

Decision no.: 246/1

Date:06/07/2020

Determining cases in which information requests covered by the Law on Banking Secrecy or by Article 151 of the Code of Money and Credit are of a very urgent nature or the notification of the person under examination is likely to undermine the investigations, as mentioned in paragraph 4 of “Fifth” in Law 55/2016

The Minister of Finance,

Pursuant to Decree N° 6157 dated 21/01/2020 (Government Formation),

Pursuant to Expedited Law no. 55 dated 27/10/2016 (Exchange of Information for Tax Purposes), notably paragraph 4 of “Fifth” from its Unique Article,

Pursuant to Decree 1550 dated 06/10/2017 and its amendments (Procedures related to the application of the provisions of expedited Law 55 of 27/10/2016 (Exchange of Information for Tax Purposes in cases of exchange of information on request) notably Article 7 thereof,

Pursuant to the proposal of the Director General of Finance,

After consultation of the State Council, opinion number 114/2019-2020 dated 31/12/2019,

Decides the following:

Article 1:

This decision shall determine the cases in which information requests covered by the Law on Banking Secrecy or by Article 151 of the Code of Money and Credit are of a very urgent nature or the notification of the person under examination is likely to undermine the investigations, as mentioned in paragraph 4 of “Fifth” in expedited Law 55/2016 and Article 7 of Decree 1550/2017.

In the event of such cases, the Competent Authority in Lebanon shall be deemed bound to respond to the request submitted by the Foreign Authority once the conditions imposed by the Law apply, without notifying the person under examination.

Article 2:

The request submitted by the Requesting State which classified it as of a very urgent nature or which notification to the person under examination is likely to undermine the investigations, shall:

- Be clear, detailed and include all the explanations that are necessary for such classification
- Have supporting documents annexed to it to confirm the accuracy of the classification, including legal and regulatory texts related to the tax case under investigations

Article 3:

First: The requests such as the below shall be considered of urgent nature:

- Requests related to the auditing of a tax period that may be subject to prescription in the Requesting State
- Requests related to cases that must be audited and processed, as stipulated, within short deadlines set by the Law
- Any other case verified as urgent by the Competent Authority in Lebanon through direct communication between the two states.

Second: The requests such as the below shall be considered requests which notification to the person under examination is likely to undermine the investigations undertaken by the Requesting State:

- When the person under examination can take legal and practical measures that totally or partially conceal the reality;
- When the person under examination has the possibility to communicate with persons with whom he had previously dealt with in order to conceal information or disclose misleading information
- Any other case verified by the Competent Authority in Lebanon as a request which notification to the person under examination is likely to undermine the investigations, through direct communication between the two states.

Article 4:

This decision shall be published in the Official Gazette and on the website of the Ministry of Finance and become effective upon its publication.