competent authority receives a MAP request regardless of the completeness of the information and documentation required
- *End date*: the date when the taxpayer is notified of the outcome by either of the competent authorities.

#### *Post-2015 cases*

172. For post-2015 cases, Singapore reported it needed 8.79 months to close 13 attribution/allocation cases and 10.56 months to close eight other cases. This resulted in an average time needed of 9.46 months to close 21 post-2015 cases.

### *Peer input*

173. Peers generally did not raise any issue with respect to element C.2. One peer mentioned that Singapore's competent authority endeavours to resolve MAP cases within a reasonable timeframe and another peer indicated that no impediments leading to unnecessary delays to resolve MAP cases could be observed with respect to Singapore. One peer, however, reported that the resolution of MAP cases involving Singapore took longer than 24 months. Singapore responded that this input related to a single MAP case and that the peer and Singapore had taken a different approach in computing the time taken to resolve that pre-2016 case. Singapore reported that it had indeed treated the case as closed once it informed its taxpayer of the outcome of the competent authorities' discussion (and this was done within 24 months), while the peer treated the case as closed only upon receipt of the formal closing letter that was exchanged beyond 24 months.

174. One peer further reported that it has in 2014 entered into an agreement with Singapore for improving MAP and bilateral APAs discussions between both competent authorities, which consists of the three main following steps: (i) early and open communication to identify key issues and concerns in relation to MAP and bilateral APAs, (ii) continual review of the MAP and bilateral APA programmes with the aim of improving the efficiency and effectiveness in resolving cases and (iii) improving understanding of the MAP and APA programs of each administration.

### *Recent developments*

175. Since Singapore did not close any post-2015 cases in 2016, it was in the stage 1 peer review report under element C.2 recommended to seek to resolve all of its post-2015 MAP cases that were pending on 31 December 2016 (eight cases), such within a timeframe that results in an average timeframe of 24 months for all post-2015 cases.

176. With respect to this recommendation, Singapore closed in the period 2016-18 42% of the post-2015 cases that were initiated in these years. Furthermore, Singapore noted that it has put in place a so-called Standard Operating Procedure (“SOP”) to guide the staff in charge of MAP on the administrative requirements for handling MAP cases, including the steps to be taken throughout the process (e.g. notifying treaty partners of MAP cases and keeping track of time limits of the process). In this procedure, Singapore has put in place prescribed timelines within which the necessary steps are to be taken and on the basis of which the monitoring of whether MAP cases are timely resolved is performed.

177. Further to the above, Singapore reported that in 2018 it has closely monitored all of its pending MAP cases and deployed additional resources to expedite the resolution of MAP cases. Where position papers were due at the level of the treaty partner, Singapore clarified that it reached out to its treaty partners to request outstanding information and, where possible, to agree on a timeline to ensure that the MAP case(s) could be resolved in a timely manner.

178. From the statistics discussed above, it follows that Singapore has in the period 2016-18 not closed its MAP cases within the pursued average of 24 months. For these years, the number of post-2015 cases closed as compared to the cases that started in these years was 42%. Furthermore, its MAP inventory has increased by 83% since 1 January 2016. Element C.3 will further consider these numbers in light of the adequacy of resources.

179. All peers that provided input during stage 1 confirmed that this input holds equally relevance for the period starting on 1 August 2017. Specific input on the resolution of MAP cases will be further discussed under element C.3.

### *Anticipated modifications*

180. Singapore did not indicate that it anticipates any modifications in relation to element C.2.

### *Conclusion*

	Areas for improvement	Recommendations
[C.2]	-	-

## **[C.3] Provide adequate resources to the MAP function**

Jurisdictions should ensure that adequate resources are provided to the MAP function.

181. Adequate resources, including personnel, funding and training, are necessary to properly perform the competent authority function and to ensure that MAP cases are resolved in a timely, efficient and effective manner.

## ***Description of Singapore’s competent authority***

### *Organisation of the competent authority*

182. Under the tax treaties Singapore entered into, the competent authority function to conduct MAP is assigned to the Minister for Finance, which it has delegated to the Internal Revenue Authority of Singapore (“IRAS”). Within IRAS, two divisions are responsible for handling MAP cases. This concerns:

- Tax Policy and Transfer Pricing Division (“TPTD”): two teams within this division are in charge of attribution/allocation cases
- International Tax and Relations Divisions (“ITaRD”): one team within this division is in charge of other MAP cases.

183. In total 18 staff members in both divisions are involved in handling MAP cases, two of which are support staff. Each of the division is headed by an assistant commissioner and assisted by a director. Both divisions work under the oversight of a deputy commissioner.

184. Singapore specified that staff within the two divisions are mostly tax specialists who are trained and experienced in dealing with international tax issues. Singapore also specified that the staff has prior experiences in tax assessments and audits.

### *Handling and resolving MAP cases*

185. Singapore’s e-Tax Guide on “Avoidance of Double Taxation Agreements (DTAs)” defines the governance of the competent authority function in relation to the handling of MAP cases. Section 7.8 stipulates that IRAS will consider a MAP request based on the merits of each case. Section 7.9 further states that IRAS will apply its best efforts to bring every case to a closure in a prompt, efficient and effective manner.

186. Section 7.28 further stipulates that once its competent authority accepted the MAP request, it will issue a letter of acceptance to the taxpayer and the other competent authority within a period of one month. Section 7.30 further mentions that throughout the process it will inform taxpayers on the progress of the case and the outcome thereof. It is there further stated that the IRAS aims at resolving MAP cases within a period of 24 months after receiving the complete MAP request. Sections 8.29, 8.30, 9.11 and 9.13 of Singapore’s e-Tax Guide on “Transfer Pricing Guidelines” includes the same information as included in Singapore’s e-Tax Guide on “Avoidance of Double Taxation Agreements (DTAs)”.

### ***Monitoring mechanism***

187. Singapore reported that the framework for the monitoring/assessment of whether resources for the MAP function are adequate consists of analysing the MAP caseload, the number of MAP cases per official as well as the time taken to resolve MAP cases. Singapore further reported that the resources dedicated to the MAP function have regularly been assessed to match the needs of the competent authority function.

### ***Recent developments***

188. Singapore reported that in July 2018 the competent authority function to conduct MAP has been reorganised. While prior to that date the Tax Policy and International Tax Division within IRAS was in charge of handling MAP cases, it is now organised into two separate divisions; the Tax Policy and Transfer Pricing Division and the International Tax and Relations Divisions. The function after the reorganisation is outlined in the description above.

189. Further to the above, Singapore also reported it devoted additional resources to the MAP function to expedite the resolution of MAP cases. This concerns the addition of three staff members. Furthermore, as described in paragraphs 176-177, Singapore made the following efforts to speed up the resolution of MAP cases:

- Introduction of a Standard Operating Procedure (“SOP”) to guide the staff in charge of MAP on the administrative requirements for handling MAP cases, including the steps to be taken throughout the process (e.g. notifying treaty partners of MAP cases and keeping track of time limits of the process). In this procedure, Singapore has put in place prescribed timelines within which the necessary steps are to be taken and on the basis of which the monitoring of whether MAP cases are timely resolved is performed.
- Close monitoring all of its pending MAP cases and deployment of additional resources to expedite the resolution of MAP cases.
- Reaching out to treaty partners where position papers were due by them, such to request outstanding information and, where possible, to agree on a timeline to ensure that the MAP case(s) could be resolved in a timely manner.

190. In addition to the above, Singapore reported that it has engaged the services of economist and other industry experts to assist in analysing more complex attribution/allocation cases. It further mentioned, that it will continue to engage in using these services on a need-to-basis.

### *Practical application*

#### *MAP statistics*

191. As discussed under element C.2 Singapore did not close its MAP cases during the Statistics Reporting Period within the pursued 24-month average. A discrepancy exists between the average time taken to close attribution/allocation cases and other cases. This can be shown by Figure C6.

Figure C6. Average time (in months) to close cases in 2016-2018



\* Note that post-2015 cases only concern cases opened and closed during 2016.

192. Based on these figures, it follows that on average it took Singapore 25.51 months to close MAP cases, which is above the pursued average of 24 months. The average time needed to close attribution/allocation cases is thereby above this pursued average (28.66 months), while for other cases the average is slightly below this pursued average (20.27 months).

193. The stage 1 peer review report of Singapore analysed the 2016 statistics and showed an average of 47.39 months, which concerns an average of 54.95 months for attribution/allocation cases and 36.05 months for other cases. It was on that basis concluded that there is a risk that post-2015 cases are not resolved within the pursued average of 24 months. It was further concluded that although Singapore's competent authority seems to be adequately resourced, there appear also be issues of an organisational nature that delayed the resolution of MAP cases. Singapore was therefore recommended to closely monitor whether the organisational steps recently taken will contribute to the resolution of MAP cases in a timely, efficient and effective manner, or whether other measures are necessary to accelerate the resolution of cases.

194. For stage 2, the 2017 and 2018 MAP statistics are also taken into account. The average time to close MAP cases can for these years be split as follows:

	2017	2018
Attribution/Allocation cases	44.01	13.15
Other cases	43.35	10.56
All cases	43.85	12.06

195. The 2017 statistics of Singapore show that the average completion time of MAP cases decreased from 47.39 months to 43.85 months, whereby the average for attribution/allocation cases decreased significantly, from 54.95 to 44.01 months. For other MAP cases the average increased from 36.05 months to 43.35 months. However, the average for 2018 significantly lead to a decrease of the average for attribution/allocation cases and other cases, to be both below the pursued average of 24 months.

196. Furthermore – as analysed in element C.2 – the MAP inventory of Singapore significantly increased since 1 January 2016. This can be shown as follows:

	Opening inventory on 1/1/2016	Cases started	Cases closed	End inventory on 01/01/2018	Increase in %
Attribution/allocation cases	10	29	21	18	80%
Other cases	8	20	13	15	88%
Total	18	49	34	33	83%

### *Clarifications by Singapore*

#### Period 1 January 2014-31 July 2017 (stage 1)

197. Singapore reported that the 2016 statistics relate to five pre-2016 cases that were closed. There were case-specific external factors, independent from the level of the resources available to perform the competent authority function, which contributed to why these five MAP cases were not closed within the 24-month average time period. In this

respect, Singapore reported having taken recent steps to address such external factors, consisting of:

- i. Providing clearer directions to taxpayers on specific documents and information to be provided within a specific timeline
- ii. Emphasising the importance of meeting the Action 14 Minimum Standard with respect of closing cases in less than 24 months during the discussions with other competent authorities
- iii. Encouraging MAP partners to be more flexible in terms of accepting electronic modes of communication compared to previous more traditional modes of communication like face-to-face meetings or letters
- iv. In respect of jurisdictions where Singapore has a steady inventory of MAP and APA cases, agreeing on frameworks and milestones to facilitate and accelerate the resolution of cases in a timely and principled manner.

198. Singapore emphasised that as of the end of the Statistics reporting period (31 December 2016), it has a relatively small caseload of 20 cases and a low caseload per staff of less than two cases. Taking into account its low case inventory and low caseload per staff, Singapore is of the view that it has devoted adequate resources to the MAP function. For the five pre-2016 cases closed in 2016, Singapore provided for the following clarification why it took longer than 24 months to close them:

- In respect of two other MAP cases, arising from a lack of sufficient information, Singapore reported that it took time to do its fact-finding (including getting additional facts from the local entities) before it could “start” working on the MAP cases. In one of the cases, Singapore indicated that there was also time spent to convince the other competent authority that the MAP request was received on time. Singapore reported that it has since then provided clearer directions to taxpayers on specific documents and information to be provided.
- In respect of one attribution/allocation case, Singapore reported that time was lost in directing the case appropriately to the MAP office. Singapore reported that it has since then provided clearer instructions for taxpayers on the MAP process and the manner and form for a MAP request to be submitted.
- In respect of another attribution/allocation case, Singapore indicated that it wrote to the other competent authority to understand the basis for making the adjustment in its jurisdiction and to ask for its position paper within one month of receiving taxpayer’s MAP request. Singapore reported that the other competent authority took some time to review the adjustment resulting from the audit in its jurisdiction and finally withdrew the adjustments at issue after approximately 30 months and hence this case did not enter the bilateral discussion phase.
- In respect of the last attribution/allocation case closed, Singapore reported that after it sent its first position paper to the other competent authority, it received the other competent authority’s response position paper, which explained the primary adjustment, after the 24-month timeline.

199. Moreover, Singapore reported that the timeframe only relates to pre-2016 cases, for which the start date was the date when the MAP request was received, regardless of the completeness of the information and documentation required. According to the MAP Statistics Reporting Framework, the start date of post-2015 cases shall be one week from the date of notification by the competent authority that receives the MAP request from



the taxpayer or five weeks from the receipt of the taxpayer's MAP request, whichever is the earlier date (except where a competent authority receives a MAP request that does not include all the information and documentation required to be furnished pursuant to its published MAP guidance). Therefore, the start date of some cases could have been five weeks later if computed as required for post-2015 cases. Consequently, the definition of the start date that Singapore used impacted and increased the average timeframe.

#### Period 1 August 2017-28 February 2019 (stage 2)

200. For stage 2, Singapore also provided a clarification why for some cases it took more than 24 months to close MAP cases.

201. For the year 2017, Singapore reported that it took its competent authority 43.85 months to close eight MAP cases, five of which were pre-2016 cases. Of these five cases, three concerned attribution/allocation cases and two other cases. Like for the year 2016, also for this year Singapore mentioned that the reason they took more than 24 months to be resolved is due to case-specific external factors, which are independent from the level of available resources to perform the competent authority function. This concerns: (i) a lack of sufficient information, (ii) the time taken to conduct fact-finding and (iii) delays in communications between the competent authorities.<sup>6</sup> Singapore also referred to the steps it has taken to address the external factors, which are reflected in paragraph 197 above.

202. Further to the above, Singapore pointed to the fact that the results of these steps can be derived from the average time taken to close the three post-2015 MAP cases in 2017, which were closed in 8.47 months on average. Singapore also referred to the average time taken to close MAP cases in 2018, which is 12.06 months, including both pre-2016 and post-2015 cases.

203. Singapore concluded by stating that as per 31 December 2018 its MAP caseload is relatively low (33 cases), which concerns less than four cases per staff, it has devoted adequate resources to the MAP function.

#### *Peer input*

#### Period 1 January 2014-31 July 2017 (stage 1)

204. All peers that provided input did not indicate that the resources available to Singapore's competent authority would not be adequate. No peers formulated any suggestion with respect to the level of resources allocated to the competent authority function in Singapore. As mentioned previously under element C.2, one peer reported that Singapore's competent authority endeavours to resolve MAP cases within a reasonable timeframe and another peer indicated that no impediments leading to unnecessary delays to resolve MAP cases could be observed with Singapore.

205. One peer, however, suggested that Singapore's competent authority has a more significant focus on economic analysis, which would impact positively the resolution of MAP cases.

#### Period 1 August 2017-28 February 2019 (stage 2)

206. Most peers that provided input during stage 1 stated in stage 2 that the update report provided by Singapore fully reflects their experience with Singapore since 1 August 2017 and/or there are no additions to the previous input given. Three peers provided specific

input on their experiences with Singapore concerning the resolution of MAP cases since that date.

207. One of these peers mentioned that it had a positive experience with Singapore in handling and resolving MAP cases. Another peer echoed this input and reported that it has successfully and in a timely manner resolved attribution/allocation cases with Singapore. In regard of that experience, this peer further noted that it has found Singapore’s competent authority to be professional and co-operative, as well as that it was prompt in its responses and took a pragmatic approach in resolving cases. In a more general sense, this peer noted that in its experience Singapore’s competent authority is professional and principled in their approach to handle MAP cases. It therefore concluded that Singapore’s competent authority has sufficient resources for the MAP function and that their staff is well trained to perform this function in a professional and timely manner.

208. Further to the above, the third peer reported that while there were some delays in obtaining a response from Singapore’s competent authority, pending MAP cases were resolved expeditiously. It further mentioned that Singapore has demonstrated a willingness to engage in principled technical discussions and to make reasonable adjustments to its stated positions, where appropriate. This peer view such approach to encourage constructive engagement, leading to a more effective outcomes of the MAP process, as the risk that competent authorities adopt entrenched positions is mitigated.

### *Anticipated modifications*

209. Singapore did not indicate that it anticipates any modifications in relation to element C.3.

### *Conclusion*

	Areas for improvement	Recommendations
[C.3]	<p>The average completion time of MAP cases in 2017-18 as compared to 2016 has substantially decreased, resulting in an average for 2018 to be below 24 months (which is the pursued average for resolving MAP cases received on or after 1 January 2016), and for all years combined is almost below this average. However, there is still a risk that post-2015 cases are not resolved within the average of 24 months, in particular attribution/allocation cases, for which the average timeframe is 28.66 months.</p> <p>Furthermore, the MAP caseload relating to other cases has increased and almost doubled in the period from 1 January 2016 to 31 December 2018. While additional resources have been allocated to the competent authority function and several organisational steps have been taken, which resulted in a significant reduction of the average completion time for both type of MAP cases (thereby addressing the recommendation made in the stage 1 peer review report), the increase in the number of MAP cases may indicate that more resources may be needed to cope with this increase.</p>	<p>As Singapore has substantially reduced the average time needed to close MAP cases – from 47.39 months to 25.51 months – and given the fact that it has made several organisational changes within its competent authority in 2017-18 that led to such reduction, Singapore should closely monitor whether the available resources for its competent authority function are adequate to ensure that current pending and future MAP cases are resolved in a timely, efficient and effective manner. Where needed, it should in particular devote additional resources to cope with the significant increase in the number of both attribution/allocation and other MAP cases.</p>

#### [C.4] **Ensure staff in charge of MAP has the authority to resolve cases in accordance with the applicable tax treaty**

Jurisdictions should ensure that the staff in charge of MAP processes have the authority to resolve MAP cases in accordance with the terms of the applicable tax treaty, in particular without being dependent on the approval or the direction of the tax administration personnel who made the adjustments at issue or being influenced by considerations of the policy that the jurisdictions would like to see reflected in future amendments to the treaty.

210. Ensuring that staff in charge of MAP can and will resolve cases, absent of any approval/direction by the tax administration personnel directly involved in the adjustment and absent of any policy considerations, contributes to a principled and consistent approach to MAP cases.

#### ***Functioning of staff in charge of MAP***

211. Singapore reported that where a MAP request is received by its competent authority, the Group Tax Specialist/Tax Director will conduct an initial review of the case to determine the issues involved in the case under review, after which it is assigned to a case-handler. The case-handler subsequently will perform an in-depth review of the case, such with the guidance of the Group Tax Specialist/Tax Director. These persons are thereby required to adhere to the timelines set for the respective phases of the MAP process.

212. When a position paper on the case is prepared, Singapore clarified that the case-handler will prepare an overview of the case, its analysis and a draft position paper. Dependent on the issue involved and the revenue impact, the draft paper has to be approved by either the Tax Director, the Assistant Commissioner or the Deputy Commissioner. When approved it is then shared with the other competent authorities concerned.

213. Concerning the resolution of MAP cases, Singapore explained that an appointed competent authority in the divisions responsible for the respective MAP cases (the TPTD divisions for attribution/allocation cases or the ITaRD division for other MAP cases) will lead any negotiations with the respective treaty partner and enter into agreements.

214. Further to the above, Singapore reported that its competent authority resolves MAP cases in accordance with the applicable tax treaty and that it is not dependent on the approval or the direction of the tax administration personnel directly involved in the adjustments at issue. In practice, the competent authority may only ask the tax auditors for the description of the facts and circumstances of the case under review and to provide some documents.

215. In addition, Singapore reported that the resolution of MAP cases by its competent authority is not influenced by policy considerations that Singapore would like to see reflected in future amendments to the tax treaty. In particular, staff handling attribution/allocation cases is not involved in any treaty negotiation or policy works. Singapore also indicated that staff in charge of other MAP cases will take into consideration the actual terms of a tax treaty as applicable for the relevant year and that it is committed not to be influenced by policy considerations. In addition, Singapore reported that its treaty interpretation is largely aligned with the OECD Model Tax Convention and its commentary.

#### ***Recent developments***

216. There are no recent developments with respect to element C.4.

### ***Practical application***

#### *Period 1 January 2014-31 July 2017 (stage 1)*

217. All peers that provided input did not report any impediment by Singapore to perform its MAP function absent from the approval or the direction of the tax administration personnel directly involved in the adjustments at issue or Singapore being influenced by considerations of the policy that it would like to see reflected in future amendments to the tax treaty.

#### *Period 1 August 2017-28 February 2019 (stage 2)*

218. All but one peer that provided input during stage 1 stated in stage 2 that the update report provided by Singapore fully reflects their experience with Singapore since 1 August 2017 and/or there are no additions to the previous input given. In addition, one of these peers mentioned that it has no indication that Singapore's competent authority is dependent on the approval or direction of tax administration personnel directly involved in the adjustment at issue, or that it is influenced by policy considerations that it would like to see reflected on future amendments to the treaty.

219. One peer provided different input and stated that it has pending MAP cases with Singapore, which were initiated in 2017 and 2018. The cases concern double taxation triggered by tax assessments issued by Singapore's competent authority following discussions that arose in bilateral APA discussions in 2015. The peer clarified that the protective tax assessments at issue were made by Singapore's competent authority pursuant to its own transfer pricing analysis and based on the documents submitted by the taxpayer in its APA application, rather than adopting the taxpayer's suggestion of arm's length price. The taxpayer then objected to the assessment made by Singapore's competent authority and submitted a MAP request to the peer jurisdiction. The peer expressed the concern that, where an APA agreement would not be reached, the protective tax assessments made by Singapore's competent authority would still remain and double taxation arisen by the protective tax assessments would not be eliminated. Furthermore, the peer observed that its competent authority had to consult in MAP with the analyst in Singapore's competent authority who actually made the adjustment. The peer felt that the analyst's involvement raised the type of conflict of interest contemplated by element C.4 and that it impeded effective and proactive discussions towards resolving the case. The peer therefore expressed that it would appreciate if Singapore's competent authority could find an alternative approach that would separate the tax adjustment and MAP negotiation functions in order to foster more effective discussions towards resolution of the case.

220. Singapore provided a response to this input and expressed that it disagreed that the matter raised by the peer falls under element C.4, because the protective tax assessments were issued by the competent authority, not by a tax examination officer. As a result, Singapore concluded that there is no issue about the independence of the competent authority from tax administration personnel who made an adjustment being discussed in MAP. Singapore further explained that under its domestic law, there is a statutory time limit to raise additional assessments for non-MAP cases. Protective assessments may be issued when the statutory time limit for relevant years are nearing expiration. Protective assessments would be based on the competent authority's preliminary view of the arm's length price, taking into account information provided in the bilateral APA application. In the two cases the peer referred to, the bilateral APA had long roll-back periods. By accepting the bilateral APA, the tax positions for the covered periods could only be examined by the

competent authority and not the tax examination officer when the bilateral APA discussions were ongoing. Protective tax assessments were therefore issued at the instruction of Singapore's competent authority when the statutory time limits for the years concerned in the roll-back periods were nearing expiration. By doing so, Singapore's actions would enable an agreed outcome to be implemented for years past expired statutory time limits. Singapore clarified that its competent authority had explained to both taxpayers and the peer why the protective tax assessments were issued and that they were based on the competent authority's preliminary view on an arm's length price for the transactions under review. Singapore also explained it assured the peer and the taxpayers that such assessments would be adjusted eventually to reflect any agreement reached between the competent authorities. Furthermore, Singapore mentioned that the taxpayers concerned have filed a MAP request with the peer's competent authority for the years concerned, to protect their rights under the domestic law in the peer's jurisdiction. The taxpayers also lodged an objection to the protective tax assessments in Singapore to protect their rights of appeal. Nevertheless, Singapore mentioned that it has noted the peer's feedback and will study the matter further.

### *Anticipated modifications*

221. Singapore did not indicate that it anticipates any modifications in relation to element C.4.

### *Conclusion*

	Areas for improvement	Recommendations
[C.4]	-	-

## **[C.5] Use appropriate performance indicators for the MAP function**

Jurisdictions should not use performance indicators for their competent authority functions and staff in charge of MAP processes based on the amount of sustained audit adjustments or maintaining tax revenue.

222. For ensuring that each case is considered on its individual merits and will be resolved in a principled and consistent manner, it is essential that any performance indicators for the competent authority function and for the staff in charge of MAP processes are appropriate and not based on the amount of sustained audit adjustments or aim at maintaining a certain amount of tax revenue.

### *Performance indicators used by Singapore*

223. Singapore reported that it uses performance indicators to evaluate staff in charge of MAP, which are shown below. It further reported that it does not use performance indicators on the outcome of MAP discussions in terms of amount of sustained audit adjustment or maintained tax revenue.

224. The Action 14 final report includes examples of performance indicators that are considered appropriate. These indicators are shown below and presented in the form of a checklist when they are used by Singapore in the performance of the MAP office:

- number of MAP cases resolved
- consistency (i.e. a treaty should be applied in a principled and consistent manner to MAP cases involving the same facts and similarly-situated taxpayers)

- ☑ time taken to resolve a MAP case (recognising that the time taken to resolve a MAP case may vary according to its complexity and that matters not under the control of a competent authority may have a significant impact on the time needed to resolve a case).

225. In addition to these items, Singapore indicated the assessment of the staff is also based on the time taken to issue position papers and to respond to requests made by taxpayers as well as on building and maintaining relationships with other competent authorities.

### *Recent developments*

226. There are no recent developments with respect to element C.5.

### ***Practical application***

#### *Period 1 January 2014-31 July 2017 (stage 1)*

227. All peers that provided input indicated not being aware that Singapore uses performance indicators based on the amount of sustained audit adjustments or maintaining tax revenue.

#### *Period 1 August 2017-28 February 2019 (stage 2)*

228. All peers that provided input during stage 1 stated in stage 2 that the update report provided by Singapore fully reflects their experience with Singapore since 1 August 2017 and/or there are no additions to the previous input given. One of the peers thereby specified that it is not aware of any performance indicators used by Singapore to evaluate staff in charge of the MAP process.

### ***Anticipated modifications***

229. Singapore did not indicate that it anticipates any modifications in relation to element C.5.

### ***Conclusion***

	Areas for improvement	Recommendations
[C.5]	-	-

## **[C.6] Provide transparency with respect to the position on MAP arbitration**

Jurisdictions should provide transparency with respect to their positions on MAP arbitration.

230. The inclusion of an arbitration provision in tax treaties may help ensure that MAP cases are resolved within a certain timeframe, which provides certainty to both taxpayers and competent authorities. In order to have full clarity on whether arbitration as a final stage in the MAP process can and will be available in jurisdictions it is important that jurisdictions are transparent on their position on MAP arbitration.



### ***Position on MAP arbitration***

231. Singapore reported that there are no domestic law limitations for including MAP arbitration in its tax treaties and the inclusion of MAP arbitration is part of its tax treaty policy. This position is included in Singapore’s MAP profile and has also been made public during a speech of Singapore’s Senior Minister of State for Law and Finance held in 2016.<sup>7</sup>

### ***Recent developments***

232. Singapore signed the Multilateral Instrument and has deposited its instrument of ratification on 21 December 2018. The Multilateral Instrument has for Singapore entered into force on 1 April 2019. With the depositing of the instrument of ratification, Singapore also opted in for part VI, which includes a mandatory and binding arbitration provision. The effects of this opting in is also further described below.

233. Singapore also signed new treaties with nine treaty partners, one of which concerns the replacement of an existing treaty currently in force. These three treaties do not regard the one treaty that will be replaced by one of the newly signed treaties. It also signed an amending protocol to an existing treaty. Three of treaties and the amending protocol contain an arbitration provision that is equivalent to Article 25(5) of the OECD Model Tax Convention. None of these three treaties or the amending protocol have already entered into force. The effect of these arbitration provisions are included in the below overview.

### ***Practical application***

234. Singapore has incorporated an arbitration clause in five of its 93 tax treaties. In three of these treaties the arbitration provision is equivalent to Article 25(5) of the OECD Model Tax Convention, providing for a mandatory and binding arbitration procedure. The remaining treaty provides for a voluntary and binding arbitration procedure.

235. In addition, with respect to the effect of part VI of the Multilateral Instrument on Singapore’s tax treaties, there are next to Singapore in total 29 signatories to this instrument that also opted for part VI. Concerning these 29 signatories, Singapore listed 26 as a covered tax agreement under the Multilateral Instrument and 23 of these 26 treaty partners also listed their treaty with Singapore under that instrument.

236. For these 23 treaties, 16 treaty partners have already deposited their instrument of ratification. In this respect, part VI will apply to these 16 treaties and introduce the arbitration provision of the Multilateral Instrument in these treaties.<sup>8</sup> For the other seven treaties for which the treaty partner has not yet ratified the Multilateral Instrument, Singapore reported it expects that part VI will introduce a mandatory and binding arbitration procedure in all seven treaties.

### ***Anticipated modifications***

237. Singapore did not indicate that it anticipates any modifications in relation to element C.6.

### ***Conclusion***

	Areas for improvement	Recommendations
[C.6]	-	-



## Notes

1. Available at: [https://data.gov.sg/dataset/transfer-pricing-map-and-apa-cases-annual?resource\\_id=765a764a-4283-4249-93e5-e5e819547812](https://data.gov.sg/dataset/transfer-pricing-map-and-apa-cases-annual?resource_id=765a764a-4283-4249-93e5-e5e819547812).
2. For post-2015 cases, if the number of MAP cases in Singapore’s inventory at the beginning of the Statistics Reporting Period plus the number of MAP cases started during the Reporting Period was more than five for any treaty partner, it reports its MAP caseload for such treaty partner on a jurisdiction-by-jurisdiction basis. This rule applies for each type of cases (attribution/allocation cases and other cases).
3. Singapore’s 2017 MAP statistics were corrected in the course of the peer review process and deviate from the 2017 published MAP statistics. See for a further explanation Annex B and Annex C.
4. For pre-2016 and post-2015 Singapore follows the MAP Statistics Reporting Framework for determining whether a case is considered an attribution/allocation MAP case. Annex D of MAP Statistics Reporting Framework provides that “an attribution/allocation MAP case is a MAP case where the taxpayer’s MAP request relates to (i) the attribution of profits to a permanent establishment (see e.g. Article 7 of the OECD Model Tax Convention [OECD, 2015]); or (ii) the determination of profits between associated enterprises (see e.g. Article 9 of the OECD Model Tax Convention [OECD, 2015]), which is also known as a transfer pricing MAP case”.
5. There is a discrepancy with the published MAP statistics for the year 2017 regarding pre-2016 cases. For the closed pre-2016 attribution/allocation cases and other cases, Singapore reported an average of 79.54 months and 43.35 months respectively. This included two cases that were suspended as they concerned protective MAP requests. In 2017 the taxpayers concerned indicated that the protective requests could be actively dealt with in MAP. In that sense, the pre-2016 cases were closed a new post-2015 case was opened, such in line with what has been agreed by the FTA MAP Forum. For purpose of this peer review, the computation of the time needed to close pre-2016 cases in 2017 does not take into account these two cases. As a consequence, the total average to close cases in 2017 therefore is 43.85 months instead of the average of 47.36 months as reported in the 2017 published MAP statistics, which comprises an average for attribution/allocation cases of 44.01 months and 43.35 months for other cases.
6. Also for this year, Singapore reported that in the calculation of the average time taken to close pre-2016 cases, it used as the start date the date when the MAP request was received, regardless of whether the completeness of the required information and documentation. If the rules under the MAP Statistics Reporting Framework be used, the average completion time would be reduced.
7. Available at [www.mof.gov.sg/news-reader/articleid/1701/parentId/59/year/2016](http://www.mof.gov.sg/news-reader/articleid/1701/parentId/59/year/2016).
8. Annex A reflects the effect of part VI of the Multilateral Instrument for these 16 treaties.

## References

- OECD (2017), *Model Tax Convention on Income and on Capital 2017 (Full Version)*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/g2g972ee-en>.
- OECD (2015), “Making Dispute Resolution Mechanisms More Effective, Action 14-2015 Final Report”, in *OECD/G20 Base Erosion and Profit Shifting Project*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264241633-en>.



## *Part D*

### **Implementation of MAP agreements**

#### **[D.1] Implement all MAP agreements**

Jurisdictions should implement any agreement reached in MAP discussions, including by making appropriate adjustments to the tax assessed in transfer pricing cases.

238. In order to provide full certainty to taxpayers and the jurisdictions, it is essential that all MAP agreements are implemented by the competent authorities concerned.

#### ***Legal framework to implement MAP agreements***

239. Singapore reported that it will implement all agreements reached in MAP discussions both for upward and downward adjustments of taxpayers' positions. While there is a four-year domestic statute of limitation for implementing upward adjustments, no domestic time limit applies for implementing a downward adjustment of the taxpayer's position resulting from a MAP agreement. The domestic statute of limitation for upward adjustments is specified in section 74(1) of the Income Tax Act. Furthermore, Singapore specified that the Income Tax Amendment Bill, which came into force at the end of 2017 enables the four-year statute of limitation to be lifted for upward adjustments of the taxpayer's position resulting from a MAP agreement.

240. Concerning the process for implementing MAP agreements, Singapore reported that its competent authority requests the taxpayer concerned to give its approval to the agreement reached as a prerequisite for implementation. This both applies for agreements reached as the result of the MAP process, as also for any agreements reached following the decision of an arbitration panel as a final stage to the MAP process. In practice, Singapore reported that it informs the taxpayer within one month after reaching a MAP agreement and that the taxpayer subsequently has one month to accept or reject the outcome of the MAP. Once the taxpayer gives its approval, Singapore reported that its competent authority: (i) exchanges confirmation letters with the foreign competent authority, (ii) provides the taxpayer with a copy of the MAP agreement and (iii) amends the tax assessment by making relevant adjustments. Singapore further reported that its competent authority subsequently tracks the implementation of all MAP agreements.

241. Sections 9.14-9.15 of the e-Tax Guide on "Transfer Pricing Guidelines" and sections 7.31-7.32 of the e-Tax Guide on "Avoidance of Double Taxation Agreements (DTA)" include information on the implementation process, as outlined above. Furthermore, Section 8.37 of the e-Tax Guide on "Transfer Pricing Guidelines" and section 7.17 of the e-Tax Guide on "Avoidance of Double Taxation Agreements (DTA)" specify that taxpayers are not obliged to accept the outcome of the MAP request.

***Recent developments***

242. Singapore has in October 2017 amended section 74(2A) of its Income Tax Act to enable that all MAP agreements can be implemented notwithstanding domestic time limits.

***Practical application******Period 1 January 2014-31 July 2017 (stage 1)***

243. Singapore reported that all MAP agreements that were reached in the period 1 January 2014-31 July 2017 have been (or will be) implemented.

244. All peers that provided input generally reported not being aware of MAP agreements that were reached in the period 1 January 2014-31 July 2017 that were not implemented in Singapore.

***Period 1 August 2017-28 February 2019 (stage 2)***

245. Singapore reported that also all MAP agreements that were reached on or after 1 August 2017 have been (or will be) implemented.

246. All peers that provided input during stage 1 stated in stage 2 that the update report provided by Singapore fully reflects their experience with Singapore since 1 August 2017 and/or there are no additions to the previous input given. In addition, one peer reported not having experienced any issues with the implementation of MAP agreements by Singapore.

***Anticipated modifications***

247. Singapore did not indicate that it anticipates any modifications in relation to element D.1.

***Conclusion***

	Areas for improvement	Recommendations
[D.1]	-	-

**[D.2] Implement all MAP agreements on a timely basis**

Agreements reached by competent authorities through the MAP process should be implemented on a timely basis.

248. Delay of implementation of MAP agreements may lead to adverse financial consequences for both taxpayers and competent authorities. To avoid this and to increase certainty for all parties involved, it is important that the implementation of any MAP agreement is not obstructed by procedural and/or statutory delays in the jurisdictions concerned.

***Theoretical timeframe for implementing mutual agreements***

249. As explained under element D.1, Singapore follows a specific timeframe for the implementation of MAP agreements reached. In this respect, Singapore reported that its competent authority usually informs the taxpayers of any mutual agreement reached within one month after entering into such an agreement, whereby the taxpayer is usually asked

to approve or reject such an agreement within one month. Once the taxpayer approves the MAP agreement, Singapore reported that any additional tax to be paid will be due and any refund will be reimbursed within one month as from the notice of assessment. This information is available publicly both for additional taxes to be paid<sup>1</sup> and refunds.<sup>2</sup>

### *Recent developments*

250. There are no recent developments with respect to element D.2.

### ***Practical application***

#### *Period 1 January 2014-31 July 2017 (stage 1)*

251. Singapore reported that all MAP agreements that were reached in the period 1 January 2014-31 July 2017 have been (or will be) implemented on a timely basis. In addition, Singapore referred to the commitment to service according to which the IRAS is committed to respond to 80% of the letters within 15 working days.<sup>3</sup> Singapore clarified that this commitment is also applicable to the implementation of MAP agreements.

252. All peers that provided input generally reported not being aware of MAP agreements that were reached in the period 1 January 2014-31 July 2017 that were not implemented by Singapore on a timely basis.

#### *Period 1 August 2017-28 February 2019 (stage 2)*

253. Singapore reported that all MAP agreements that were reached on or after 1 August 2017 have been (or will be) implemented on a timely basis.

254. All but one peer that provided input during stage 1 stated in stage 2 that the update report provided by Singapore fully reflects their experience with Singapore since 1 August 2017 and/or there are no additions to the previous input given. The remaining peer noted that there were issues with a refund of taxes after the completion of the MAP process, as the department that was responsible for the implementation questioned the MAP agreement. The peer further noted that the issue was resolved eventually.

255. Singapore responded to this input and clarified that the team that is in charge of refunding taxes to taxpayers is required to perform due diligence checks in order to ensure that the refund is properly processed, but the team is not in a position to question the content of the MAP agreement. In the case specifically referred to by the peer, Singapore mentioned that the taxpayer made an additional request on how the taxes should be refunded, which was not related to the outcome of the MAP process. As the team in charge of refunds needed some additional clarifications, some delay occurred in the refund process, but this was eventually completed in September 2019.

### ***Anticipated modifications***

256. Singapore did not indicate that it anticipates any modifications in relation to element D.2.

### ***Conclusion***

	Areas for improvement	Recommendations
[D.2]	-	-

### **[D.3] Include Article 25(2), second sentence, of the OECD Model Tax Convention in tax treaties or alternative provisions in Article 9(1) and Article 7(2)**

Jurisdictions should either (i) provide in their tax treaties that any mutual agreement reached through MAP shall be implemented notwithstanding any time limits in their domestic law, or (ii) be willing to accept alternative treaty provisions that limit the time during which a Contracting Party may make an adjustment pursuant to Article 9(1) or Article 7(2), in order to avoid late adjustments with respect to which MAP relief will not be available.

257. In order to provide full certainty to taxpayers it is essential that implementation of MAP agreements is not obstructed by any time limits in the domestic law of the jurisdictions concerned. Such certainty can be provided by either including the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention in tax treaties, or alternatively, setting a time limit in Article 9(1) and Article 7(2) for making adjustments to avoid that late adjustments obstruct granting of MAP relief.

#### ***Legal framework and current situation of Singapore's tax treaties***

258. As discussed under element D.1, Singapore's domestic legislation does not include a statute of limitations for implementing MAP agreements.

259. Out of Singapore's 93 tax treaties, 73 contain a provision equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention that any mutual agreement reached through MAP shall be implemented notwithstanding any time limits in their domestic law. The remaining 20 treaties contain neither a provision concerning the implementation of MAP agreements notwithstanding any time limits in the domestic laws of the states concerned, nor the alternative provisions provide for in Article 9(1) and 7(2) setting a time limitation for making primary adjustments.

260. The majority of peers that provided input reported that their treaty with Singapore meets the requirements under element D.3. Two peers specified that their treaty with Singapore does not meet the requirement of element D.3 but that they expect their treaty to be modified by the Multilateral Instrument. Another peer specified that it has not contacted Singapore nor is it in discussion with Singapore to amend their treaty with a view to incorporate the required provision. A third peer reported that even though the treaty does not contain the required provision, implementation of MAP agreements has not triggered any difficulties in practice. For the other 17 treaties identified that do not contain the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention, the relevant peers did not provide input.

#### ***Recent developments***

##### ***Bilateral modifications***

261. Singapore signed new treaties with nine treaty partners, one of which concerns the replacement of an existing treaty currently in force. All nine treaties contain a provision that is equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention. The one treaty that will be replaced by one of the newly signed treaties, did not contain such equivalent. Of these nine treaties, three already entered into force. The effect of these newly signed treaties have been reflected in the analysis above where they have relevance.

### *Multilateral Instrument*

262. Article 16(4)(b)(ii) of that instrument stipulates that Article 16(2), second sentence – containing the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention – will apply in the absence of a provision in tax treaties that is equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2016). In other words, in the absence of this equivalent, Article 16(4)(b)(ii) of the Multilateral Instrument will modify the applicable tax treaty to include such equivalent. However, this shall only apply if both contracting parties to the applicable tax treaty have listed this tax treaty as a covered tax agreement under the Multilateral Instrument and insofar both notified the depositary of the fact that this tax treaty does not contain the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention. Furthermore, Article 16(4)(b)(ii) of the Multilateral Instrument does not take effect, if one or both of the signatory states to the tax treaty has, pursuant to Article 16(5)(c), reserved the right not to apply Article 16(2), second sentence, under the condition that: (i) any MAP agreement shall be implemented notwithstanding any time limits in the domestic laws of the contracting states, or (ii) the jurisdiction intends to meet the Action 14 Minimum Standard by accepting in its tax treaties the alternative provisions to Article 9(1) and 7(2) of the OECD Model Tax Convention concerning the introduction of a time limit for making transfer pricing profit adjustments.

263. In regard of the 20 tax treaties above that are considered not to contain the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention or both alternatives provided for in Articles 9(1) and 7(2), Singapore listed 19 as covered tax agreements under the Multilateral Instrument and made for all of them, pursuant to Article 16(6)(c)(ii), a notification that they do not contain a provision described in Article 16(4)(b)(ii) of the Multilateral Instrument. Of the relevant 19 treaty partners, three are not a signatory to the Multilateral Instrument, whereas two did not list their treaty with Singapore as a covered tax agreement under the instrument and two made a reservation on the basis of Article 16(5)(c). All remaining 12 treaty partners also made such a notification on the basis of Article 16(6)(c)(ii).

264. Of the 12 treaty partners mentioned above, five have already deposited their instrument of ratification, following which the Multilateral Instrument has entered into force for the treaty between Singapore and these treaty partners. Therefore, at this stage, the Multilateral Instrument has modified these five treaties to include the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention. For the remaining seven treaties, the instrument will, upon entry into force for the treaties concerned, modify them to include the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention.

### *Other developments*

265. Singapore reported that for one of the remaining eight treaties that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention, the relevant treaty partner has informed Singapore that it will withdraw its reservation under the Multilateral Instrument, following which it is expected that the treaty with that treaty partner will be modified by the instrument to include the second sentence of Article 25(2) of the OECD Model Tax Convention.

266. Further to the above, Singapore also reported that for the other seven treaties it is currently in negotiations with three of the relevant treaty partners and that it has contacted



all four treaty partners to initiate such negotiations. However, these treaty partners had either not responded to Singapore’s outreach or indicated that they are not ready to commence discussions.

### *Peer input*

267. Of the peers that provided input during stage 2, four provided input in relation to their tax treaty with Singapore. Two of these peers concerns a treaty partner to one of the treaties identified above that does not contain Article 25(2), second sentence, of the OECD Model Tax Convention and which not will be modified by the Multilateral Instrument. In this respect, both peers mentioned that negotiations on the amendment of their treaty with Singapore are pending, one of which specified that one of the aims is the inclusion of a corresponding provision to meet the requirements under element D.3.

### *Anticipated modifications*

268. Singapore reported it will seek to include Article 25(2), second sentence, of the OECD Model Tax Convention in all of its future tax treaties.

### *Conclusion*

	Areas for improvement	Recommendations
[D.3]	<p>20 out of 93 tax treaties contain neither a provision that is equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention nor contain the alternative provisions provided for in Article 9(1) or Article 7(2). Of these 20 treaties:</p> <ul style="list-style-type: none"> <li>• Five have been modified by the Multilateral Instrument to include the equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention.</li> <li>• Seven are expected to be modified by the Multilateral Instrument to include the equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention.</li> <li>• One is expected to be modified by the Multilateral Instrument to include the equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention once the treaty partner has amended its notifications under that instrument.</li> <li>• Seven treaties will not be modified by the Multilateral Instrument to include the equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention. With respect to these seven treaties: <ul style="list-style-type: none"> <li>- For three treaties negotiations are pending on the amendment of the treaty with a view to include the required provision.</li> <li>- For four treaties the relevant treaty partner have been approached to initiate discussions the amendment of the treaty with a view to include the required provision, but the treaty partners either did not respond or indicated it is not ready to commence such negotiations.</li> </ul> </li> </ul>	<p>For the remaining seven treaties that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention, Singapore should:</p> <ul style="list-style-type: none"> <li>• continue negotiations with three treaty partners with a view to include the required provision or be willing to accept the inclusion of both alternative provisions.</li> <li>• continue, upon receipt of a response from the treaty partner that it is now willing to enter into such negotiations, to work towards updating the treaty to include the required provision or be willing to accept the inclusion of both alternative provisions.</li> </ul>

## Notes

1. Available at: <https://www.iras.gov.sg/irashome/Businesses/Companies/Paying-Corporate-Income-Tax/Late-Payment-or-Non-Payment-of-Taxes/>.
2. Available at: <https://www.iras.gov.sg/irashome/Businesses/Companies/Paying-Corporate-Income-Tax/Claiming-Tax-Refunds/>.
3. Available at: <https://www.iras.gov.sg/IRASHome/About-Us/Commitment-to-Service/>.

## Reference

OECD (2017), *Model Tax Convention on Income and on Capital 2017 (Full Version)*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/g2g972ee-en>.



## Summary

	Areas for improvement	Recommendations
<b>Part A: Preventing disputes</b>		
[A.1]	<p>Three out of 93 tax treaties do not contain a provision that is equivalent to Article 25(3), first sentence, of the OECD Model Tax Convention. Of these three treaties:</p> <ul style="list-style-type: none"> <li>• Two have been modified by the Multilateral Instrument to include the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention.</li> <li>• One will not be modified by the Multilateral Instrument to include the required provision. With respect to this treaty, Singapore has approached the relevant treaty partner to initiate discussions on the amendment of the treaty with a view to include the required provision, but the treaty partner has not yet responded.</li> </ul>	<p>For the remaining treaty that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention, Singapore should, upon receipt of a response from the relevant treaty partner agreeing to include the required provision, work towards updating the treaty to include this provision.</p>
[A.2]	-	-
<b>Part B: Availability and access to MAP</b>		
[B.1]	<p>Two out of 93 tax treaties do not contain a provision that is equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention, either as it read prior to the adoption of the Action 14 final report or as amended by that report (OECD, 2015b). None of those two tax treaties have been or are expected to be modified by the Multilateral Instrument to include such equivalent. With respect to these treaties:</p> <ul style="list-style-type: none"> <li>• For one negotiations are on-going with a view to include the equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of the Action 14 final report.</li> <li>• For one Singapore is awaiting a response from the treaty partner to express interest in initiating bilateral negotiations with a view to include the equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of the Action 14 final report.</li> </ul>	<p>As the two tax treaties that do not contain the equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention, either as it read prior to the adoption of the Action 14 final report or as amended by that report (OECD, 2015b), will not be modified by the Multilateral Instrument, Singapore should continue with negotiations to include the required provision, or, upon receipt of a response from the treaty partner agreeing to include the required provision, work towards updating the treaty to include this provision.</p> <p>This concerns a provision that is equivalent to Article 25(1), first sentence of the OECD Model Tax Convention either:</p> <ol style="list-style-type: none"> <li>a. as amended in the final report of action 14 (OECD, 2015b); or</li> <li>b. as it read prior to the adoption of final report of action 14 (OECD, 2015b), thereby including the full sentence of such provision.</li> </ol>

	Areas for improvement	Recommendations
[B.1]	<p>Three out of 93 tax treaties do not contain a provision that is equivalent to Article 25(1), second sentence, of the OECD Model Tax Convention, as the timeline to file a MAP request is in these treaties either shorter than three years from the first notification of the action resulting in taxation not in accordance with the provision of the tax treaty. Of these three treaties:</p> <ul style="list-style-type: none"> <li>• One has been modified by the Multilateral Instrument to include Article 25(1), second sentence, of the OECD Model Tax Convention (OECD, 2017).</li> <li>• One is expected to be modified by the Multilateral Instrument to include Article 25(1), second sentence, of the OECD Model Tax Convention (OECD, 2017).</li> <li>• One will not be modified by that instrument to include the Article 25(1), second sentence, of the OECD Model Tax Convention. Singapore has approached the relevant treaty partner to initiate negotiations on the amendment of the treaty with a view to include the required provision, but the treaty partner indicated it is not ready to commence such negotiations.</li> </ul>	<p>For the remaining treaty that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(1), second sentence, of the OECD Model Tax Convention, Singapore should, upon receipt of a response from the relevant treaty partner agreeing to include the required provision, work towards updating the treaty to include this provision.</p>
[B.2]	-	-
[B.3]	-	-
[B.4]	-	-
[B.5]	-	-
[B.6]	-	-
[B.7]	<p>Eight out of 93 tax treaties do not contain a provision that is equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention. Of these eight treaties:</p> <ul style="list-style-type: none"> <li>• Five have been modified by the Multilateral Instrument to include the equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention.</li> <li>• Two are expected to be modified by the Multilateral Instrument to include the equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention.</li> <li>• One treaty will not be modified by the Multilateral Instrument to include the equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention. With respect to this treaty Singapore has approached the relevant treaty partner to initiate discussions the amendment of the treaty with a view to include the required provision, but the treaty partner has not yet responded.</li> </ul>	<p>For the remaining treaty that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention, Singapore should, upon receipt of a response from the treaty partner agreeing to include the required provision, work towards updating the treaty to include this provision.</p>
[B.8]	-	-
[B.9]	-	-
[B.10]	-	-
<b>Part C: Resolution of MAP cases</b>		
[C.1]	-	-
[C.2]	-	-

	Areas for improvement	Recommendations
[C.3]	<p>The average completion time of MAP cases in 2017-18 as compared to 2016 has substantially decreased, resulting in an average for 2018 to be below 24 months (which is the pursued average for resolving MAP cases received on or after 1 January 2016), and for all years combined is almost below this average. However, there is still a risk that post-2015 cases are not resolved within the average of 24 months, in particular attribution/allocation cases, for which the average timeframe is 28.66 months.</p> <p>Furthermore, the MAP caseload relating to other cases has increased and almost doubled in the period from 1 January 2016 to 31 December 2018. While additional resources have been allocated to the competent authority function and several organisational steps have been taken, which resulted in a significant reduction of the average completion time for both type of MAP cases (thereby addressing the recommendation made in the stage 1 peer review report), the increase in the number of MAP cases may indicate that more resources may be needed to cope with this increase.</p>	<p>As Singapore has substantially reduced the average time needed to close MAP cases – from 47.39 months to 25.51 months – and given the fact that it has made several organisational changes within its competent authority in 2017-18 that led to such reduction, Singapore should closely monitor whether the available resources for its competent authority function are adequate to ensure that current pending and future MAP cases are resolved in a timely, efficient and effective manner. Where needed, it should in particular devote additional resources to cope with the significant increase in the number of both attribution/allocation and other MAP cases.</p>
[C.4]	-	-
[C.5]	-	-
[C.6]	-	-
<b>Part D: Implementation of MAP agreements</b>		
[D.1]	-	-
[D.2]	-	-
[D.3]	<p>20 out of 93 tax treaties contain neither a provision that is equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention nor contain the alternative provisions provided for in Article 9(1) or Article 7(2). Of these 20 treaties:</p> <ul style="list-style-type: none"> <li>• Five have been modified by the Multilateral Instrument to include the equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention.</li> <li>• Seven are expected to be modified by the Multilateral Instrument to include the equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention.</li> <li>• One is expected to be modified by the Multilateral Instrument to include the equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention once the treaty partner has amended its notifications under that instrument.</li> <li>• Seven treaties will not be modified by the Multilateral Instrument to include the equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention. With respect to these seven treaties: <ul style="list-style-type: none"> <li>- For three treaties negotiations are pending on the amendment of the treaty with a view to include the required provision.</li> <li>- For four treaties the relevant treaty partner have been approached to initiate discussions the amendment of the treaty with a view to include the required provision, but the treaty partners either did not respond or indicated it is not ready to commence such negotiations.</li> </ul> </li> </ul>	<p>For the remaining seven treaties that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention, Singapore should:</p> <ul style="list-style-type: none"> <li>• continue negotiations with three treaty partners with a view to include the required provision or be willing to accept the inclusion of both alternative provisions.</li> <li>• continue, upon receipt of a response from the treaty partner that it is now willing to enter into such negotiations, to work towards updating the treaty to include the required provision or be willing to accept the inclusion of both alternative provisions.</li> </ul>





# Annex A

## Tax treaty network of Singapore

	Article 25(1) of the OECD Model Tax Convention ("MTC")		Article 9(2) of the OECD MTC		Anti-abuse		Article 25(2) of the OECD MTC		Article 25(3) of the OECD MTC		Arbitration
	B.1	B.3	B.4	C.1	D.3	A.1	B.7	C.6			
	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11
		Inclusion Art. 25(1) first sentence?	Inclusion Art. 25(1) second sentence? (Note 1)	Inclusion Art. 25(1) second sentence? (Note 1)	Inclusion Art. 9(2) (Note 2) If no, will your CA provide access to MAP in TP cases?	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Inclusion Art. 25(2) first sentence? (Note 3)	Inclusion Art. 25(2) second sentence? (Note 4)	Inclusion Art. 25(3) first sentence? (Note 5)	Inclusion Art. 25(3) second sentence? (Note 6)	Inclusion arbitration provision?
Treaty partner	Y = yes N = signed pending ratification	E = yes, either CAs O = yes, only one CA N = No	Y = yes i = no, no such provision ii = no, different period iii = no, starting point for computing the 3 year period is different iv = no, other reasons	if ii, specify period	Y = yes i = no, but access will be given to TP cases ii = no and access will not be given to TP cases	Y = yes i = no and such cases will be accepted for MAP ii = no but such cases will not be accepted for MAP	Y = yes N = no	Y = yes i = no, but have Art. 7 equivalent ii = no, but have Art. 9 equivalent iii = no, but have both Art. 7 & 9 equivalent N = no and no equivalent of Art. 7 and 9	Y = yes N = no	Y = yes N = no	Y = yes N = no
Albania	Y	O	Y	N/A	i	i	Y	Y	Y	Y	N
Armenia	N	O	Y	N/A	Y	i	Y	Y	Y	Y	Y
Australia	Y	N	i	N/A	Y	i	Y*	Y*	Y*	Y*	Y***
Austria	Y	O	Y	N/A	Y*	i	Y	Y	Y	Y	Y***
Bahrain	Y	O	Y	N/A	i	i	Y	Y	Y	Y	N
Bangladesh	Y	O	ii	N/A	i	i	Y	Y	Y	Y	N
Barbados	Y	O	Y	N/A	i*	i	Y	Y	Y	Y	N
Belarus	Y	O	Y	N/A	Y	i	Y	Y	Y	Y	N

Treaty partner	Column 1		Column 2		Column 3		Column 4		Column 5		Column 6		Column 7		Column 8		Column 9		Column 10		Column 11	
	Article 25(1) of the OECD Model Tax Convention ("MTC")		Article 9(2) of the OECD MTC		Anti-abuse		Article 25(2) of the OECD MTC		Article 25(3) of the OECD MTC		Article 25(3) of the OECD MTC		Article 25(3) of the OECD MTC		Arbitration							
	B.1	B.3	B.4	C.1	C.2	C.3	C.4	C.5	C.6	C.7	C.8	C.9	C.10	C.11	C.12	C.13	C.14	C.15	C.16	C.17	C.18	C.19
Belgium	Y	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Brazil	N	O		Y	N/A	i	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Brunei	Y	O		Y	N/A	i	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Darussalam																						
Bulgaria	Y	O		Y	N/A	i	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Cambodia	Y	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Canada	Y	O		ii	2 years	i	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
China (People's Republic of)	Y	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Cyprus <sup>a</sup>	Y	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Czech Republic	Y	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Denmark	Y	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ecuador	Y	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Egypt	Y	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Estonia	Y	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Ethiopia	Y	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Fiji	Y	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Finland	Y	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
France	Y	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Gabon	N	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Georgia	Y	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Germany	Y	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ghana	Y	O		Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N

Column 1	Column 2		Column 3		Column 4		Column 5		Column 6		Column 7		Column 8		Column 9		Column 10		Column 11	
	Article 25(1) of the OECD Model Tax Convention ("MTC")		Article 9(2) of the OECD MTC		Anti-abuse		Article 25(2) of the OECD MTC		Article 25(3) of the OECD MTC		Arbitration		Article 25(3) of the OECD MTC		Arbitration					
	B.1		B.3		B.4		C.1		C.1		C.1		C.1		C.1		C.1		C.6	
	Inclusion Art. 25(1) first sentence?		Inclusion Art. 25(1) second sentence? (Note 1)		Inclusion Art. 9(2) (Note 2) if no, will your CA provide access to MAP in TP cases?		Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the abuse of the DTC or of the domestic tax law?		Inclusion Art. 25(2) first sentence? (Note 3)		Inclusion Art. 25(2) second sentence? (Note 4)		Inclusion Art. 25(3) first sentence? (Note 5)		Inclusion Art. 25(3) second sentence? (Note 6)		Inclusion Art. 25(3) of the OECD MTC		Arbitration	
Treaty partner	DTC in force?	If yes, submission to either competent authority? (new Art. 25(1), first sentence)	If no, please state reasons	If no, will your CA accept a taxpayer's request for MAP in relation to such cases?	Inclusion Art. 25(2) first sentence? (Note 3)	If no, alternative provision in Art. 7 & 9 OECD MTC? (Note 4)	Inclusion Art. 25(3) first sentence? (Note 5)	Inclusion Art. 25(3) second sentence? (Note 6)	Inclusion Art. 25(3) of the OECD MTC	Inclusion arbitration provision?										
Greece	N	O	Y	N/A	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Guernsey	Y	O	Y	N/A	i	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Hungary	Y	O	Y	N/A	i**	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
India	Y	O	Y	N/A	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Indonesia	Y	O	Y	N/A	i	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Ireland	Y	O	Y	N/A	Y*	Y	i	Y	Y	Y	Y	Y	Y	Y	Y*	Y	Y	Y	Y	Y***
Isle of Man	Y	O	Y	N/A	i	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Israel	Y	O	Y	N/A	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Italy	Y	N	Y	N/A	i**	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Japan	Y	O	Y	N/A	Y*	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y***
Jersey	Y	O	Y	N/A	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Kazakhstan	Y	O	Y	N/A	i*	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Kenya	N	O	Y	N/A	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Korea	Y	O	Y	N/A	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Kuwait	Y	O	Y	N/A	i*	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Lao People's Democratic Republic	Y	O	Y	N/A	i	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Latvia	Y	O	Y	N/A	i	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Libya	Y	O	Y	N/A	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Liechtenstein	Y	O	Y	N/A	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Lithuania	Y	O	Y	N/A	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Luxembourg	Y	O	Y	N/A	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y***

Column 1	Column 2		Column 3		Column 4		Column 5		Column 6		Column 7		Column 8		Column 9		Column 10		Column 11			
	Treaty partner	DTC in force?	Inclusion Art. 25(1) first sentence? If yes, submission to either competent authority? (new Art. 25(1), first sentence)	Inclusion Art. 25(1) second sentence? (Note 1) If no, please state reasons	Inclusion Art. 9(2) (Note 2) if no, will your CA provide access to MAP in TP cases?	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the abuse of the DTC or of the domestic tax law? If no, will your CA accept a taxpayer's request for MAP in relation to such cases?	Inclusion Art. 25(2) first sentence? (Note 3)	Inclusion Art. 25(2) second sentence? (Note 4) If no, alternative provision in Art. 7 & 9 OECD MTC? (Note 4)	Article 25(2) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Arbitration
Malaysia	Y	O	N/A	Y	Y	i	Y	Y	N*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Malta	Y	O	N/A	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y***	
Mauritius	Y	O	N/A	Y	Y*	i	Y	Y*	Y*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y***	
Mexico	Y	O	N/A	i	i**	i	N*	N	N	N*	Y	Y	Y	Y	Y	Y	Y	N*	Y	Y	Y	
Mongolia	Y	O	N/A	Y	i	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Morocco	Y	O	N/A	Y	i	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Myanmar	Y	O	N/A	Y	i	i	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Netherlands	Y	O	N/A	i	i***	i	Y	Y	Y*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y***	
New Zealand	Y	O	N/A	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y*	Y	Y	Y***	
Nigeria	Y	O	N/A	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Norway	Y	O	N/A	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Oman	Y	O	N/A	ii*	2 years	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N*	Y	Y	N	
Pakistan	Y	O	N/A	Y	N/A	i**	Y	Y	N*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Panama	Y	O	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Papua New Guinea	Y	O	N/A	ii	4 years	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Philippines	Y	O	N/A	ii	2 years	i	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Poland	Y	O	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Portugal	Y	O	N/A	Y	N/A	i*	Y	Y	N*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Qatar	Y	O	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Romania	Y	O	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Russia	Y	O	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Rwanda	Y	O	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	

Column 1	Column 2		Column 3		Column 4		Column 5		Column 6		Column 7		Column 8		Column 9		Column 10		Column 11	
	Article 25(1) of the OECD Model Tax Convention ("MTC")		Article 9(2) of the OECD MTC		Anti-abuse		Article 25(2) of the OECD MTC		Article 25(3) of the OECD MTC		Article 25(3) of the OECD MTC		Article 25(3) of the OECD MTC		Arbitration					
	B.1		B.3		B.4		C.1		C.1		C.1		C.1		A.1		A.1		C.6	
	Inclusion Art. 25(1) first sentence?		Inclusion Art. 25(1) second sentence? (Note 1)		Inclusion Art. 9(2) of the OECD MTC		Inclusion Art. 25(2) of the OECD MTC		Inclusion Art. 25(3) of the OECD MTC		Inclusion Art. 25(3) of the OECD MTC		Inclusion Art. 25(3) of the OECD MTC		Inclusion Art. 25(3) of the OECD MTC		Inclusion Art. 25(3) of the OECD MTC		Inclusion Art. 25(3) of the OECD MTC	
	If yes, submission to either competent authority? (new Art. 25(1), first sentence)		If no, please state reasons		Inclusion Art. 9(2) of the OECD MTC		Inclusion Art. 25(2) of the OECD MTC		Inclusion Art. 25(3) of the OECD MTC		Inclusion Art. 25(3) of the OECD MTC		Inclusion Art. 25(3) of the OECD MTC		Inclusion Art. 25(3) of the OECD MTC		Inclusion Art. 25(3) of the OECD MTC		Inclusion Art. 25(3) of the OECD MTC	
	DTC in force?																			
Treaty partner																				
San Marino	Y	O	Y	N/A	i	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Saudi Arabia	Y	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Seychelles	Y	O	Y	N/A	i	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Slovak Republic	Y	O	Y	N/A	i	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Slovenia	Y	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y***
South Africa	Y	O	Y	N/A	i*	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Spain	Y	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Sri Lanka	Y	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Sweden	Y	O	i	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Switzerland	Y	O	Y	N/A	i	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Chinese Taipei	Y	O	Y	N/A	i	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Thailand	Y	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Tunisia	Y	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Turkey	Y	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Turkmenistan	N	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ukraine	Y	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
United Arab Emirates	Y	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
United Kingdom	Y	O	i	N/A	Y*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y***
Uruguay	Y	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Uzbekistan	Y	O	Y	N/A	i	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Viet Nam	Y	O	Y	N/A	i	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N

*Notes:* a. Footnote by Turkey: The information in this document with reference to “Cyprus” relates to the southern part of the Island. There is no single authority representing both Turkish and Greek Cypriot people on the Island. Turkey recognises the Turkish Republic of Northern Cyprus (TRNC). Until a lasting and equitable solution is found within the context of United Nations, Turkey shall preserve its position concerning the “Cyprus” issue.

Footnote by all the European Union Member States of the OECD and the European Union: The Republic of Cyprus is recognised by all members of the United Nations with the exception of Turkey. The information in this document relates to the area under the effective control of the Government of the Republic of Cyprus.

#### *Legend*

E*	The provision contained in this treaty was already in line with the requirements under this element of the Action 14 Minimum Standard, but has been modified by the Multilateral Instrument to allow the filing of a MAP request in either contracting state.
E**	The provision contained in this treaty was not in line with the requirements under this element of the Action 14 Minimum Standard, but the treaty has been modified by the Multilateral Instrument and is now in line with this standard.
O*	The provision contained in this treaty is already in line with the requirements under this element of the Action 14 Minimum Standard, but will be modified by the Multilateral Instrument upon entry into force for this specific treaty and will then allow the filing of a MAP request in either contracting state.
Y*	The provision contained in this treaty was not in line with the requirements under this element of the Action 14 Minimum Standard, but the treaty has been modified by the Multilateral Instrument and is now in line with this element of the Action 14 Minimum Standard.
Y**	The provision contained in this treaty already included an arbitration provision, which has been replaced by part VI of the Multilateral Instrument containing a mandatory and binding arbitration procedure.
Y***	The provision contained in this treaty did not include an arbitration provision, but part VI of the Multilateral Instrument applies, following which a mandatory and binding arbitration procedure is included in this treaty
i*/ii*/iv*/N*	The provision contained in this treaty is not in line with the requirements under this element of the Action 14 Minimum Standard, but the treaty will be modified by the Multilateral Instrument upon entry into force for this specific treaty and will then be in line with this element of the Action 14 Minimum Standard.
i**/ii*/iv**/N**	The provision contained in this treaty is not in line with the requirements under this element of the Action 14 Minimum Standard, but the treaty will be superseded by the Multilateral Instrument upon entry into force for this specific treaty only to the extent that existing treaty provisions are incompatible with the relevant provision of the Multilateral Instrument.
i***/ii***	The provision contained in this treaty is not in line with the requirements under this element of the Action 14 Minimum Standard, but the treaty will be superseded by the Multilateral Instrument only to the extent that existing treaty provisions are incompatible with the relevant provision of the Multilateral Instrument.

## Annex B

## MAP statistics reporting for the 2016, 2017 and 2018 Reporting Periods (1 January 2016 to 31 December 2018) for pre-2016 cases

2016 MAP Statistics															
Category of cases	No. of pre-2016 cases in MAP inventory on 1 January 2016	Number of pre-2016 cases closed during the reporting period by outcome										No. of pre-2016 cases remaining in MAP inventory on 31 December 2016	Average time taken (in months) for closing pre-2016 cases during the reporting period		
		Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11	Column 12			Column 13	Column 14
Attribution/Allocation	10	0	0	1	0	0	2	0	0	0	0	0	0	7	54.95
Others	8	0	0	0	0	0	2	0	0	0	0	0	0	6	36.05
Total	18	0	0	1	0	0	4	0	0	0	0	0	0	13	47.39

Note: The average time taken for closing pre-2016 cases is computed from the date the Singapore competent authority receives a MAP application, irrespective of whether it includes or not all the information and documentation required. (Guidance on minimum information requirement on transfer pricing MAP was published on 6 Jan 2015. Guidance on minimum information requirement on treaty MAP was published on 12 Jan 2017) to the date taxpayer is notified of the outcome of its MAP application by either of the competent authorities.

2017 MAP Statistics															
Category of cases	No. of pre-2016 cases in MAP inventory on 1 January 2017	Number of pre-2016 cases closed during the reporting period by outcome										No. of pre-2016 cases remaining in MAP inventory on 31 December 2017	Average time taken (in months) for closing pre-2016 cases during the reporting period		
		Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11	Column 12			Column 13	Column 14
Attribution/Allocation	7	0	0	1	0	0	2	0	0	0	0	0	0	3	79.54
Others	6	0	0	0	0	0	2	0	0	0	0	0	0	3	43.35
Total	13	0	0	1	0	0	4	0	0	0	0	0	0	6	64.03



2018 MAP Statistics													
Category of cases	No. of pre-2016 cases in MAP inventory on 1 January 2018	Number of pre-2016 cases closed during the reporting period by outcome										No. of pre-2016 cases remaining in MAP inventory on 31 December 2018	Average time taken (in months) for closing pre-2016 cases during the reporting period
		Denied MAP access	Objection is not justified	Withdrawn by taxpayer	Unilateral relief granted	Resolved via domestic remedy	Agreement fully eliminating double taxation/fully resolving taxation not in accordance with tax treaty	Agreement partially eliminating double taxation/partially resolving taxation not in accordance with tax treaty	Agreement that there is no taxation not in accordance with tax treaty	No agreement, including agreement to disagree	Any other outcome		
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11	Column 12	Column 13	Column 14
Attribution/Allocation	3	0	0	0	0	0	0	1	0	0	0	2	55.73
Others	3	0	0	0	0	0	0	0	0	0	0	3	0.00
Total	6	0	0	0	0	0	0	1	0	0	0	5	55.73

## Annex C

### MAP statistics reporting for the 2016, 2017 and 2018 Reporting Periods (1 January 2016 to 31 December 2018) for post-2015 cases

2016 MAP Statistics															
Category of cases	No. of post-2015 cases in MAP inventory on 1 January 2016	No. of post-2015 cases started during the reporting period	Number of post-2015 cases closed during the reporting period by outcome							No. of post-2015 cases remaining in on MAP inventory on 31 December 2016	Average time taken (in months) for closing post-2015 cases during the reporting period				
			Denied MAP access	Objection is not justified	Withdrawn by taxpayer	Unilateral relief granted	Resolved via domestic remedy	Agreement fully eliminating double taxation/fully resolving taxation not in accordance with tax treaty	Agreement partially eliminating double taxation/partially resolving taxation not in accordance with tax treaty			Agreement that there is no taxation not in accordance with tax treaty	No agreement, including agreement to disagree	Any other outcome	
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11	Column 12	Column 13	Column 14	Column 15	
Attribution/Allocation	0	3	0	0	0	0	0	0	0	0	0	0	0	3	0.00
Others	0	5	0	0	0	0	0	0	0	0	0	0	0	5	0.00
Total	0	8	0	0	0	0	0	0	0	0	0	0	0	8	0.00

2017 MAP Statistics															
Category of cases	No. of post-2015 cases in MAP inventory on 1 January 2017	No. of post-2015 cases started during the reporting period	Number of post-2015 cases closed during the reporting period by outcome							No. of post-2015 cases remaining in on MAP inventory on 31 December 2017	Average time taken (in months) for closing post-2015 cases during the reporting period				
			Denied MAP access	Objection is not justified	Withdrawn by taxpayer	Unilateral relief granted	Resolved via domestic remedy	Agreement fully eliminating double taxation/fully resolving taxation not in accordance with tax treaty	Agreement partially eliminating double taxation/partially resolving taxation not in accordance with tax treaty			Agreement that there is no taxation not in accordance with tax treaty	No agreement, including agreement to disagree	Any other outcome	
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11	Column 12	Column 13	Column 14	Column 15	
Attribution/Allocation	3	11	0	0	1	0	0	2	0	0	0	0	0	11	8.47
Others	5	5	0	0	0	0	0	0	0	0	0	0	0	10	0.00
Total	8	16	0	0	1	0	0	2	0	0	0	0	0	21	8.47

2018 MAP Statistics															
Category of cases	No. of post-2015 cases in MAP inventory on 1 January 2018	No. of post-2015 cases started during the reporting period	Number of post-2015 cases closed during the reporting period by outcome								No. of post-2015 cases remaining in on MAP inventory on 31 December 2018	Average time taken (in months) for closing post-2015 cases during the reporting period			
			Denied MAP access	Objection is not justified	Withdrawn by taxpayer	Unilateral relief granted	Resolved via domestic remedy	Agreement fully eliminating double taxation/fully resolving taxation not in accordance with tax treaty	Agreement partially eliminating double taxation/partially resolving taxation not in accordance with tax treaty	Agreement that there is no taxation not in accordance with tax treaty			No agreement, including agreement to disagree	Any other outcome	
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11	Column 12	Column 13	Column 14	Column 15	
Attribution/Allocation	11	15	0	0	2	0	0	1	7	0	0	0	0	16	8.89
Others	10	10	0	1	2	0	0	5	0	0	0	0	0	12	10.56
Total	21	25	0	1	4	0	0	6	7	0	0	0	0	28	9.63

Notes: There is a discrepancy between the number of post-2015 MAP cases in Singapore’s inventory as per 31 December 2017 and 1 January 2018.

- The reported number of MAP cases pending on 31 December 2017 was 22, which consists of 11 attribution/allocation cases and 11 other cases.
  - The reported number of MAP cases pending on 1 January 2018 was 21, which consists of 11 attribution/allocation cases and 10 other cases.
- In order to have matching numbers for 31 December 2017 and 1 January 2018, the number of post-2015 cases received in 2017 was corrected.

## *Glossary*

<b>Action 14 Minimum Standard</b>	The minimum standard as agreed upon in the final report on Action 14: Making Dispute Resolution Mechanisms More Effective
<b>MAP Statistics Reporting Framework</b>	Rules for reporting of MAP statistics as agreed by the FTA MAP Forum
<b>Multilateral Instrument</b>	Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting
<b>OECD Model Tax Convention</b>	OECD Model Tax Convention on Income and on Capital as it read on 121 November 2017
<b>OECD Transfer Pricing Guidelines</b>	OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations
<b>Pre-2016 cases</b>	MAP cases in a competent authority’s inventory that are pending resolution on 31 December 2015
<b>Post-2015 cases</b>	MAP cases that are received by a competent authority from the taxpayer on or after 1 January 2016
<b>Singapore’s MAP Guidance</b>	The IRAS webpage on Mutual Agreement Procedures The e-Tax Guide on “Transfer Pricing Guidelines” available on the IRAS website The e-Tax Guide on “Avoidance of Double Taxation Agreements (DTAs)” available on the IRAS website
<b>Statistics Reporting Period</b>	Period for reporting MAP statistics that started on 1 January 2016 and that ended on 31 December 2018
<b>Terms of Reference</b>	Terms of reference to monitor and review the implementing of the BEPS Action 14 Minimum Standard to make dispute resolution mechanisms more effective

## OECD/G20 Base Erosion and Profit Shifting Project

# Making Dispute Resolution More Effective - MAP Peer Review Report, Singapore (Stage 2)

## INCLUSIVE FRAMEWORK ON BEPS: ACTION 14

Under Action 14, countries have committed to implement a minimum standard to strengthen the effectiveness and efficiency of the mutual agreement procedure (MAP). The MAP is included in Article 25 of the OECD Model Tax Convention and commits countries to endeavour to resolve disputes related to the interpretation and application of tax treaties. The Action 14 Minimum Standard has been translated into specific terms of reference and a methodology for the peer review and monitoring process. The minimum standard is complemented by a set of best practices.

The peer review process is conducted in two stages. Stage 1 assesses countries against the terms of reference of the minimum standard according to an agreed schedule of review. Stage 2 focuses on monitoring the follow-up of any recommendations resulting from jurisdictions' Stage 1 peer review report. This report reflects the outcome of the Stage 2 peer monitoring of the implementation of the Action 14 Minimum Standard by Singapore.



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