

# Jamaica

## Transfer Pricing Country Profile<sup>1</sup>

May 2025

		SUMMARY	REFERENCE
<b>The Arm's Length Principle</b>			
1	<b>Does your domestic transfer pricing framework<sup>2</sup> make reference to the arm's length principle?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Meaning of arm's length principle - <a href="#">Income Tax Act</a> , Section 17 (1)
2	<b>Does your domestic transfer pricing framework give the OECD Transfer Pricing Guidelines any role or status (e.g. legal binding effect, subsidiary application in the absence of domestic legislation, source of interpretation of domestic legislation and/or treaty provisions, other)?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Income Tax Act- Section 17D; Eighth Schedule of the Income Tax Act;  <a href="#">Transfer Pricing Practice Note (2017)</a> <a href="#">The Income Tax (Transfer Pricing Documentation) Regulations, 2015.pdf</a>

<sup>1</sup> Information in transfer pricing country profiles is provided directly by jurisdictions. By publishing the transfer pricing country profiles on the OECD website, the OECD does not certify the accurateness of the information provided therein. Importantly, transfer pricing country profiles published on the OECD website are made available to stakeholders for information purposes only, and are not intended to be used in substitution to a jurisdiction's legal instruments, jurisprudence, or administrative guidance or practice nor relied on as an accurate and complete description of domestic law.

<sup>2</sup> For purposes of transfer pricing country profiles, the term "domestic transfer pricing framework" refers to a jurisdiction's domestic legislation, regulations, administrative guidance or practice, jurisprudence or governing general principles in the jurisdiction.

3	<p><b>Does your domestic transfer pricing framework provide for a definition of related parties applicable for transfer pricing purposes? If so, please provide the definition contained under your domestic transfer pricing framework.</b></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>Of note, the language used by Jamaica is not “related parties” but is “connected persons” which is treated in a like manner.</p> <p><b><u>Section 2(1), (2) and (3) of the Income Tax Act:</u></b></p> <p>"connected persons" shall be construed in accordance with subsection (2);</p> <p>(2) For the purposes of this Act the following persons shall be treated as being connected with a given person ("A") and he with them and shall be so treated notwithstanding that at the relevant time any of the persons in question (not being individuals) had not yet come into existence or had seem to exist-</p> <ul style="list-style-type: none"> <li>(a) A's relatives;</li> <li>(b) the husband or wife of any relative of A;</li> <li>(c) A's partners;</li> <li>(d) where A is a trustee of a settlement (other than a settlement where the sole trustee is a trust corporation for the purposes of <a href="#">The Judicature (Trust Corporations) Act</a>, or all the trustees are such corporations, and none of the beneficiaries is connected with a settlor of the settlement or with a person connected with a settlor, or would be so connected if he were the sole beneficial owner of the property comprised in the settlement)-</li> <ul style="list-style-type: none"> <li>(i) any settlor of the settlement,</li> <li>(ii) any person connected with a settlor of the settlement,</li> <li>(iii) any body corporate a principal member of which is a trustee of the settlement;</li> </ul> <li>(e) where A is a settlor or beneficiary of a settlement, any body corporate a principal member of which is a trustee of the settlement;</li> </ul>	<p>Section 2(1) and (2) of the <a href="#">Income Tax Act</a>;</p> <p>Section 17(1) (8) and (9) of the <a href="#">Income Tax Act</a></p>
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	<p>(f) any person acting together with A to secure or exercise control of a body corporate;</p> <p>(g) any person acting on the directions of A to secure or exercise control of a body corporate;</p> <p>(h) bodies corporate of which A has control;</p> <p>(i) bodies corporate of which A and persons connected with him together have control;</p> <p>(j) where A is a body corporate (and without prejudice to the application of any of the preceding paragraphs where A is a body corporate)</p> <p>(i) bodies corporate under the control of the same person who has control of A,</p> <p>(ii) bodies corporate under the control of persons (other than individuals) connected with the person who has control of A,</p> <p>(iii) bodies corporate under the control of the following persons, namely, a person who has control of A and persons (other than individuals) connected with that person,</p> <p>(iv) bodies corporate under the control of a group of two or more persons which has the same membership as a group having control of A or could be so regarded by treating a member of either group as replaced by a person with whom he is connected,</p> <p>(v) the trustees or other persons having the management of an approved superannuation fund in relation to which A is the employer (for the purposes of section 44 only);</p> <p>(k) where A is a principal member of a body corporate-</p> <p>(i) the body corporate,</p> <p>(ii) (for the purposes of section 44 only) the trustees or other persons having the management of an approved superannuation fund in relation to which the body corporate is the employer.</p>
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(3) Where the Commissioner notifies a body corporate in writing that, in relation to that body corporate, he proposes to treat specified persons as being connected persons, the notification shall have effect for the purposes of this Act until varied or revoked by a subsequent notification in writing sent to the body corporate by the Commissioner.

**Section 17(1) of the Income Tax Act**

“connected person”, in relation to a participant in a transaction, means a person who is treated as being connected, in accordance with section 2(2), with another participant in the transaction;

**Section 17(8) and (9) of the Income Tax Act**

(8) If a person fails to provide, to the satisfaction of the Commissioner General, any information or documentation requested by the Commissioner General under subsection (7) in respect of a transaction or in respect of the relationship of the person to any other person who participates in the transaction, then the Commissioner General shall –

(a) treat the person as a connected person in relation to any other person who participates in the transaction and treat the transaction as a connected transaction; and

(b) determine the arm’s length consideration for the transaction accordingly.

(9) Where a person (“person A”) is a participant in a transaction with another person (“person B”) who is a resident in a jurisdiction other than Jamaica, as described in subsection (10), then the Commissioner General shall –

(a) treat person A as being a connected person in relation to person B and treat the transaction as a connected transaction; and

(b) require person A to determine the arm’s length consideration for the transaction accordingly.

## Transfer Pricing Methods

4 **Does your domestic transfer pricing framework provide for transfer pricing methods to be used in respect of transactions between related parties?**

Yes

No

If affirmative, please check those provided for in your legislation:

CUP	Resale Price	Cost Plus	TNMM	Profit Split	Other ( <i>If so, please describe</i> )
<input checked="" type="checkbox"/>					

### **Paragraph 5, 9 and 10 of the Eighth Schedule of the Income Tax Act**

5. The following are the transfer pricing methods that, subject to paragraph 10 may be applied in determining the arm's length consideration in respect of a connected transaction, as well as the manner of applying them –

(a) Comparable Uncontrolled Price Method –

the comparable uncontrolled price method consists in comparing the price charged for property or services transferred in a connected transaction to the price charged for property or services transferred in a comparable independent transaction;

(b) Resale Price Method –

the resale price method consists in comparing the resale margin that a purchaser of property in a connected transaction earns from reselling that property with the resale margin that is earned in a comparable independent transaction involving the purchase and resale of commercially equivalent property;

(c) Cost Plus Method –

the cost plus method consists in comparing the mark-up on those costs directly and indirectly incurred in the supply of property or services in a connected transaction with the mark up on such costs directly and indirectly incurred in the supply of property or services in a comparable independent transaction;

The transfer pricing methods are found at Paragraph 5, Paragraph 9 and 10 of the Eighth Schedule of the [Income Tax Act](#)

	<p>(d) Transactional Net Margin Method –</p> <p>the transactional net margin method consists in comparing the net profit margin relative to an appropriate base (such as costs, sales or assets) that a person achieves in a connected transaction with the net profit margin relative to the same base achieved in a comparable independent transaction;</p> <p>(e) Transactional Profit Split Method -</p> <p>(i) the transactional profit split method consists in allocating to each connected person participating in a connected transaction the portion of common profit (or loss) derived from such transaction, such allocation being made in accordance with comparable allocations in the case of independent transactions; and</p> <p>(ii) when it is possible to determine the arm's length consideration for some, but not other, functions performed by connected persons participating in a connected transaction using the methods described in subparagraphs (a) to (d), the transactional profit split method shall be applied to determine the arm's length consideration for the other functions so performed, based on the common residual profit derived from the other functions.</p> <p>9. Notwithstanding paragraph 5, another method (other than a transfer pricing method) may be applied by a person for determining arm's length consideration in respect of a connected transaction if the Commissioner General is satisfied that –</p> <p>(a) none of the transfer pricing methods can reasonably be applied to determine the arm's length consideration in respect of the connection transaction; and</p> <p>(b) the other method to be applied yields a result consistent with that which would be achieved by persons participating in a comparable independent transaction.</p> <p>10. Notwithstanding paragraphs 5 and 9, the Commissioner General may apply a method (other than one that has been used by a connected person and whether or not it is a method provided by paragraph 5) to establish arm's length consideration in respect of a connected transaction if the Commissioner General is satisfied that the method to be applied is consistent with paragraph 4.</p>
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5	<p><b>Which criterion is provided for in your domestic transfer pricing framework for the application of transfer pricing methods?</b></p>	<p>Please check all that apply:</p> <p><input checked="" type="checkbox"/> Hierarchy of methods</p> <p><input type="checkbox"/> Most appropriate method</p> <p><input type="checkbox"/> Other (<i>if so, please explain</i>)</p> <p><b><u>Paragraphs 6-8 of the Eighth Schedule of the Income Tax Act</u></b></p> <p>6. Where, taking account of the criteria described in paragraph 4, a transfer pricing method described in paragraph 5(a) and a transfer pricing method described in paragraph 5(b) to (e) can be applied with equal reliability, the transfer pricing method described in paragraph 5(a) shall be applied.</p> <p>7. Where, taking account of the criteria described in paragraph 4, a transfer pricing method described in paragraph 5(a) to (c) and a transfer pricing method described in paragraph 5(d) to (e) can be applied with equal reliability, one of the transfer pricing methods described in paragraph 5(a) to (c) shall be applied.</p> <p>8. It shall not be necessary to apply more than one transfer pricing method in respect of a particular connected transaction.</p>	<p>Paragraphs 6-8 of the Eighth Schedule of the <a href="#">Income Tax Act</a></p>
6	<p><b>Does your domestic transfer pricing framework contain specific guidance on commodity transactions?</b></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> For controlled transactions involving commodities, the guidance contained in paragraphs 2.18-2.22 of the TPG is followed.</p> <p><input type="checkbox"/> Domestic transfer pricing framework provides for the use of a specific method for controlled transactions involving commodities (<i>if so, please explain</i>)</p> <p><input type="checkbox"/> No</p> <p>It is not specifically provided for in the legislation. However, guidelines are provided for in the Transfer Pricing Practice Note (2017)</p> <p><i>The following are some cases of when the CUP method can be applied. The CUP method is most appropriate with internationally traded commodities such as, but not limited to, bauxite, alumina,</i></p>	<p><a href="#">Transfer Pricing Practice Note (2017)</a></p> <p>At pages 20, para. 89 of Practice Note.</p>

*coffee beans and sugar or where the product or service is sold to both connected and independent persons. The CUP method would also be appropriate to evaluate interest rates charged in respect of financial transactions, as well as royalties and commissions.*

### Comparability Analysis

7	<b>Does your jurisdiction follow (or largely follow) the guidance on comparability analysis outlined in Chapter III of the TPG?</b>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>The legislation makes provision</p> <p>The legislation makes provision for a comparability analysis with requirements and considerations which are similar to the guidance in Chapter III of the TPG.</p> <p>Further, Jamaica's Transfer Pricing Practice Note was modelled off of the OECD TPG and incorporated the then guidance on comparability analysis outlined in Chapter II of the TPG</p>	<p>Paragraph 3 of the Eighth Schedule of the <a href="#">Income Tax Act</a></p> <p>Paragraphs 52-57 <a href="#">Transfer Pricing Practice Note (2017)</a></p>
8	<b>Is there a preference in your jurisdiction for domestic comparables over foreign comparables?</b>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>From the perspective of Tax Administration Jamaica, as a developing country it is preferred to have domestic comparables as most other available comparables are derived from a developed nation context and require too many adjustments making them unreliable.</p> <p>Further, access to external databases containing comparables is not available to the Tax Administration Jamaica at this time.</p>	

9	<p><b>Does your domestic transfer pricing framework permit the use of secret comparables for transfer pricing assessment purposes?</b></p>	<p><input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No</p> <p>TAJ is precluded under Section 4 of the ITA from disclosing 3rd party information in relation to another taxpayer gathered under the ITA. Accordingly, TAJ considers itself prohibited from using third-party comparable information, i.e. so-called “secret comparables” as the basis of assessment.</p>	<p>Para. 165 of <a href="#">Transfer Pricing Practice Note (2017)</a></p>
10	<p><b>Does your domestic transfer pricing framework allow or require the use of an arm's length range and/or statistical measure (e.g. the interquartile range or other percentiles) for determining arm's length remuneration?</b></p>	<p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p> <p>(3) For the purposes of this paragraph, the arm's length range in relation to a connected transaction is a range of financial indicators produced by the application of the most appropriate transfer pricing method to a number of independent transactions that are reasonably comparable to the connected transaction</p>	<p>Paragraph 12(3)The Eighth Schedule of the <a href="#">Income Tax Act</a></p>
11	<p><b>Are comparability adjustments required under your domestic transfer pricing framework?</b></p>	<p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p> <p>(4) The arm's length consideration in respect of a connected transaction shall be determined by applying the most appropriate transfer pricing method to the circumstances of the case, taking into consideration the following criteria-</p> <p>(d) the degree of comparability between the connected transaction and independent transaction, including the reliability of comparability adjustments, if any, that may be required to eliminate differences in the comparison of the transactions.</p>	<p>Paragraph 4 (d) of the Eighth Schedule of the <a href="#">Income Tax Act</a></p>

## Intangible Property

12	<p><b>Does your domestic transfer pricing framework contain guidance specific to the pricing of controlled transactions involving intangibles?</b></p>	<p><input checked="" type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow (or largely follow) the guidance in Chapter VI of the TPG?</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No (please provide further explanations below)</p> <p><input type="checkbox"/> No</p>	<p>Paragraph 15 of The Eighth Schedule of the <a href="#">Income Tax Act</a></p> <p><a href="#">Transfer Pricing Practice Note (2017)</a></p>
13	<p><b>Are there any other rules outside your transfer pricing framework that are relevant for the pricing of controlled transactions involving intangibles?</b></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>	

## Hard-to-Value Intangibles

14	<p><b>Does your domestic transfer pricing framework contain guidance specific to hard-to-value intangibles (HTVI)?<sup>3</sup></b></p>	<p><input type="checkbox"/> Yes.</p> <p>If so, does your domestic transfer pricing framework follow the guidance on HTVI in Chapter VI of the TPG?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No (please provide further explanations below)</p> <p><input checked="" type="checkbox"/> No</p>	<p>Appendix 7 of the <a href="#">Transfer Pricing Practice Note (2017)</a></p>
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<sup>3</sup> In the case of jurisdictions that do not apply the HTVI approach (i.e. they responded “no” to question 14), it is not necessary to respond to the remaining questions in the HTVI section and these questions will not be published as part of jurisdiction’s transfer pricing country profile.

## Intra-group Services

23	<p><b>Does your domestic transfer pricing framework provide guidance specific to intra-group services transactions?</b></p>	<p><input checked="" type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow (or largely follow) the guidance in Chapter VII of the TPG?</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No (please provide further explanations below)</p> <p><input type="checkbox"/> No</p>	<p>Paragraph 13(1) &amp; (2) of the Eighth Schedule of the <a href="#">Income Tax Act</a></p>
24	<p><b>Does your domestic transfer pricing framework provide for or allow the application of a simplified approach for low value-adding intra-group services?</b></p>	<p><input checked="" type="checkbox"/> Yes. If so, does it follow (largely follow) the low value-adding services approach in Chapter VII?</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No (please provide further explanations below)</p> <p><input type="checkbox"/> No</p>	<p>Paragraph 14(2) of the Eighth Schedule to <a href="#">Income Tax Act</a></p>
25	<p><b>Are there any other rules outside your transfer pricing framework for pricing intragroup services?</b></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>S.13 of ITA allowable deductions ‘wholly &amp; exclusively incurred in earning the income’. As such when inter-group expenses are incurred, the taxpayer is obligated to prove that these services were wholly and exclusively incurred in earning the income, which includes justifying the performance, terms and consideration of the transaction.</p> <p>S. 16 of ITA ‘Artificial transactions’</p> <p>This section covers circumstance where the terms of an intra-group transaction are done on terms or in circumstances which can be proved to be artificial whether because the transaction never actually occurred or did not occur in the manner or</p>	<p>Section 13 &amp; 16 of <a href="#">Income Tax Act</a></p>

		on the terms declared, or because it really is of a different nature than that which was declared.	
<b>Financial Transactions</b>			
26	<b>Does your domestic transfer pricing framework provide guidance specific to financial transactions?</b>	<p><input checked="" type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow (or largely follow) the guidance in Chapter X of the TPG?</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No (please provide further explanations below)</p> <p><input type="checkbox"/> No</p> <p>Our Transfer Pricing Practice Note (TP PN 2017) states that “Jamaica's transfer pricing regime embodies the arm's length principle and requires that, for tax purposes, the terms and conditions agreed to between connected persons in their commercial or <b>financial relations</b> be those that would have been agreed to had the persons been dealing with each other at arm's length”.</p> <p>Thus, Jamaica's domestic framework is in keeping with the general provisions of Chapter X of the TPG in terms of its interaction with Chapters 1-III of the said Guidelines that is enshrined in our legislation in the EIGHTH SCHEDULE - <i>Transfer Pricing</i> of the Income Tax Act. Therefore, taking into consideration that our TP PN 2017 makes specific reference to the OECD TPG as a source of interpretation/ guidance for our domestic legislation, it stands to reason that Chapter X of the TPG as a whole, has particular relevance to aid in the accurate delineation and analysis of financial transactions (especially relating to specific issues such as treasury functions, use of credit ratings, guarantees, cash pooling etc.). Noteworthy also, is that our TP PN 2017 endorses the CUP method, subject to the facts and circumstances of the case, as the preferred TP Method to apply to connected party financial transactions.</p>	<p><a href="#">Transfer Pricing Practice Note (2017)</a>, pg. 8 - Scope #10</p> <p>Paragraphs 2-11, EIGHTH SCHEDULE (Section 17) - <i>Transfer Pricing</i>, <a href="#">Income Tax Act</a></p>
27	<b>Are there any other rules outside your transfer pricing framework that are relevant for the tax treatment of financial transactions? (e.g. whether your jurisdiction has implemented the measures in BEPS Action 4 to limit</b>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p>Jamaica has no thin capitalization, constructive dividend, fixed ratio, group ratio and or targeted rules relating to financial transactions as referred to under BEPS Action 4 or otherwise.</p>	

	<p>interest deductions and other financial payments or any similar rules)</p>	
<b>Cost Contribution Arrangements</b>		
28	<p><b>Does your jurisdiction allow cost contribution arrangements?</b></p>	<p><input checked="" type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow (or largely follow) the guidance in Chapter VIII of the TPG?</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No (please provide further explanations below)</p> <p><input type="checkbox"/> No</p>
<b>Transfer Pricing Documentation</b>		
29	<p><b>Does your domestic transfer pricing framework require the taxpayer to prepare transfer pricing documentation?</b></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><i>If affirmative, please check all that apply:</i></p> <p><input type="checkbox"/> Master file consistent with Annex I to Chapter V of the TPG</p> <p><input checked="" type="checkbox"/> Local file consistent with Annex II to Chapter V of the TPG</p> <p><input type="checkbox"/> Country-by-country report consistent with Annex III to Chapter V of the TPG</p> <p><input checked="" type="checkbox"/> Specific transfer pricing returns (separate or annexed to the tax return)</p> <p><input type="checkbox"/> Other (specify):</p> <p>The information found in Income Tax (Transfer Pricing Documentation) Regulations, 2015 is in keeping with the information required in the local file pursuant to Annex II to Chapter V of the TPG.</p> <p>The Practice Notes also contain a Schedule 8 which outlines the format required for the taxpayer to file the relevant return.</p>

30	<b>Please briefly explain the relevant requirements related to each transfer pricing documentation requirement (i.e. timing for preparation or submission, languages, etc.)</b>	<p>Transfer Pricing documentation is to be in the English language. It is to be in place as at the statutory tax return's filing date.</p> <p>The taxpayer will be required to provide the TP documentation within 30 working days of receiving a written request from the Commissioner General to do so. This is in addition to the Commissioner's general power to request additional information in the course of an audit or in relation to a return of income.</p> <p>Jamaica has not yet implemented CbCR.</p>	Regulation 3 of The Income Tax (Transfer Pricing Documentation ) Regulations
31	<b>Does your domestic transfer pricing framework provide for specific transfer pricing penalties and/or compliance incentives regarding transfer pricing documentation?</b>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>(5) With effect from the year of assessment 2016, if any person fails to certify as required by subsection (4) or provides an incorrect or incomplete certificate or return due to the taxpayer's negligent or fraudulent conduct, he shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding two million dollars and, in default of payment thereof, to imprisonment for a term not exceeding twelve months.</p>	Section 17(5) of the <a href="#">Income Tax Act</a>
32	<b>Does your domestic transfer pricing framework provide for exemption from transfer pricing documentation obligations?</b>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>Regulation 2 of the Income Tax (Transfer Pricing Documentation) Regulations 2015.</p> <p><i>Every person with a gross annual revenue of \$500 million dollars in the previous year of assessment shall keep...transfer pricing documentation that verifies that the conditions in their connected party transactions for the relevant year of assessment are consistent with the arm's length consideration.</i></p> <p>Therefore, if a person is under the threshold they are exempt from keeping such documentation.</p>	

### Administrative Approaches to Avoiding and Resolving Disputes

33		Please check those that apply:	S17(5) of the <a href="#">Income Tax Act</a>
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<p><b>Which mechanisms are available in your jurisdiction to prevent and/or resolve transfer pricing disputes?</b></p> <p> <input checked="" type="checkbox"/> Rulings  <input checked="" type="checkbox"/> Enhanced engagement or cooperative compliance programmes  <input checked="" type="checkbox"/> Advance Pricing Agreements (APA)         </p> <p> <input type="checkbox"/> Unilateral APAs  <input checked="" type="checkbox"/> Bilateral APAs  <input checked="" type="checkbox"/> Multilateral APAs         </p> <p> <input type="checkbox"/> International Compliance Assurance Programme (ICAP)         </p> <p> <input checked="" type="checkbox"/> Mutual Agreement Procedures         </p> <p> <input checked="" type="checkbox"/> Other (<i>please specify</i>):         </p> <p>Our domestic judicial framework is a mechanism which taxpayers or the administration may utilise in resolving transfer pricing issues and disputes.</p> <p>The Revenue Appeals Division of the Ministry of Finance of the Public Service facilitates additional appeals. This is a quasi-judicial body.</p> <p>For further information, please refer to Jamaica's MAP Profile.</p>	<p>S 72 of the <a href="#">Income Tax Act</a></p> <p><a href="#">Jamaica MAP Profile</a></p>
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### Simplified and Streamlined Approach for Baseline Marketing and Distribution Activities

<p>34 <b>Does your domestic transfer pricing framework allow the application of the simplified and streamlined approach for baseline marketing and distribution activities in the relevant Annex of Chapter IV of the TPG<sup>4</sup>?</b></p> <p> <input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No  <input type="checkbox"/> Other (please elaborate)         </p>	
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<sup>4</sup> In the case of jurisdictions that do not apply the simplified and streamlined approach (i.e. they responded “no” to question 34), it is not necessary to respond to questions 35, 36 and 38 and these questions will not be published as part of jurisdiction’s transfer pricing country profile.

37	<b>Does your jurisdiction respect the outcome of the application of the simplified and streamlined approach by a covered jurisdiction in line with the Inclusive Framework political commitment?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <p>N/A. Due to the current domestic legislative calendar and resource constraints on the passage of legislation, Jamaica has not yet provided a political commitment on the matter.</p>	
<b>Safe Harbours and Other Simplification Measures</b>			
39	<b>Does your jurisdiction provide for any safe harbours or other simplification measures in respect of certain industries, types of taxpayers, or types of transactions (not listed in other sections of this questionnaire)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Other Legislative Aspects or Administrative Procedures</b>			
40	<b>Does your domestic transfer pricing framework allow downward corresponding adjustments in the absence of a mutual agreement procedure (e.g. unilateral corresponding adjustments)?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>The Commissioner General of the Tax Administration Jamaica holds a general power to make assessments to the best of his judgment under the Income Tax Act.</p>	Section 72 of the <a href="#">Income Tax Act</a>
41	<b>Does your domestic transfer pricing framework allow or require taxpayers to make year-end adjustments?</b>	<input type="checkbox"/> Yes. Year-end adjustments are required. <input type="checkbox"/> Yes. Year-end adjustments are allowed. <input checked="" type="checkbox"/> No <p>Yes, a taxpayer can make a year-end adjustment.</p> <p>Our Transfer Pricing framework does not specifically require or permit it. However, the general domestic legislative framework requires it.</p> <p>Taxpayers are required to adjust their calculation of profits in accordance with the Income Tax Act.</p>	S 5 and 13 of the <a href="#">Income Tax Act</a>
42		<input checked="" type="checkbox"/> Yes	

	<p><b>Does your domestic transfer pricing framework provide for secondary adjustments?</b></p>	<p><input type="checkbox"/> No</p> <p>1. They can be made through MAP 2. They can be made pursuant to section 72 of the Income Tax Act, using the Commissioner's discretion</p>	
<b>Attribution of Profits to Permanent Establishments</b>			
43	<p><b>Which version of Article 7 of the OECD Model Tax Convention on Income and on Capital do your tax treaties contain?</b></p>	<p><input checked="" type="checkbox"/> Article 7 as it read before 2010.</p> <p><input checked="" type="checkbox"/> If so, please indicate in how many treaties: 5</p> <p><input checked="" type="checkbox"/> Article 7 as it reads after 2010.</p> <p><input checked="" type="checkbox"/> If so, please indicate in how many treaties: 7</p> <p><input type="checkbox"/> Other (please provide additional details)</p>	
44	<p><b>For tax treaties containing Article 7 as it read before 2010, does your jurisdiction apply the authorized OECD approach (AOA)?</b></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No (please explain the approach used and which tax treaties are concerned)</p> <p>This matter has not yet arisen in practice and so we are not able to provide a conclusive response on this area.</p>	
45	<p><b>Does your domestic transfer pricing framework contain specific guidance for the attribution of profits to permanent establishments of non-resident entities? If so, please provide a summary of the main features of this guidance.</b></p>	<p><input type="checkbox"/> Yes, they follow the AOA as described in the 2008 Report on the Attribution of Profits to Permanent Establishments</p> <p><input type="checkbox"/> Yes, they follow the AOA as described in the 2010 Report on the Attribution of Profits to Permanent Establishments</p> <p><input type="checkbox"/> Yes, they do not follow the AOA (please provide a summary of the main features of these rules)</p> <p><input checked="" type="checkbox"/> No</p> <p>There is no specific guidance for the attribution of profits to permanent establishments of non-resident entities. However, our domestic Transfer Pricing Rules are aligned with the OECD 2010 TP Guidelines.</p>	

Other Relevant Information			
46	<b>Other legislative aspects or administrative procedures regarding transfer pricing</b>	N/A	
47	<b>Other relevant information (e.g. whether your jurisdiction is preparing new transfer pricing regulations, or other relevant aspects not addressed in this questionnaire)</b>	N/A	

For more information, please visit: <https://www.oecd.org/en/topics/sub-issues/transfer-pricing/transfer-pricing-country-profiles.html>