

Egypt Dispute Resolution Profile

(Last updated: 16 October 2018)

General Information

- **Egypt tax treaties are available at:**

<http://www.incometax.gov.eg/treaties.asp>

- **MAP requests should be made to:**

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Ministry of Finance

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s/n		Response	Detailed explanation	Where publicly available information and guidance can be found
A. Preventing Disputes				
1.	Are agreements reached by your competent authority to resolve difficulties or doubts arising as to the interpretation or application of your tax treaties in relation to issues of a general nature which concern, or which may concern, a category of taxpayers published?	Yes	Agreements received by the Egyptian Tax Authority (ETA) vary in nature, some to resolve difficulties or doubts arising from the interpretation or application of the Egyptian double tax treaties in relation to issues of a general nature which concern, or which may concern a specific transaction related to the taxpayer's business model.	-
2.	Are bilateral APA programmes implemented? If yes:	No	The Egyptian updated TP Guidelines are highly likely to be issued in Q4 of FY18. The guidelines will introduce a formal APA system under which ETA will only apply unilateral APAs until further official notice. However, ETA plans to apply bilateral APAs as part of its future work that will include further developing the guidelines as needed, but will do so after ETA and taxpayers have had good precedence with the Egyptian system, via the application of unilateral APAs.	-
a.	<ul style="list-style-type: none"> Are roll-back of APAs provided for in the bilateral APA programmes? 	No	-	-
b.	<ul style="list-style-type: none"> Are there specific timeline for the filing of an APA request? 	Yes	According to the draft updated Egyptian Transfer Pricing Guidelines, a pre-filing meeting request for a unilateral APA should be made at least six months prior to the first day proposed to be covered by the APA. The Guidelines will be available on ETA's website upon publication.	-
c.	<ul style="list-style-type: none"> Are rules, guidelines and procedures on how taxpayers can access and use 	No	The updated Egyptian Transfer Pricing Guidelines only	-

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	bilateral APAs, including the specific information and documentation that should be submitted in a taxpayer's request for bilateral APA assistance, publicly available?		address the details of applying for and processing a unilateral APA, since bilateral APAs are not effective at this point (i.e. a taxpayer resident in Egypt for tax purposes cannot apply for a bilateral APA).	
d.	<ul style="list-style-type: none"> Are there any fees charged to taxpayers for a bilateral APA request? 	N/A	-	-
e.	<ul style="list-style-type: none"> Are statistics relating to bilateral APAs publicly available? 	N/A	-	-
3.	Is training provided to your officials involved in the auditing /examination of taxpayers to ensure that any assessments made by them are in accordance with the provisions of your tax treaties?	Yes	In cooperation with the OECD, ETA officials are enrolled on condensed international tax training programme which includes tax treaties audit and examination.	-
4.	Is other information available on preventing tax treaty-related disputes?	No	-	-

Notes:

1. An APA is an “arrangement that determines, in advance of controlled transactions, an appropriate set of criteria (e.g. method, comparables and appropriate adjustments thereto, critical assumptions as to future events) for the determination of the transfer pricing for those transactions over a fixed period of time”. (see definition of APA in the *OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations* (“Transfer Pricing Guidelines”)).

2. Situations may arise in which the issues resolved through an APA are relevant with respect to previous filed tax years not included within the original scope of the APA. The concept of “roll-back” is further elaborated in paragraph 4.136 of Section F (Advance pricing arrangement) of Chapter IV of the Transfer Pricing Guidelines and in paragraph 69 of Section D.4.2 (Possible retrospective application (“Roll back”)) of the Annex to Chapter IV (Guidelines for Conducting Advance Pricing Arrangements under the Mutual Agreement Procedure (“MAP APAs”)) of the Transfer Pricing Guidelines. Simply put, the “roll-back” of the APA is understood to mean that the outcome of the APA is applied to previous filed tax years not included within the original scope of the APA.

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B. Availability and Access to MAP				
5.	Are transfer pricing cases covered within the scope of MAP?	Yes	-	-
6.	Are issues relating to the application of treaty anti-abuse provision covered within the scope of MAP?	Yes	-	-
7.	Are issues relating to the application of domestic anti-abuse provision covered within the scope of MAP?	No	ETA has dealt with a minimal number of MAP cases and anti-abuse cases are currently covered under the domestic law.	-
8.	Are issues where there is already an audit settlement between the tax authority and the taxpayer covered within the scope of MAP?	No	-	-
9.	Are double taxation cases resulting from bona fide taxpayer initiated foreign adjustments covered within the scope of MAP?	Yes	-	-
10.	Are there any other treaty related issues not covered under s/n 5 to 9 which are not within the scope of MAP?	No	-	-
11.	Are taxpayers allowed to request MAP assistance in cases where the taxpayer has sought to resolve the issue under dispute via the judicial and administrative remedies	No	-	-

s/n		Response	Detailed explanation	Where publicly available information and guidance can be found
	provided by the domestic law of your jurisdiction?			
12.	Are taxpayers allowed to request for MAP assistance in cases where the issue under dispute has already been decided via the judicial and administrative remedies provided by the domestic law of your jurisdiction?	No	-	-
13.	Are rules, guidelines and procedures on how taxpayers can access and use MAP, including the specific information and documentation that should be submitted in a taxpayer's request for MAP assistance, publicly available?	No	Specific information and documentation are usually requested by ETA on a case-by-case basis.	-
14.	Are there specific timeline for the filing of a MAP request?	Yes	Filing of a MAP request should be in accordance with the treaty provisions. In general, ETA has only dealt with a minimal number of MAP cases.	-
15.	Are guidance on multilateral MAPs publicly available?	No	-	-
16.	Are tax collection procedures suspended during the period a MAP case is pending?	No	-	-
17.	Are there any fees charged to taxpayers for a MAP request?	No	-	-
18.	Is there any other information available on	No	-	-

Egypt Dispute Resolution Profile – Availability and Access to MAP

s/n		Response	Detailed explanation	Where publicly available information and guidance can be found
	availability and access to MAP?			

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C. Resolution of MAP Cases				
19.	Are there any model timeframes for the steps taken by your competent authority from the receipt of a MAP case to the resolution of the case provided to taxpayers?	No	-	-
20.	Are statistics relating to the time taken to resolve MAP cases publicly available?	No	-	-
21.	Is interest or penalties resulting from adjustments made pursuant to a MAP agreement waived or dealt with as part of the MAP procedure?	-	To date, ETA has only dealt with a minimal number of MAP cases, if any. As such, ETA does not have extensive precedence as to how the resulting interest or penalties are dealt with.	-
22.	Are the roles and responsibility of the MAP office publicly available, for example, is the mission statement of the MAP office available in the <i>annual</i> report of the organisation?	No	-	-
23.	Is MAP arbitration a mechanism currently available for the resolution of tax treaty related disputes in any of your tax treaties? If not:	No	-	-
a.	<ul style="list-style-type: none"> Are there any legal limitations in your domestic law (for example in your constitution) to include MAP arbitration in your tax treaties? 	No	-	-

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b.	<ul style="list-style-type: none"> Does your treaty policy allow you to include MAP arbitration in your tax treaties? 	No	-	-
24.	<p>Is the explanation of the relationship between the MAP and domestic law administrative and judicial remedies publicly available?</p> <p>If yes:</p>	No	-	-
a.	<ul style="list-style-type: none"> Does the guidance specifically address whether the competent authority considers that it is legally bound to follow a domestic court decision in the MAP or will not deviate from a domestic court decision as a matter of administrative policy or practice? 	N/A	ETA is legally bound to follow a domestic court decision.	-
25.	Are taxpayers allowed to request for multi-year resolution through the MAP of recurring issues with respect to filed tax years?	Yes	It depends on time limits in accordance with the treaty provisions.	-
26.	Do all your jurisdiction's tax treaties contain a provision which would oblige your jurisdiction to make corresponding adjustments or to grant access to the MAP with respect to the economic double taxation that may otherwise result from a primary transfer pricing adjustment (i.e. is paragraph 2 of Article 9 of the OECD Model	Yes	Most of Egypt's recent DTAs have this Article. Some old treaties do not have this article such as Czech, Sudan, Japan, Italy, United Kingdom, Belgium, Russia, Singapore, Swiss Union, France, Libya, and Malaysia.	-

s/n		Response	Detailed explanation	Where publicly available information and guidance can be found
	Tax Convention or the UN Model Double Taxation Convention included in all of your jurisdiction's tax treaties)?			
27.	Is there any other information available on resolution of MAP cases?	No	-	-

s/n		Response	Detailed explanation	Where publicly available information and guidance can be found
D. Implementation of MAP Agreements				
28.	Where the agreement reached by your competent authority through the MAP process leads to additional tax to be paid by your taxpayer, is there publicly available information on the timeframe the taxpayer could expect its tax position to be amended to reflect the agreement reached by the competent authority and/or for the additional tax to be paid?	N/A	To date, there are no cases/agreements reached by ETA.	-
29.	Where the agreement reached by your competent authority through the MAP process leads to a refund of the tax due or paid by your taxpayer, are there publicly available information on the timeframe the taxpayer could expect its tax position to be amended to reflect the agreement reached by the competent authority and/or for a refund of the tax paid?	N/A	To date, there are no cases/agreements reached by ETA.	-
30.	Are all mutual agreements reached through MAP implemented notwithstanding any time limits in your domestic law?	No	-	-
31.	Is there any other information available on the implementation of MAP agreements?	No	-	-