

INCOME TAX (COUNTRY-BY-COUNTRY REPORTING) (AMENDMENT) RULES 2017

PU (A) 403
19 December 2017

IN the exercise of the powers conferred by paragraph 154(1)(c) of the Income Tax Act 1967 [Act 53], the Minister makes the following rules:

CITATION

- 1 These rules may be cited as the **Income Tax (Country-by-Country Reporting) (Amendment) Rules 2017**.

GENERAL AMENDMENT

- 2 Income Tax (Country-by-Country Reporting) Rules 2017 [*P.u. (A) 357/2016*], which is referred to as the “principal Rules” in these Rules, are amended—
 - (a) by substituting for the word “company” wherever appearing the word “entity”; and
 - (b) by substituting for the words “MNC Group” wherever appearing the words “MNE Group”.

AMENDMENT OF RULE 2

- 3 Rule 2 of the principal Rules is amended—
 - (a) by substituting for the words “multinational corporation group” the words “MNE Group”;
 - (b) by deleting paragraph (a);
 - (c) in paragraph (c), by substituting for the words “; and” at the end of the paragraph a semicolon;
 - (d) in paragraph (d), by substituting for a full stop at the end of the paragraph a semicolon; and
 - (e) by inserting after paragraph (d) the following paragraph:
 - “(e) its constituent is an ultimate holding entity or surrogated holding entity which is incorporated under the Companies Act 2016 [Act 777] and resident in Malaysia;
 - (f) its constituent entities are incorporated, registered or established under the Companies Act 2016 and resident in Malaysia; and
 - (g) has a permanent establishment in Malaysia.”.

AMENDMENT OF RULE 3

4 Rule 3 of the principal Rules is amended—

- (a) in the definition of “multinational corporation group” —
 - (i) by substituting for the words “multinational corporation group” the words “MNE Group”;
 - (ii) by deleting the words “(hereinafter referred to as “MNC Group)”;
 - (iii) in the national language text, by substituting for the word “perbadananya” the word “perushaannya”; and
 - (iv) in the English language text, by substituting for the words “corporation” and “corporations” wherever appearing the words “enterprise” and “enterprises” respectively; and
- (b) in the definition of “ultimate holding company”, by inserting after the words “one or more other constituent entities of such MNC Group” the words “and there is no other constituent entity of such MNE Group that owns directly or indirectly such interest in the first mentioned constituent entity”.

AMENDMENT OF RULE 4

5 Rule 4 of the principal Rules is amended—

- (a) in paragraph (1)(b), by substituting for the words “where different from such jurisdiction of tax residence, the jurisdiction under the laws of which such constituent entity is organized” the words “the jurisdiction under the laws of which such constituent entity is incorporated, registered or established if it is different from such jurisdiction of tax residence”; and
- (b) by inserting after subrule (2) the following subrule:
 - “(2A) The information required to be reported under this rule by the MNE Group as specified in paragraphs 2(e), (f) and (g), shall begin on 1 January 2017.”.

AMENDMENT OF RULE 6

6 Subrule 6(2) of the principal Rules is amended by inserting after the words “that is resident” the words “or has a permanent establishment”.