

**Tax Justice Network - Questionnaire to the Ministry of Finance**

1: How many of each of the following types of **arrangements, entities or professional individuals** are registered in your territory at the end (31 of December) of the most recent year for which you have data?

Type of Arrangement / Entity / Professional:	Number of:	Year:	Notes:
Banks			
Trust and Company Service Providers (Firms)			
Insurance companies			
Collective Investment Schemes / Investment Funds			
Fund managers			
Investment advisers			
Accountants			
Lawyers			
Companies limited by shares or by guarantee			
Other limited liability entities (partnerships)			
Trusts			
Foundations			

2: How many **people are working in the financial services industry** (full-time equivalents, FTE) and what is the **share** of the total number of employees working in the financial services industry in the total economically active population?

People working in the FS-industry:	Number:	Year:
Full Time Equivalents		
Proportion FS-employment / total workforce:		

3: What **value of funds** is held by the following **legal arrangements / entities**, and - if available - what is the share owned by non-residents?

Type of Institution:	Value and Currency:	Corresponding Date:	Of which owned by non-residents:
Banks			
Trusts			
Foundations			
Insurance companies			
Mutual / Investment funds			
Hedge funds			

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Type of Institution:	Value and Currency:	Corresponding Date:	Of which owned by non-residents:
Other funds			

4: Are all of the following **legal arrangements / entities** required to register with any government agency before **obtaining legal validity** in your jurisdiction?

Type of Entity / Arrangement:	Registration required with whom:	Legal Source (Law/§), URL:
Companies limited by shares or by guarantee		
Other limited liability entities (partnerships)		
Trusts		
Foundations		

5: Do the following **legal arrangements / entities** have to submit **tax returns** in your jurisdiction **without exception**?

Type of Entity / Arrangement:	Yes:	No:	Legal Source (Law/§):
Limited companies			
Other limited liability entities			
Trusts			
Foundations			
Additional Details			

6: Are all of the following **legal arrangements / entities** required to submit and maintain with any government agency **beneficial ownership** (=BO, natural person) information without exception, and/or are private firms or professionals in some cases required to obtain beneficial ownership information and make this available to the authorities on request?

Type of Entity / Arrangement:	Registry always records and updates BO	Professionals required to keep BO-information	No requirement to keep BO-information	Legal Source (Law/§/URL):
Limited companies				
Other limited liability entities				
Trusts				
Foundations				

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7: Do the following have to file **any information on public record open to both physical and internet** (online) inspection, and if so what is the cost per record in your jurisdiction? Please tick as appropriate.

Type of Entity / Arrangement:	Cost per Public Physical Record:	Cost for Online Access:	Legal source (law/§/URL):
Limited companies			
Other limited liability entities			
Trusts			
Foundations			

8: Do your jurisdiction’s laws and regulations provide for the creation and/or registration of so-called “**protected cell companies**” and/or “**segregated portfolio companies**” and/or “**series LLCs**” (or equivalent entities)?

PCC/Series LLCs	Please tick and specify the type:	Legal source (law/§/URL):
Yes		
No		

9: If your jurisdiction’s laws and regulations provide for trusts being created or tolerate the administration of foreign law trusts: what mechanisms, if any, do you implement to prevent **flee clauses in trust deeds**, and what mechanism exist to ascertain the identification of **initial contributors of discretionary trusts** and/or beneficiaries? **Please write down your answers** in the corresponding boxes below.

Question	Please provide details about mechanism	Legal Source (Law/§/URL):
Trust creation and/or administration prevented on jurisdiction’s territory (lawyers, notaries, etc.)?		
Trusts with flee clauses prevented?		
Discretionary trusts - identification of initial contributor(s)?		
Discretionary trusts - identification class of potential beneficiaries?		

10: In practice, how many information exchange requests were received by your jurisdiction from tax authorities in other countries in the last full reporting year for which you have data, either under information exchange clauses of double taxation avoidance agreements (DTA), or under a TIEA, or under another (multilateral) legal instrument (please specify)? Please fill in the boxes below.

Number of requests:		Year:
Under TIEA		
Under DTA		
Under another legal instrument		

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10.1: **How many** of those requests resulted in the **supply of information**, and what proportion of these requests are fulfilled within 3 months?

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10.2: What was the **prime reason for not supplying information** if requested information exchanges did not take place?

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11: To what extent does your country engage in Automatic Tax Information Exchange? Please specify below:

11.1: Common Reporting Standard (CRS). **To how many (and which) jurisdictions** has your tax authority committed to **automatically send information**? And from how many (and which) jurisdictions does your tax authority expect to **receive information**? Alternatively, provide us with a **URL** where we can find this data.

Question	Number	Name of Jurisdictions including the type of Agreement (Bilateral or Multilateral Competent Authority Agreement (M-CAA)) and status (signed or ratified, domestic law/§)
To how many jurisdictions are you planning to <b>send</b> information, according to <b>international agreements</b> ?		
For how many jurisdictions has your country already created the <b>domestic law</b> to collect the data required for <b>sending</b> (see question above)?		
From how many jurisdictions do you expect to <b>receive</b> information, once the CRS is implemented?		

11.2: Bilateral Automatic Information Exchange (**independent** of CRS/M-CAA). With how many countries has there been a **bilateral automatic exchange of tax information**, covering dividend, interest or royalty payments, on a regular basis (at least once a year, please specify for the last full year for which you have data)?

	Dividends	Interest	Royalties	Account Balance	Year
To how many jurisdictions does your country send data?					
From how many jurisdictions does your country receive data?					

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**11.3: Foreign Account Tax Compliance Act (FATCA).**

Has your jurisdiction already sent data to the US? **Yes / No**

Has your jurisdiction already received data from the USA? **Yes / No**

- If previous answer was yes, how useful has this data been for your auditing practice, on a scale from **1 (very useful) to 5 (near useless)**?
- If you can compare the quality and scope of information received from the USA with data from other bilateral automatic information exchange, is the data quality from the USA better or worse than average? **better / worse**

**12: Does your legislation/regulation provide for and/or protect banking secrecy (and/or confidentiality; hereinafter: “secrecy” used synonymously for “confidentiality”) and/or other financial service providers’ secrecy and are there criminal sanctions and/or any custodial sentencing available for breaches of secrecy?**

Type	Statutory secrecy: Y/N	Minimum Penalty	Maximum prison term/Custodial Sentencing	Legal Source (Law/§), URL:
Banking secrecy				
Financial service providers’ secrecy				
Accountants/tax advisors providing financial services				
Lawyers providing / assisting with financial services				
Other relevant covered by secrecy (please specify)				

**12.1: If the answer to the previous question was 'yes' for one of the secrecy types, please fill in the table below:**

Years	Type of Secrecy that was breached	Number of Prosecutions	Number of Convictions with Prison terms/Custodial sentencing	Number of Convictions with a fine
2012				
2013				
2014				

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12.2: Does your jurisdiction offer legal protection for **whistleblowers**, who breach confidentiality laws or contracts in order to inform local or foreign authorities about serious violations of the law (e.g. tax evasion, money laundering, circumvention of sanctions, etc.)?

Whistleblower Protection in case of disclosure to <b>domestic</b> authorities: Y/N	Whistleblower Protection in case of disclosure to <b>foreign</b> authorities: Y/N	Legal Source (Law/\$), URL:

13: Are all **payers (i.e. paying agents)** in your jurisdiction required to **automatically report to the tax administration** (or another government authority) information on payments to all **residents**? Please specify the legal source and scope and further details of these reporting obligations applicable to **payments to residents** by answering the following questions below. “BO” stands for “beneficial owner” as defined by your anti-money laundering legislation, “TIN” stands for “taxpayer identification number” as determined by your national laws and regulations.

Reporting of payments for residents		Yes	No	Legal Source (\$/Law)
Types of Income Covered	Interest			
	Dividends			
	Royalties			
	Account Balance			
Mandatory types of Identification Information	Recipient's name and address			
	Recipient's TIN or birthdate			
	BO's name and address			
	BO's TIN or birthdate			
Supervision and sanction of reporting obligations	Administrative sanctions (fines)			
	Criminal sanctions (prison terms)			

14: Are all **payers (i.e. paying agents)** in your jurisdiction required to **automatically report to the tax administration** (or another government authority) information on payments to all **non-residents**? Please specify the legal source and scope and further details of these reporting obligations applicable to **payments to non-residents** by answering the following questions below. The same abbreviations (“BO”, “TIN”) as for the prior question apply.

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Reporting of payments for non-residents		Yes	No	Legal Source (\$/Law)
Types of Income Covered	Interest			
	Dividends			
	Royalties			
	Account Balance			
Mandatory types of Identification Information	Recipient's name and address			
	Recipient's local TIN (where he is resident) or birthdate			
	BO's name and address			
	BO's TIN or birthdate			
Supervision and sanction of reporting obligations	Administrative sanctions (fines)			
	Criminal sanctions (prison terms)			

15: Does your jurisdiction's tax administration make use of **taxpayer identifiers** (or some other number) for information reporting and matching in the case of the following types of income?

Use of Taxpayer Identifiers?	Type of income payment			Account Balance
	Dividends	Interest	Royalties	
Yes				
No				

15.1: If the former question has been answered affirmatively, please write down the legal basis (law/regulation and paragraph) and **specify any qualifications to and details** of this use of identifiers.

16: Please comment on how successful or otherwise you have been in **automatically matching shared data?** ["100%" = all the information received automatically could be matched to local tax payers' information to identify cases of under-reporting; "0%" = no information received could be matched to a local tax payer. Please provide matching ratio in %, and reasons for low matching ratio, e.g. no TIN (stands for "taxpayer identification number" as determined by your national laws and regulations) was provided, no address/date of birth was provided, etc.]

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**17: Does your jurisdiction’s tax administration have a specialised large taxpayer unit (LTU)?**

Large Taxpayer Units	
Yes, since the year	
Kind of taxpayers covered (corporate, individuals)	
Number of taxpayers covered, if available	
Share of total income/profit/wealth taxes covered, if available	
Number of staff in LTU	
What legal or regulatory basis of the LTU (\$)	
No	

**18: Does your jurisdiction allow the tax administration to access the data collected by the financial intelligence units (anti-money laundering bodies)?**

Access on FIU data:	General Access	Suspicious Activity/Transaction Reports only	Only under certain conditions	FIU shares data at own discretion
Yes				
No				

**19: Does your jurisdiction use a national 'tax haven blacklist' or any similar type of list of jurisdictions for which specific consequences are determined, such as increased withholding taxes, limitation of tax deductibility of payments (e.g. dividend, royalties), increased due diligence or documentary requirements, etc.? If yes, please provide details below. **Yes / No****

Type of 'Tax haven blacklist' (e.g. national or other)	Name of the jurisdictions on the list (enclose the list as an Annex)	Relevant Legal Source	Consequences for jurisdictions that are listed (see above for examples)	Date of applying the lists' consequences



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20: Is **domestic tax evasion** a **predicate offence** under your money laundering regulations/legislation?

Answer:	Relevant legal source (law/regulation and paragraph):
Yes	
No	
Only specific forms of tax evasion (please specify)	

21: Can the **evasion of taxes of a foreign country** be considered a **predicate crime** under your money laundering regulations/legislation, if committed (through assets and/or structures linked to your jurisdiction, e.g. a bank account) by a tax resident of the same foreign jurisdiction?

Foreign Tax Evasion is Predicate Crime?	
Yes (please specify under what conditions, and since when)	
No	

21.1: If **foreign tax evasion** can be a **predicate crime** under your applicable law and regulations, how many **STRs** (Suspicious Transaction Reports; or equivalent) have been submitted concerning this particular offense (evasion of taxes of a foreign country)?

Year:	Number of STRs:

22: Is a **Financial Transaction Tax (FTT)** of any type (e.g. Tobin tax, securities transaction tax, currency transaction tax) levied on any monetary transaction? If yes, please provide details below. **Yes / No**

Type of FTT implemented (e.g. Tobin tax, securities transaction tax,)	Legal Source	Date when FTT was introduced	Individuals and/or institutions that are subject to the FTT (please specify)?

23. Concerning **advance tax decisions, or tax rulings, or advance pricing agreements (APAs)**, agreed by your tax administration with taxpayers: What is the institutional and legal framework for them, and what, if any, disclosure regime applies to them?

Scope of tax rulings/APAs (e.g. only transfer pricing) and legal basis	Institutional framework (e.g. central “ruling commission”, decentralised)?	Statistical data concerning rulings / APAs (numbers, values, etc.)	Applicable disclosure regime (e.g. website requiring disclosure of all rulings/APAs, anonymised or named)?

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24. Is there any requirement for the disclosure of **tax avoidance schemes** in your jurisdiction? If yes, please provide details about this regime below.

Name of disclosure regime and legal basis	Applicable disclosure regime (e.g. accessible to all or tax admin only, anonymised)?	Statistical data concerning the regime (number of schemes, estimated revenue loss prevention)	Any comments (e.g. about the origin of the schemes, or administrative or penal consequences)

25. Regarding International Organisations involved in setting international tax rules, guidelines and model treaties, would your jurisdiction be **in favour of** or **against** upgrading the status of the UN Committee of Experts on International Cooperation in Tax Matters (UNTC), e.g. by additional funding/ staff/a more binding decisions?  
**In Favour/ Against**

Please specify the way of preferred upgrading:

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26. If there was an international organisation which laid down binding international tax rules for its members and operated on majority voting, would your jurisdiction consider becoming a member of this organisation? **Yes / No / Do not know**

27. May we contact you for further enquiries? **Please tick:**

Answer:	Please tick:
Yes	
No	

28: Please write down your name, position and affiliation with contact details:

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29. Please sign the box below to confirm that we may make use of the information provided for research purposes and that the information is accurate to your best belief:

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