



BEPS ACTION 14: DISPUTE RESOLUTION

Vienna University, 29 January 2018



Commitment by Inclusive Framework members - timeline

Jan 2016

- Commitment to the minimum standard

May 2017

- First MAP statistics submitted

2018 and after

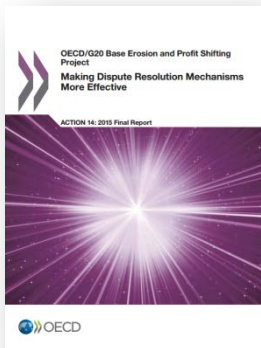
- Continue peer reviews
- MAP statistics reported annually

Dec 2016

- First peer reviews launched
- Publication of MAP profiles

Sept 2017 – Dec 2017

- First sets of peer review reports published
- Publication of 2016 MAP statistics





Action 14 minimum standard

Elements of the minimum standard

Elements 1.1 – 1.7

Jurisdictions should ensure that treaty obligations related to the MAP are fully implemented in good faith and that MAP cases are resolved in a timely manner

Elements 2.1 – 2.7

Jurisdictions should ensure that administrative processes promote the prevention and timely resolution of treaty-related disputes

Elements 3.1 – 3.3

Jurisdictions should ensure that taxpayers that meet the requirements of paragraph 1 of Article 25 can access the MAP

Translation of minimum standard in Action 14 report into TOR





Terms of Reference (TOR)

Minimum standard in Action 14 Report translated into TOR



TOR: Key features of an efficient & effective MAP process

(A) Preventing disputes



(B) Availability and access to MAP



(C) Resolution of MAP cases



(D) Implementation of MAP agreements

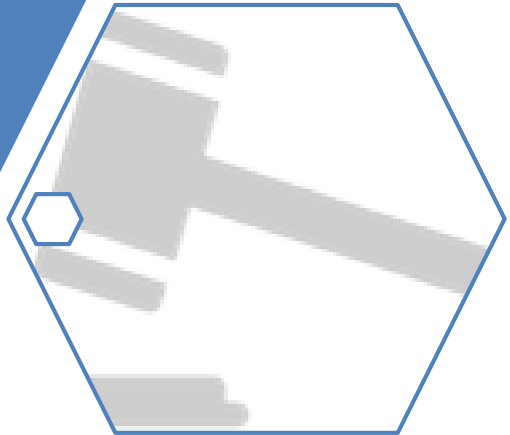


Beyond the Action 14 minimum standard



12 best practices complement the Action 14 minimum standard

27 signatories to the MLI opted for mandatory binding arbitration





Peer review

- to assist jurisdictions in identifying areas for improvement on specific elements of the TOR
- no ratings on compliance with the implementation of minimum standard
- only recommendations on how to improve



Current schedule of review

1 st batch By December 2016	2 nd batch By April 2017	3 rd batch By August 2017	4 th batch By December 2017	5 th batch By April 2018	6 th batch By August 2018	7 th batch By December 2018	8 th batch By April 2019	9 th batch By August 2019	10 th batch By December 2019
Belgium	Austria	Czech Republic	Australia	Estonia	Argentina	Brazil	Brunei	Andorra	Barbados
Canada	France	Denmark	Ireland	Greece	Chile	Bulgaria	Curacao	Bermuda	Kazakhstan
Netherlands	Germany	Finland	Israel	Hungary	Colombia	China	Guernsey	British Virgin Islands	Oman
Switzerland	Italy	Korea	Japan	Iceland	Croatia	Hong Kong (China)	Isle of Man	Cayman Islands	Qatar
United Kingdom	Liechtenstein	Norway	Malta	Romania	India	Indonesia	Jersey	Macau (China)	Saint Kitts and Nevis
United States	Luxembourg	Poland	Mexico	Slovak Republic	Latvia	Papua New Guinea	Monaco	Turks and Caicos Islands	Thailand
	Sweden	Singapore	New Zealand	Slovenia	Lithuania	Russia	San Marino		
		Spain	Portugal	Turkey	South Africa	Saudi Arabia			

72 scheduled, 28 deferred, 11 still undecided



Peer review – Main findings (1)

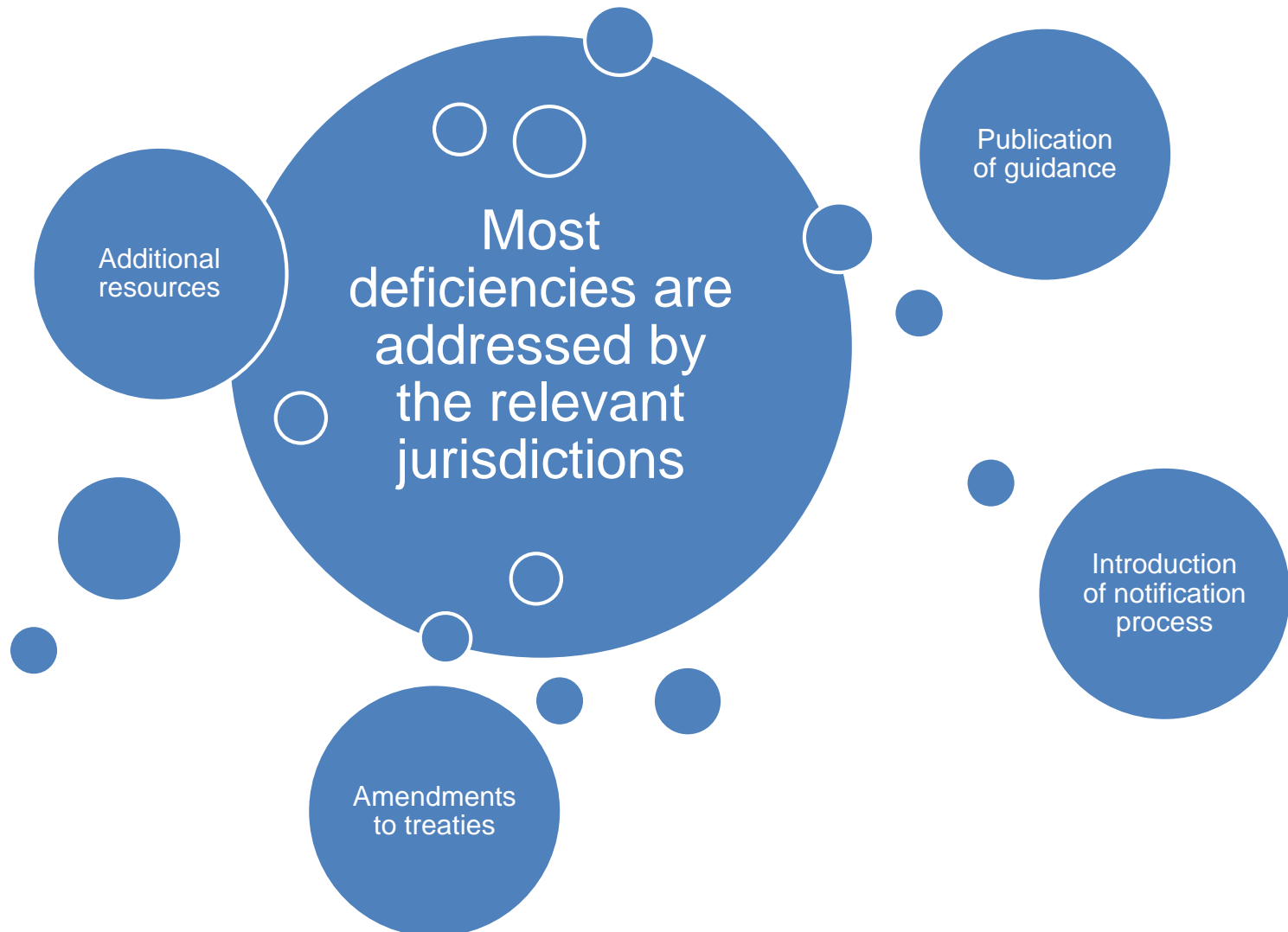


- Roll-back of bilateral APAs is available
 - Access to MAP is granted in eligible cases
 - MAP Guidance is generally clear and available
 - Some competent authorities have adequate resources, and take a pragmatic and principled approach
 - MAP agreements are implemented on time
- Considerable portion of tax treaties need to be amended (some will be modified by the MLI)
 - Some improvements in MAP guidance are necessary for some jurisdictions (sometimes not available at all)
 - Resolution of cases within 24 months on average is a challenge for some jurisdictions, especially for transfer pricing cases
 - Implementation of MAP agreements after a given period of time may be an issue in several jurisdictions

Some exceptions for all of these items



Peer review – Main findings (2)





Published information: MAP profiles

MAP profiles

OECD countries and partner economies already published a MAP profile

All jurisdictions that are members of the inclusive framework have now to submit their MAP profile for publication in accordance with an agreed template

Published MAP profiles:

- a platform for jurisdictions to provide taxpayers with relevant information on their dispute resolution mechanisms
- template is improved to provide greater transparency on the MAP regime of a jurisdiction.

The screenshot shows the OECD website's 'MAP Profiles' section. It features a search bar at the top right and a navigation menu. The main content area is titled 'MAP Profiles' and includes a paragraph explaining the report on BEPS Action 14. Below this, there is a section for 'MAP PROFILES' with a world map and a list of jurisdictions. The list is organized into columns and includes links to each jurisdiction's profile. At the bottom, there are footnotes and a link for more information.



Published information: 2016 MAP statistics

First statistics following the new reporting framework

- Common definition of MAP case
- Common counting system
- Common definition of start date, end date and of outcomes
- Reporting on jurisdiction by jurisdiction basis for post 2015 cases
- For the first time matching statistics

Publication November 2017 – superseding former statistics

Increase from 40 to 87 jurisdictions



MORE INFORMATION

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WEBSITE

<http://www.oecd.org/tax/beps/>