

## The Bahamas Dispute Resolution Profile

(Last updated: September 2024)

### General Information

- The Bahamas tax treaties are available at:**

<https://www.taxreporting.finance.gov.bs> or

- MAP request should be made to:**

Mr. Simon D. Wilson – Financial Secretary

Ministry of Finance

Cecil Wallace-Whitfield Centre

West Bay Street

P. O. Box N-3017

Nassau, The Bahamas.

EMAIL: [competentauthorityMOF@bahamas.gov.bs](mailto:competentauthorityMOF@bahamas.gov.bs); [adriannaknowlesrahming@bahamas.gov.bs](mailto:adriannaknowlesrahming@bahamas.gov.bs); [bernadettebutler@bahamas.gov](mailto:bernadettebutler@bahamas.gov)

Telephone: 1-242-702-1500

- APA request should be made to:**

N/A

**The Bahamas Dispute Resolution Profile – Preventing Disputes**

<b>s/n</b>		<b>Response</b>	<b>Detailed explanation</b>	<b>Where publicly available information and guidance can be found</b>
<b>A. Preventing Disputes</b>				
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?	NO	The Bahamas has a Tax Information Exchange Agreement with one jurisdiction which allows for the allocation of taxing rights of individuals and has not entered into any Double Taxation Treaties. To date no request for assistance has been received by the Competent Authority.	-
2.	Are bilateral APA programmes implemented?  If yes:	NO	The Bahamas does not have APAs as we do not have transfer pricing legislation at present.	-
a.	• Are roll-back of APAs provided for in the bilateral APA programmes?	N/A	-	-
b.	• Are there specific timeline for the filing of an APA request?	N/A	-	-
c.	• 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?	N/A	-	-
d.	• Are there any fees charged to taxpayers for a bilateral APA request?	N/A	-	-
e.	• Are statistics relating to bilateral APAs publicly available?	N/A	-	-

**The Bahamas Dispute Resolution Profile – Preventing Disputes**

s/n		Response	Detailed explanation	Where publicly available information and guidance can be found
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?	N/A	-	-
4.	Is other information available on preventing tax treaty-related disputes?	N/A	-	-

**Notes:**

1. An APA is an “arrangement that determines, in advance of controlled transactions, an appropriate set of criteria (e.g. method, comparable 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.

**The Bahamas Dispute Resolution Profile – Availability and access to MAP**

s/n		Response	Detailed explanation	Where publicly available information and guidance can be found
<b>B. Availability and Access to MAP</b>				
5.	Are transfer pricing cases covered within the scope of MAP?	NO	-	-
6.	Are issues relating to the application of treaty anti-abuse provision covered within the scope of MAP?	NO	The Bahamas does not have a domestic personal income tax regime	-
7.	Are issues relating to the application of domestic anti-abuse provision covered within the scope of MAP?	NO	The Bahamas does not have a domestic personal income tax regime.	-
8.	Are issues where there is already an audit settlement between the tax authority and the taxpayer covered within the scope of MAP?	NO	The Bahamas does not have a domestic personal income tax regime.	-
9.	Are double taxation cases resulting from bona fide taxpayer initiated foreign adjustments covered within the scope of MAP?	N/A	The Bahamas does not have a domestic personal income tax regime. Therefore, it is not possible for a situation to arise where a person would suffer from income taxation in The Bahamas as an income tax regime does not exist. As a result no personal income tax adjustments would be made. As no double	-

**The Bahamas Dispute Resolution Profile – Availability and access to MAP**

s/n		Response	Detailed explanation	Where publicly available information and guidance can be found
			taxation would occur, as a result no personal income tax adjustments would be made.	
10.	Are there any other treaty related issues not covered under s/n 5 to 9 which are not within the scope of MAP?	N/A	-	-
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 provided by the domestic law of your jurisdiction?	YES	As there is presently no personal income taxation regime in The Bahamas, there is no legislation in existence which provides specific judicial or administrative remedies for these kinds of disputes. However, pursuing an action in a court of competent jurisdiction in The Bahamas or in another jurisdiction does not preclude a taxpayer from submitting a MAP request	-
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	The tax payer upon making a request should state in their request whether issues presented has been previously dealt with by other means.	-

**The Bahamas Dispute Resolution Profile – Availability and access to MAP**

<b>s/n</b>		<b>Response</b>	<b>Detailed explanation</b>	<b>Where publicly available information and guidance can be found</b>
			Documentation should be provided by the tax payer.	
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?	YES	As an income tax regime does not exist, it is not possible for a situation to arise where a person would suffer from income taxation in The Bahamas.	<a href="https://www.bahamas.gov.bs/wps/wcm/connect/01a2d193-84de-4aa9-83f0-681f7300fe97/BAHAMAS+-JAPAN+MAP+GUIDANCE+DOCUMENT.pdf?MOD=AJPERES">https://www.bahamas.gov.bs/wps/wcm/connect/01a2d193-84de-4aa9-83f0-681f7300fe97/BAHAMAS+-JAPAN+MAP+GUIDANCE+DOCUMENT.pdf?MOD=AJPERES</a>
14.	Are there specific timeline for the filing of a MAP request?	YES	Within three (3) years of the first notification of the action resulting in taxation not in accordance with the treaty.	-
15.	Are guidance on multilateral MAPs publicly available?	NO	-	-
16.	Are tax collection procedures suspended during the period a MAP case is pending?	N/A	The Bahamas does not have a personal income tax regime. Therefore, there are no tax collection procedures with respect to individual income tax.	-
17.	Are there any fees charged to taxpayers for a MAP request?	N/A	-	-
18.	Is there any other information available on availability and access to MAP?	NO	The only information available on availability and access to MAP is contained	-

**The Bahamas Dispute Resolution Profile – Availability and access to MAP**

<b>s/n</b>		<b>Response</b>	<b>Detailed explanation</b>	<b>Where publicly available information and guidance can be found</b>
			in the published Guidance on Mutual Agreement Procedure with Japan.	

**The Bahamas Dispute Resolution Profile – Resolution of MAP cases**

<b>s/n</b>		<b>Response</b>	<b>Detailed explanation</b>	<b>Where publicly available information and guidance can be found</b>
<b>C. Resolution of MAP Cases</b>				
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	Approximately twenty four (24) months of the acceptance date of a MAP request as adopted from the standard and included in the issued and published Guidance Notes.	-
20.	Are statistics relating to the time taken to resolve MAP cases publicly available?	NO	There are no MAP requests to date.	-
21.	Is interest or penalties resulting from adjustments made pursuant to a MAP agreement waived or dealt with as part of the MAP procedure?	NO	The Bahamas does not have a personal income tax regime and as a result no personal income tax adjustments would be made.	-
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?	N/A	The role of the Competent Authority is set out in the published Guidance Notes on the Ministry of Finance website.	-
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	An arbitration mechanism is currently unavailable for the resolution of tax treaties disputes as there is no domestic legal basis for	-

**The Bahamas Dispute Resolution Profile – Resolution of MAP cases**

<b>s/n</b>		<b>Response</b>	<b>Detailed explanation</b>	<b>Where publicly available information and guidance can be found</b>
			personal (individual) income tax.	
a.	<ul style="list-style-type: none"> <li>• Are there any legal limitations in your domestic law (for example in your constitution) to include MAP arbitration in your tax treaties?</li> </ul>	N/A	Same as above	-
b.	<ul style="list-style-type: none"> <li>• Does your treaty policy allow you to include MAP arbitration in your tax treaties?</li> </ul>	N/A	Once an income tax regime is developed and legislation enforce, consideration will be given to an arbitrations process.	-
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>	YES	The scope of the MAP process is set out in the MAP Guidance Notes.	-
a.	<ul style="list-style-type: none"> <li>• 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?</li> </ul>	N/A	-	-
25.	Are taxpayers allowed to request for multi-year resolution through the MAP of recurring issues with respect to filed tax years?	N/A	-	-

**The Bahamas Dispute Resolution Profile – Resolution of MAP cases**

s/n		Response	Detailed explanation	Where publicly available information and guidance can be found
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)?	N/A	-	-
27.	Is there any other information available on resolution of MAP cases?	N/A	-	-

**The Bahamas Dispute Resolution Profile – Implementation of MAP Agreements**

<b>s/n</b>		<b>Response</b>	<b>Detailed explanation</b>	<b>Where publicly available information and guidance can be found</b>
<b>D. Implementation of MAP Agreements</b>				
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?	YES	Typical MAP Process Timelines as adopted from the OECD MAP Standard, no later than three (3) months after exchange of closing letters between Competent Authorities.	-
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?	YES	Same as above in 28.	-
30.	Are all mutual agreements reached through MAP implemented notwithstanding any time limits in your domestic law?	N/A	There is no domestic legislation in regards to this.	-
31.	Is there any other information available on the implementation of MAP agreements?	N/A	MAP Guidance Notes published on the Ministry of Finance website	-