

Pakistan Dispute Resolution Profile

(Last updated: 19 September 2023)

General Information

- **Pakistan's tax treaties are available at:**

www.fbr.gov.pk/Categ/bilateral-full-scope-treaties/332

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

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- **APA request should be made to:**

Pakistan does not have any APA at the moment. However, the Competent Authority for all purposes is as mentioned above.

Pakistan Dispute Resolution Profile – Preventing Disputes

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?	See detailed Explanation.	Such Agreements/Conventions/ Protocols are published on FBR Website.	Publically available on the official website of the Federal Board of Revenue, Government of Pakistan www.fbr.gov.pk
2.	Are bilateral APA programmes implemented? If yes:	See detailed Explanation.	Pakistan has no APA's at the moment.	
a.	<ul style="list-style-type: none"> Are roll-back of APAs provided for in the bilateral APA programmes? 			
b.	<ul style="list-style-type: none"> Are there specific timeline for the filing of an APA request? 			
c.	<ul style="list-style-type: none"> Are rules, guidelines and procedures on how taxpayers can access and use bilateral APAs, including the specific information and documentation that should be submitted in a taxpayer's request for bilateral APA assistance, publicly available? 			
d.	<ul style="list-style-type: none"> Are there any fees charged to taxpayers for a bilateral APA request? 			
e.	<ul style="list-style-type: none"> Are statistics relating to bilateral APAs publicly available? 			
3.	Is training provided to your officials involved in the auditing /examination of taxpayers to ensure that any	Yes		

Pakistan Dispute Resolution Profile – Preventing Disputes

s/n		Response	Detailed explanation	Where publicly available information and guidance can be found
	assessments made by them are in accordance with the provisions of your tax treaties?			
4.	Is other information available on preventing tax treaty-related disputes?	See detailed Explanation.	All Conventions/Agreements and Protocols along with relevant Rules are available.	www.fbr.gov.pk .

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.

Pakistan Dispute Resolution Profile – Availability and access to MAP

s/n		Response	Detailed explanation	Where publicly available information and guidance can be found
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?	Yes to the extent anti-abuse provisions are also contained in the respective tax treaty/convention.		
8.	Are issues where there is already an audit settlement between the tax authority and the taxpayer covered within the scope of MAP?	Yes		
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?	See detailed Explanation.	MAP is available provided the requirements of the relevant provisions relating to MAP in a specific tax treaty are met.	
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	Yes		

Pakistan Dispute Resolution Profile – Availability and access to MAP

s/n		Response	Detailed explanation	Where publicly available information and guidance can be found
	remedies 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?	Yes		
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?	See detailed Explanation.	Rule 19D through G of the Income Tax Rules 2002, provide the relevant guidelines and procedures for invoking MAP request.	Rules are available on FBR official website www.fbr.gov.pk
14.	Are there specific timeline for the filing of a MAP request?	See detailed Explanation.	Timelines are provided in the relevant Avoidance of Double Taxation Agreements / Conventions.	
15.	Are guidance on multilateral MAPs publicly available?	No		
16.	Are tax collection procedures suspended during the period a MAP case is pending?	See detailed Explanation.	During the pendency of MAP, the competent authority of Pakistan may, depending upon the merits of each case, direct to put on hold the recovery proceedings on any amount of tax subject to furnishing of irrevocable bank guarantee.	

Pakistan Dispute Resolution Profile – Availability and access to MAP

s/n		Response	Detailed explanation	Where publicly available information and guidance can be found
17.	Are there any fees charged to taxpayers for a MAP request?	No		
18.	Is there any other information available on availability and access to MAP?	No		

Pakistan Dispute Resolution Profile – Resolution of MAP cases

s/n		Response	Detailed explanation	Where publicly available information and guidance can be found
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?	Yes		
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?	See detailed Explanation.	Adjustments are dependent upon resolution reached under MAP.	
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:	Yes		
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? 			
b.	<ul style="list-style-type: none"> Does your treaty policy allow you to include MAP arbitration in your tax treaties? 			

Pakistan Dispute Resolution Profile – Resolution of MAP cases

s/n		Response	Detailed explanation	Where publicly available information and guidance can be found
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? 			
25.	Are taxpayers allowed to request for multi-year resolution through the MAP of recurring issues with respect to filed tax years?	Yes.		
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 Tax Convention or the UN Model Double Taxation Convention included in all of your jurisdiction's tax treaties)?	See detailed Explanation.	Most of the Pakistan Tax Treaties contain Para 2 of Article 9 of the OECD/UN Model Tax Convention.	
27.	Is there any other information available on resolution of MAP cases?	No		

Pakistan Dispute Resolution Profile – Implementation of MAP Agreements

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?	See detailed Explanation.	The effect to resolution arrived at under MAP is given within 30 days of the receipt of the same by Commissioner subject to acceptability by Tax payer and withdrawal of appeal (if any) under Rules 19 E (11) of Income Tax Rules, 2002.	www.fbr.gov.pk
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?	See detailed Explanation.	The effect to resolution arrived at under MAP is given within 30 days of the receipt of the same by Commissioner subject to acceptability by Tax payer and withdrawal of appeal under Rules 19 E (11) of Income Tax Rules, 2002.	www.fbr.gov.pk
30.	Are all mutual agreements reached through MAP implemented notwithstanding any time limits in your domestic law?	Yes		
31.	Is there any other information available on the implementation of MAP agreements?	No		