

Global Forum on Transparency and Exchange of Information for Tax Purposes Peer Reviews: Morocco 2015

Phase 1: Legal and Regulatory Framework

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The Global Forum on Transparency and Exchange of Information for Tax Purposes is the multilateral framework within which work in the area of tax transparency and exchange of information is carried out by over 120 jurisdictions which participate in the work of the Global Forum on an equal footing.

The Global Forum is charged with in-depth monitoring and peer review of the implementation of the standards of transparency and exchange of information for tax purposes. These standards are primarily reflected in the 2002 OECD Model Agreement on Exchange of Information on Tax Matters and its commentary, and in Article 26 of the OECD Model Tax Convention on Income and on Capital and its commentary as updated in 2004, which has been incorporated in the UN Model Tax Convention.

The standards provide for international exchange on request of foreseeably relevant information for the administration or enforcement of the domestic tax laws of a requesting party. “Fishing expeditions” are not authorised, but all foreseeably relevant information must be provided, including bank information and information held by fiduciaries, regardless of the existence of a domestic tax interest or the application of a dual criminality standard.

All members of the Global Forum, as well as jurisdictions identified by the Global Forum as relevant to its work, are being reviewed. This process is undertaken in two phases. Phase 1 reviews assess the quality of a jurisdiction’s legal and regulatory framework for the exchange of information, while Phase 2 reviews look at the practical implementation of that framework. Some Global Forum members are undergoing combined – Phase 1 plus Phase 2 – reviews. The ultimate goal is to help jurisdictions to effectively implement the international standards of transparency and exchange of information for tax purposes.

Key findings

The legal and regulatory framework for the availability of information in Morocco is generally in place. However, deficiencies have been identified regarding the availability of ownership information for bearer shares, and for non-resident companies and partnerships. The report also found that some penalties to enforce the obligation, for limited companies, to maintain a share register and the obligation, for companies, to file and keep the originals of correspondence received and copies of correspondence sent are missing. Recommendations were made to address these issues. The Moroccan tax administration has sufficient powers to gather information for the purpose of

exchange with treaty partners, however, there is no provision in Moroccan domestic legislation that preclude the application of professional secrets and allow tax authorities to access information from notaries and statutory auditors. A recommendation was therefore made for Morocco to address this issue and another recommendation was made for Morocco to restrict the scope of the protection under the term “professional secret” in its domestic law. Finally, Morocco has a very good network of exchange of information agreements which covers 106 jurisdictions. Morocco’s response to the recommendations made in this review, as well as the application of the legal framework and the implementation of the international standard in practice, will be considered in detail in the Phase 2 review of Morocco, which is scheduled to commence in the second quarter of 2015. For further information on the exchange of information practice of Morocco and to read the full report [click here](#).