

**OECD/G20 Base Erosion and Profit Shifting  
Project**



**Making Dispute Resolution  
More Effective – MAP  
Peer Review Report,  
The United Arab Emirates (Stage 2)**

**INCLUSIVE FRAMEWORK ON BEPS: ACTION 14**





OECD/G20 Base Erosion and Profit Shifting Project

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Note by the Republic of Türkiye

The information in this document with reference to “Cyprus” relates to the southern part of the Island. There is no single authority representing both Turkish and Greek Cypriot people on the Island. Türkiye recognises the Turkish Republic of Northern Cyprus (TRNC). Until a lasting and equitable solution is found within the context of the United Nations, Türkiye shall preserve its position concerning the “Cyprus issue”.

Note by all the European Union Member States of the OECD and the European Union

The Republic of Cyprus is recognised by all members of the United Nations with the exception of Türkiye. The information in this document relates to the area under the effective control of the Government of the Republic of Cyprus.

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## *Foreword*

Digitalisation and globalisation have had a profound impact on economies and the lives of people around the world, and this impact has only accelerated in the 21<sup>st</sup> century. These changes have brought with them challenges to the rules for taxing international business income, which have prevailed for more than a hundred years and created opportunities for base erosion and profit shifting (BEPS), requiring bold moves by policy makers to restore confidence in the system and ensure that profits are taxed where economic activities take place and value is created.

In 2013, the OECD ramped up efforts to address these challenges in response to growing public and political concerns about tax avoidance by large multinationals. The OECD and G20 countries joined forces and developed an Action Plan to address BEPS in September 2013. The Action Plan identified 15 actions aimed at introducing coherence in the domestic rules that affect cross-border activities, reinforcing substance requirements in the existing international standards, and improving transparency as well as certainty.

After two years of work, measures in response to the 15 actions, including those published in an interim form in 2014, were consolidated into a comprehensive package and delivered to G20 Leaders in November 2015. The BEPS package represents the first substantial renovation of the international tax rules in almost a century. As the BEPS measures are implemented, it is expected that profits will be reported where the economic activities that generate them are carried out and where value is created. BEPS planning strategies that rely on outdated rules or on poorly co-ordinated domestic measures will be rendered ineffective.

OECD and G20 countries also agreed to continue to work together to ensure a consistent and co-ordinated implementation of the BEPS recommendations and to make the project more inclusive. As a result, they created the OECD/G20 Inclusive Framework on BEPS (Inclusive Framework), bringing all interested and committed countries and jurisdictions on an equal footing in the Committee on Fiscal Affairs and its subsidiary bodies. With over 140 members, the Inclusive Framework monitors and peer reviews the implementation of the minimum standards and is completing the work on standard setting to address BEPS issues. In addition to its members, other international organisations and regional tax bodies are involved in the work of the Inclusive Framework, which also consults business and the civil society on its different work streams.

Although implementation of the BEPS package is dramatically changing the international tax landscape and improving the fairness of tax systems, one of the key outstanding BEPS issues – to address the tax challenges arising from the digitalisation of the economy – remained unresolved. In a major step forward on 8 October 2021, over 135 Inclusive Framework members, representing more than 95% of global GDP, joined a two-pillar solution to reform the international taxation rules and ensure that multinational enterprises pay a fair share of tax wherever they operate and generate profits in today's

digitalised and globalised world economy. The implementation of these new rules is envisaged by 2023.

This report was approved by the Inclusive Framework on 25 August 2022 and prepared for publication by the OECD Secretariat.

## *Acknowledgements*

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*Abbreviations and acronyms*

<b>APA</b>	Advance Pricing Arrangement
<b>BEPS</b>	Base Erosion and Profit Shifting
<b>FTA</b>	Forum on Tax Administration
<b>MAP</b>	Mutual Agreement Procedure
<b>OECD</b>	Organisation for Economic Co-operation and Development



## Executive summary

The United Arab Emirates has a very large tax treaty network with more than 130 tax treaties. It has a MAP programme with limited experience in resolving MAP cases. It has a small MAP inventory and a small number of new cases submitted each year and one MAP case pending on 31 December 2020, which is an attribution/allocation case. The outcome of the stage 1 peer review process was that overall the United Arab Emirates met the majority of the elements of the Action 14 Minimum Standard. Where it has deficiencies, the United Arab Emirates has worked to address them, which has been monitored in stage 2 of the process. In this respect, the United Arab Emirates has solved most of the identified deficiencies.

All but one of the United Arab Emirates' tax treaties contain a provision relating to MAP. Those treaties mostly follow paragraphs 1 through 3 of Article 25 of the OECD Model Tax Convention (OECD, 2017). Its treaty network is mostly consistent with the requirements of the Action 14 Minimum Standard, except mainly for the fact that:

- Almost 15% of its tax treaties do not contain the equivalent of Article 25(1) to the OECD Model Tax Convention (OECD, 2015a), whereby the majority of these treaties do not contain the equivalent of Article 25(1), first sentence, either as it read prior to the adoption of the Action 14 final report (OECD, 2015b) or as amended by that report (OECD, 2017) or the timeline to file a MAP request is shorter than three years from the first notification of the action resulting in taxation not in accordance with the provision of the tax treaty
- Approximately 12% of its tax treaties neither contain a provision stating that mutual agreements shall be implemented notwithstanding any time limits in domestic law (which is required under Article 25(2), second sentence), nor the alternative provisions for Article 9(1) and Article 7(2) to set a time limit for making transfer pricing adjustments
- Almost 10% of its tax treaties do not contain the equivalent of Article 25(3), second sentence of the OECD Model Tax Convention (OECD, 2017) stating that the competent authorities may consult together for the elimination of double taxation for cases not provided for in the tax treaty.

In order to be fully compliant with all four key areas of an effective dispute resolution mechanism under the Action 14 Minimum Standard, the United Arab Emirates signed and ratified the Multilateral Instrument. Through this instrument a number of its tax treaties have been or will be modified to fulfil the requirements under the Action 14 Minimum Standard. Where treaties will not be modified, upon entry into force and entry into effect of the Multilateral Instrument, the United Arab Emirates reported that it intends to update all of its tax treaties to be compliant with the requirements under the Action 14 Minimum Standard via bilateral negotiations. However, except for two treaties where negotiations are ongoing or have been completed, the United Arab Emirates does not have a specific plan in place nor has it taken or planned any specific actions for such negotiations.

As the United Arab Emirates has no bilateral APA programme in place, there are no elements to assess regarding the prevention of disputes.

Furthermore, the United Arab Emirates meets all the requirements regarding the availability and access to MAP under the Action 14 Minimum Standard. It provides access to MAP in all eligible cases, although it has since 1 January 2020 not received any MAP requests concerning the application of anti-abuse provisions. It further has in place a documented bilateral consultation process for those situations in which its competent authority considers the objection raised by taxpayers in a MAP request as not justified. The United Arab Emirates also has clear and comprehensive guidance on the availability of MAP and how it applies this procedure in practice under tax treaties.

Concerning the average time needed to close MAP cases, the MAP statistics for the United Arab Emirates for the period 2018-20 are as follows:

2018-20	Opening inventory 1/1/2018	Cases started	Cases closed	End inventory 31/12/2020	Average time to close cases (in months)*
Attribution/allocation cases	0	3	2	1	10.65
Other cases	1	0	1	0	24.00
<b>Total</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>15.10</b>

\*The average time taken for resolving MAP cases for both pre-2018 and post-2017 cases follows the MAP Statistics Reporting Framework.

From 2018-20, MAP cases were on average closed within a timeframe of 24 months (which is the pursued average for resolving MAP cases received on or after 1 January 2018), as the average time necessary was 15.10 months. However, there was an increase of four MAP cases during this period. However, the United Arab Emirates' competent authority was not aware of the cases that it was involved in during this period, although the competent authority of the treaty partner made attempts to reach out to its competent authority using its official contact details. Therefore, the United Arab Emirates should ensure that resources are made available for the competent authority function in a way that allows an adequate use of such resources for the identification and resolution of MAP cases in a timely, efficient and effective manner. Such adequate resources would enable the United Arab Emirates' competent authority to resolve its pending cases in due time and to be able to cope with a possible increase in the number of MAP cases.

Furthermore, the United Arab Emirates meets almost all other requirements under the Action 14 Minimum Standard in relation to the resolution of MAP cases. The United Arab Emirates' competent authority operates fully independently from the audit function of the tax authorities and adopts a co-operative approach to resolve MAP cases in an effective and efficient manner. Its organisation is adequate and the performance indicators used are appropriate to perform the MAP function. However, it did not file or match MAP statistics according to the MAP Statistics Reporting Framework within the deadline for all the relevant years.

Lastly, the United Arab Emirates meets the Action 14 Minimum Standard as regards the implementation of MAP agreements.

## References

- OECD (2015a), *Model Tax Convention on Income and on Capital 2014 (Full Version)*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264239081-en>.
- OECD (2015b), “Making Dispute Resolution Mechanisms More Effective, Action 14 – 2015 Final Report”, in *OECD/G20 Base Erosion and Profit Shifting Project*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264241633-en>.
- OECD (2017), *Model Tax Convention on Income and on Capital 2017 (Full Version)*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/g2g972ee-en>.





## *Introduction*

### **Available mechanisms in the United Arab Emirates to resolve tax treaty-related disputes**

The United Arab Emirates has entered into 133 tax treaties on income (and/or capital), 108 of which are in force.<sup>1</sup> These 133 treaties are being applied to the same number of jurisdictions. All but one of these treaties provide for a mutual agreement procedure (“**MAP**”) for resolving disputes on the interpretation and application of the provisions of the tax treaty. In addition, two of the 133 treaties provide for an arbitration procedure as a final stage to the mutual agreement procedure.<sup>2</sup>

Under the tax treaties that the United Arab Emirates has entered into, the competent authority function is generally assigned to the Ministry of Finance. Accordingly, this function is delegated to the International Financial Relations department in the Ministry of Finance. The staff members in the Exchange of Information unit and the International Agreements unit in this department would work on MAP cases along with several other tax treaty related tasks.

The United Arab Emirates issued guidance on the governance and administration of the mutual agreement procedure (“**MAP guidance**”), which was published in January 2021 and is available (in English) at:

[https://www.mof.gov.ae/ar/StrategicPartnerships/DoubleTaxationAgreements/Documents/UAE-%20MAP%20Guidance%20\(2\).pdf](https://www.mof.gov.ae/ar/StrategicPartnerships/DoubleTaxationAgreements/Documents/UAE-%20MAP%20Guidance%20(2).pdf)

### **Developments in the United Arab Emirates since 1 January 2020**

#### ***Developments in relation to the tax treaty network***

The stage 1 peer review report of the United Arab Emirates noted that it was conducting tax treaty negotiations with Finland on an amending protocol to its existing treaty and with Guernsey and Guyana on new treaties. The United Arab Emirates reported that this situation remains the same. In addition, the United Arab Emirates noted that it was conducting tax treaty negotiations with Australia, Cambodia, Czech Republic, Malawi, Nepal and Tajikistan. In addition, the stage 1 peer review report noted that the United Arab Emirates signed new treaties with Angola (2018), Brazil (2018), Chad (2018), Chile (2019), Egypt (2019), Gabon (2019), Ghana (2019), Korea (2019), Liberia (2019), Mali (2018), Niger (2018), San Marino (2018), Saud Arabia (2018), Sierra Leone (2019), South Sudan (2019), St. Vincent and the Grenadines (2018), Suriname (2018) and Zimbabwe (2018), which had not yet entered into force. The treaties with Angola, Brazil, Egypt, Korea, Niger, San Marino, St. Vincent and the Grenadines and Zimbabwe have entered into force. For the remaining treaties, the situation remains the same.

In addition, the United Arab Emirates reported that since 1 January 2020 it has signed four new tax treaties with Burkina Faso (2020), Democratic Republic of the Congo (2021), Israel (2021) and Zambia (2021), which are newly negotiated treaties with treaty partners

with which there were no treaties yet in place. The treaty with Israel (2021) has entered into force and contains Article 9(2) and Articles 25(1-3) of the OECD Model Tax Convention (OECD, 2015a) as it read prior to the adoption of the Action 14 final report (OECD, 2015b). The remaining three treaties have not entered into force as yet and include Article 9(2) and Article 25(1-3) of the OECD Model Tax Convention (OECD, 2017), as amended by the Action 14 final report (OECD, 2015b).

Furthermore, on 27 June 2018, the United Arab Emirates signed the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (“**Multilateral Instrument**”), to adopt, where necessary, modifications to the MAP article under its tax treaties in order to be compliant with the Action 14 Minimum Standard in respect of all relevant tax treaties. The United Arab Emirates deposited its instrument of ratification of this instrument on 29 May 2019, following which the Multilateral Instrument for the United Arab Emirates entered into force on 1 September 2019. With the depositing of the instrument of ratification, the United Arab Emirates also submitted its list of notifications and reservations to that instrument.<sup>3</sup> In relation to the Action 14 Minimum Standard, the United Arab Emirates has not made any reservations pursuant to Article 16 of the Multilateral Instrument (concerning the mutual agreement procedure).

For the 13 treaties that are considered not to be in line with one or more elements of the Action 14 Minimum Standard and that will not be modified by the Multilateral Instrument, the United Arab Emirates reported that it intends to update them via bilateral negotiations. In this regard, the United Arab Emirates noted that negotiations on an amending protocol have been finalised with one treaty partner and are ongoing with another treaty partner. However, no details were shared as to planned actions, specifically as regards which treaty partners are prioritised for bilateral negotiations for the remaining treaty partners.

### *Other developments*

Further to the above, the United Arab Emirates reported that it has issued comprehensive MAP guidance including inter alia the contact details of the competent authority and the specific information and documentation that should be submitted in a taxpayer’s request for MAP assistance. The United Arab Emirates’ MAP guidance also includes a reference to its new bilateral consultation process applicable to situations where the objection raised by a taxpayer in a MAP request is not justified, which has also been documented in its internal procedures.

## **Basis for the peer review process**

The peer review process entails an evaluation of the United Arab Emirates’ implementation of the Action 14 Minimum Standard through an analysis of its legal and administrative framework relating to the mutual agreement procedure, as governed by its tax treaties, domestic legislation and regulations, as well as its MAP programme guidance and the practical application of that framework. The review process performed is desk-based and conducted through specific questionnaires completed by the United Arab Emirates, its peers and taxpayers. The questionnaires for the peer review process were sent to the United Arab Emirates and the peers on 20 December 2019.

The process consists of two stages: a peer review process (stage 1) and a peer monitoring process (stage 2). In stage 1, the United Arab Emirates’ implementation of the Action 14 Minimum Standard as outlined above is evaluated, which has been reflected in a peer review report that has been adopted by the BEPS Inclusive Framework on 28 October

2020. This report identifies the strengths and shortcomings of the United Arab Emirates in relation to the implementation of this standard and provides for recommendations on how these shortcomings should be addressed. The stage 1 report is published on the website of the OECD.<sup>4</sup> Stage 2 is launched within one year upon the adoption of the peer review report by the BEPS Inclusive Framework through an update report by the United Arab Emirates. In this update report, the United Arab Emirates reflected (i) what steps it has already taken, or are to be taken, to address any of the shortcomings identified in the peer review report and (ii) any plans or changes to its legislative and/or administrative framework concerning the implementation of the Action 14 Minimum Standard. The update report forms the basis for the completion of the peer review process, which is reflected in this update to the stage 1 peer review report.

### ***Outline of the treaty analysis***

For the purpose of this report and the statistics below, in assessing whether the United Arab Emirates is compliant with the elements of the Action 14 Minimum Standard that relate to a specific treaty provision, the newly negotiated treaties or the treaties as modified by a protocol were taken into account, even if it concerns a modification or a replacement of an existing treaty. Reference is made to Annex A for the overview of the United Arab Emirates' tax treaties regarding the mutual agreement procedure.

### ***Timing of the process and input received from peers and taxpayers***

Stage 1 of the peer review process for the United Arab Emirates was launched on 20 December 2019, with the sending of questionnaires to the United Arab Emirates and its peers. The FTA MAP Forum has approved the stage 1 peer review report of the United Arab Emirates in September 2020, with the subsequent approval by the BEPS Inclusive Framework on 28 October 2020. On 28 October 2021, the United Arab Emirates submitted its update report, which initiated stage 2 of the process.

The period for evaluating the United Arab Emirates' implementation of the Action 14 Minimum Standard for stage 1 ranged from 1 January 2018 to 31 December 2019 and formed the basis for the stage 1 peer review report. The period of review for stage 2 started on 1 January 2020 and depicts all developments as from that date until 31 October 2021.

In total four peers provided input: Germany, Poland, Switzerland and Türkiye. Their inputs only relate to the treaty provisions and not to experiences in handling and resolving MAP cases. During stage 2, the same peers provided input and noted that the update report of the United Arab Emirates fully reflects the experiences these peers have had with the United Arab Emirates since 1 January 2020 and/or that there was no addition to previous input given.

### ***Input by the United Arab Emirates and co-operation throughout the process***

The United Arab Emirates provided limited answers in its questionnaire, which was submitted on time. However, except for sharing missing treaty texts, the United Arab Emirates responded sparingly to further requests for additional information. In addition, the United Arab Emirates provided the following information:

- MAP profile<sup>5</sup>
- MAP statistics<sup>6</sup> according to the MAP Statistics Reporting Framework (see below).

Concerning stage 2 of the process, the United Arab Emirates submitted its update report on time and the information included therein was extensive. The United Arab Emirates was co-operative during stage 2 and the finalisation of the peer review process.

Finally, the United Arab Emirates is a member of the FTA MAP Forum and has shown co-operation during the peer review process.

## Overview of MAP caseload in the United Arab Emirates

The analysis of the United Arab Emirates' MAP caseload relates to the period starting on 1 January 2018 and ending on 31 December 2020 (“**Statistics Reporting Period**”). According to the statistics provided by the United Arab Emirates, its MAP caseload during this period was as follows:

2018-20	Opening inventory 1/1/2018	Cases started	Cases Closed	End inventory 31/12/2020
Attribution/allocation cases	0	3	2	1
Other cases	1	0	1	0
<b>Total</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>1</b>

## General outline of the peer review report

This report includes an evaluation of the United Arab Emirates' implementation of the Action 14 Minimum Standard. The report comprises the following four sections:

- A. Preventing disputes
- B. Availability and access to MAP
- C. Resolution of MAP cases
- D. Implementation of MAP agreements.

Each of these sections is divided into elements of the Action 14 Minimum Standard, as described in the terms of reference to monitor and review the implementation of the BEPS Action 14 Minimum Standard to make dispute resolution mechanisms more effective (“**Terms of Reference**”).<sup>7</sup> Apart from analysing the United Arab Emirates' legal framework and its administrative practice, the report also incorporates peer input and responses to such input by the United Arab Emirates during stage 1 and stage 2. Furthermore, the report depicts the changes adopted and plans shared by the United Arab Emirates to implement elements of the Action 14 Minimum Standard where relevant. The conclusion of each element identifies areas for improvement (if any) and provides for recommendations how the specific area for improvement should be addressed.

The basis of this report is the outcome of the stage 1 peer review process, which has identified in each element areas for improvement (if any) and provides for recommendations how the specific area for improvement should be addressed. Following the outcome of the peer monitoring process of stage 2, each of the elements have been updated with a recent development section to reflect any actions taken or changes made on how recommendations have been addressed, or to reflect other changes in the legal and administrative framework of the United Arab Emirates relating to the implementation of the Action 14 Minimum Standard. Where it concerns changes to MAP guidance or statistics, these changes are reflected in the analysis sections of the elements, with a general description of the changes included in the recent development sections.

The objective of the Action 14 Minimum Standard is to make dispute resolution mechanisms more effective and concerns a continuous effort. Where recommendations have been fully implemented, this has been reflected and the conclusion section of the relevant element has been modified accordingly, but the United Arab Emirates should continue to act in accordance with a given element of the Action 14 Minimum Standard, even if there is no area for improvement and recommendation for this specific element.

## *References*

- OECD (2015a), *Model Tax Convention on Income and on Capital 2014 (Full Version)*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264239081-en>.
- OECD (2015b), “Making Dispute Resolution Mechanisms More Effective, Action 14 – 2015 Final Report”, in *OECD/G20 Base Erosion and Profit Shifting Project*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264241633-en>.
- OECD (2017), *Model Tax Convention on Income and on Capital 2017 (Full Version)*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/g2g972ee-en>.

## **Notes**

1. The tax treaties the United Arab Emirates has entered into are available at: <https://www.mof.gov.ae/en/StrategicPartnerships/DoubleTaxationAgreements/Pages/DoubleTaxation.aspx>. The treaties that are signed but have not yet entered into force are with Antigua and Barbuda (2017), Benin (2013), Burkina Faso (2020), Burundi (2017), Chad (2018), Chile (2019), Colombia (2017), Democratic Republic of the Congo (2021), Ecuador (2016), Equatorial Guinea (2016), Gabon (2019), Gambia (2015), Ghana (2019), Iraq (2017), Liberia (2019), Libya (2013), Mali (2018), Palestinian Authority (2012), Rwanda (2017), Sierra Leone (2019), South Sudan (2019), St. Kitts and Nevis (2016), Suriname (2018), Uganda (2015) and Zambia (2021). For that reason the newly negotiated treaty is taken into account in the treaty analysis. Reference is made to Annex A for the overview of the United Arab Emirates’ tax treaties.
2. This concerns the treaties with the Netherlands (2007) and San Marino (2018). Reference is made to Annex A for the overview of the United Arab Emirates’ tax treaties.
3. Available at: [www.oecd.org/tax/treaties/beps-mli-position-united-arab-emirates-instrument-deposit.pdf](http://www.oecd.org/tax/treaties/beps-mli-position-united-arab-emirates-instrument-deposit.pdf).
4. Available at: <https://www.oecd.org/tax/beps/making-dispute-resolution-more-effective-map-peer-review-report-united-arab-emirates-stage-1-ea6c9295-en.htm>.
5. Available at: [www.oecd.org/tax/dispute/country-map-profiles.htm](http://www.oecd.org/tax/dispute/country-map-profiles.htm).
6. The MAP statistics of the United Arab Emirates are included in Annexes B and C of this report.
7. Terms of reference to monitor and review the implementing of the BEPS Action 14 Minimum Standard to make dispute resolution mechanisms more effective. Available at: [www.oecd.org/tax/beps/beps-action-14-on-more-effective-dispute-resolution-peer-review-documents.pdf](http://www.oecd.org/tax/beps/beps-action-14-on-more-effective-dispute-resolution-peer-review-documents.pdf).



## *Part A*

### Preventing disputes

#### [A.1] **Include Article 25(3), first sentence, of the OECD Model Tax Convention in tax treaties**

Jurisdictions should ensure that their tax treaties contain a provision which requires the competent authority of their jurisdiction to endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of their tax treaties.

1. Cases may arise concerning the interpretation or the application of tax treaties that do not necessarily relate to individual cases, but are more of a general nature. Inclusion of the first sentence of Article 25(3) of the OECD Model Tax Convention (OECD, 2017a) in tax treaties invites and authorises competent authorities to solve these cases, which may avoid submission of MAP requests and/or future disputes from arising, and which may reinforce the consistent bilateral application of tax treaties.

#### *Current situation of the United Arab Emirates' tax treaties*

2. Out of the United Arab Emirates' 133 tax treaties, 130 contain a provision equivalent to Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017a) requiring their competent authority to endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the tax treaty. One of the remaining treaties uses the term “differences” in place of “difficulties” and the provision is therefore, not considered as being equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2017a). The two remaining treaties do not contain a provision that is based on or equivalent to Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017a).

3. The United Arab Emirates reported that it would be willing to enter into MAP agreements of a general nature even where the applicable treaty does not contain a provision equivalent to Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017a).

4. For the three treaties identified that do not contain the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017a), the relevant peers did not provide input during stage 1.

#### *Recent developments*

##### *Bilateral modifications*

5. The United Arab Emirates signed new tax treaties with four treaty partners which are newly negotiated treaties with treaty partners with which there were no treaties yet in place. Only one of these treaties has entered into force. All of these treaties contain



a provision that is equivalent to Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017a). The effects of these newly signed treaties have been reflected in the analysis above where it has relevance.

### *Multilateral Instrument*

6. The United Arab Emirates signed the Multilateral Instrument and has deposited its instrument of ratification on 29 May 2019. The Multilateral Instrument has entered into force for the United Arab Emirates on 1 September 2019.

7. Article 16(4)(c)(i) of that instrument stipulates that Article 16(3), first sentence – containing the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017a) – will apply in the absence of a provision in tax treaties that is equivalent to Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017). In other words, in the absence of this equivalent, Article 16(4)(c)(i) of the Multilateral Instrument will modify the applicable tax treaty to include such equivalent. However, this shall only apply if both contracting parties to the applicable tax treaty have listed this treaty as a covered tax agreement under the Multilateral Instrument and insofar as both notified, pursuant to Article 16(6)(d)(i), the depositary that this treaty does not contain the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017a).

8. With regard to the three tax treaties identified above that are considered not to contain the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017a), the United Arab Emirates listed all of them as a covered tax agreement under the Multilateral Instrument but did not make for any treaty, pursuant to Article 16(6)(d)(i), a notification that it does not contain a provision described in Article 16(4)(c)(i). Therefore, at this stage, none of the three tax treaties identified above will be modified by the Multilateral Instrument upon its entry into force for this treaty to include the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017a).

### *Peer input*

9. Of the peers that provided input during stage 2, one provided input in relation to its tax treaty with the United Arab Emirates. However, no input was provided with respect to this element.

### *Anticipated modifications*

10. The United Arab Emirates reported that for the three tax treaties that do not contain the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017a) and will not be modified by the Multilateral Instrument, it intends to update them via bilateral negotiations with a view to be compliant with element A.1. The United Arab Emirates, however, reported not having a specific plan in place for such negotiations. In addition, the United Arab Emirates reported it will seek to include Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017a) in all of its future tax treaties.



## Conclusion

	Areas for improvement	Recommendations
[A.1]	Three out of 133 tax treaties do not contain a provision that is equivalent to Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017a). None of these three treaties will be modified by the Multilateral Instrument to include the required provision. With respect to these treaties, no actions have been taken nor are any actions planned to be taken.	For the three treaties that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017a), the United Arab Emirates should, without further delay, request the inclusion of the required provision via bilateral negotiations. With regard to the one treaty among these three treaties that was signed but is not in force as yet, the United Arab Emirates should enter into bilateral negotiations with the concerned treaty partner to make this treaty in line with element A.1.

### [A.2] Provide roll-back of bilateral APAs in appropriate cases

Jurisdictions with bilateral advance pricing arrangement (“APA”) programmes should provide for the roll-back of APAs in appropriate cases, subject to the applicable time limits (such as statutes of limitation for assessment) where the relevant facts and circumstances in the earlier tax years are the same and subject to the verification of these facts and circumstances on audit.

11. An APA is an arrangement that determines, in advance of controlled transactions, an appropriate set of criteria (e.g. method, comparables and appropriate adjustment thereto, critical assumptions as to future events) for the determination of the transfer pricing for those transactions over a fixed period of time.<sup>1</sup> The methodology to be applied prospectively under a bilateral or multilateral APA may be relevant in determining the treatment of comparable controlled transactions in previous filed years. The “roll-back” of an APA to these previous filed years may be helpful to prevent or resolve potential transfer pricing disputes.

#### *The United Arab Emirates’ APA programme*

12. The United Arab Emirates reported that it does not have a bilateral APA programme.

#### *Roll-back of bilateral APAs*

13. Since the United Arab Emirates does not have an APA programme in place, there is no possibility for providing roll-back of bilateral APAs to previous years.

#### *Recent developments*

14. There are no recent developments with respect to element A.2.

#### *Practical application of roll-back of bilateral APAs*

##### *Period 1 January 2018-31 December 2019 (stage 1)*

15. The United Arab Emirates did not report as to having received any requests for a bilateral APA in the period 1 January 2018-31 December 2019, which is logical given that the United Arab Emirates does not have such a programme in place.

16. All peers that provided input indicated not having received any request from a taxpayer asking for a bilateral APA or the roll-back of such an APA involving the United Arab Emirates in the period 1 January 2018-31 December 2019.

*Period 1 January 2020-31 October 2021 (stage 2)*

17. The United Arab Emirates reported also not having received any requests for a bilateral APA since 1 January 2020, which is logical given that the United Arab Emirates still does not have such a programme in place.

18. All peers that provided input during stage 1 stated in stage 2 that the update report provided by the United Arab Emirates fully reflects their experience with the United Arab Emirates since 1 January 2020 and/or there are no additions to the previous input given.

***Anticipated modifications***

19. The United Arab Emirates indicated that it does not anticipate any modifications in relation to element A.2.

***Conclusion***

	Areas for improvement	Recommendations
[A.2]	-	-

## *References*

OECD (2017a), *Model Tax Convention on Income and on Capital 2017 (Full Version)*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/g2g972ee-en>.

OECD (2017b), *OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations 2017*, <https://dx.doi.org/10.1787/tpg-2017-en>.

## **Note**

1. This description of an APA based on the definition of an APA in the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations (OECD, 2017b).

## *Part B*

### **Availability and access to MAP**

#### **[B.1] Include Article 25(1) of the OECD Model Tax Convention in tax treaties**

Jurisdictions should ensure that their tax treaties contain a MAP provision which provides that when the taxpayer considers that the actions of one or both of the Contracting Parties result or will result for the taxpayer in taxation not in accordance with the provisions of the tax treaty, the taxpayer, may irrespective of the remedies provided by the domestic law of those Contracting Parties, make a request for MAP assistance, and that the taxpayer can present the request within a period of no less than three years from the first notification of the action resulting in taxation not in accordance with the provisions of the tax treaty.

20. For resolving cases of taxation not in accordance with the provisions of the tax treaty, it is necessary that tax treaties include a provision allowing taxpayers to request a mutual agreement procedure and that this procedure can be requested irrespective of the remedies provided by the domestic law of the treaty partners. In addition, to provide certainty to taxpayers and competent authorities on the availability of the mutual agreement procedure, a minimum period of three years for submission of a MAP request, beginning on the date of the first notification of the action resulting in taxation not in accordance with the provisions of the tax treaty, is the baseline.

#### ***Current situation of the United Arab Emirates' tax treaties***

##### *Inclusion of Article 25(1), first sentence of the OECD Model Tax Convention*

21. Seven of the United Arab Emirates' 133 tax treaties contain a provision equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2017), as amended by the Action 14 final report (OECD, 2015b) and allowing taxpayers to submit a MAP request to the competent authority of either state when they consider that the actions of one or both of the treaty partners result or will result for the taxpayer in taxation not in accordance with the provisions of the tax treaty and that can be requested irrespective of the remedies provided by domestic law of either state. In addition, 100 of the United Arab Emirates' 133 tax treaties contain a provision equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2015a) as it read prior to the adoption of the Action 14 final report (OECD, 2015b), allowing taxpayers to submit a MAP request to the competent authority of the state in which they are resident.

22. The remaining 26 treaties can be categorised as follows:

Provision	Number of tax treaties
A variation of Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2015a) as it read prior to the adoption of the Action 14 final report (OECD, 2015b), whereby taxpayers can only submit a MAP request to the competent authority of the contracting state of which they are resident.	23
A variation to Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2015a) as it read prior to the adoption of the Action 14 final report (OECD, 2015b), whereby (i) the taxpayer can submit a MAP request only for cases that actually result in double taxation prohibited by the convention and (ii) the taxpayer can submit a MAP request irrespective of domestic available remedies, but whereby pursuant to a protocol provision the taxpayer is also required to initiate these remedies when submitting a MAP request.	1
No MAP Provision based on or equivalent to Article 25 of the OECD Model Tax Convention (OECD, 2017)	2

23. The 23 treaties mentioned in the first row of the table are considered not to have the full equivalent of Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2015a) as it read prior to the adoption of the Action 14 final report (OECD, 2015b), since taxpayers are not allowed to submit a MAP request in the state of which they are a national where the case comes under the non-discrimination article. However, for the following reasons 14 of these treaties are considered to be in line with this part of element B.1:

- the relevant tax treaty does not contain a non-discrimination provision and only applies to residents of one of the states (four treaties)
- the non-discrimination provision of the relevant tax treaty only covers nationals that are resident of one of the contracting states. Therefore, it is logical to allow only for the submission of MAP requests to the state of which the taxpayer is a resident (ten treaties).

24. For the remaining nine treaties from this row, the non-discrimination provision is almost identical to Article 24(1) of the OECD Model Tax Convention (OECD, 2017) and applies both to nationals that are and are not resident of one of the contracting states. The omission of the full text of Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2015a), as it read prior to the adoption of the Action 14 final report (OECD, 2015b) is therefore not clarified by the absence of or a limited scope of the non-discrimination provision, following which these nine treaties are not in line with this part of element B.1.

25. The treaty mentioned in the second row of the table only allows taxpayers to file a MAP request if the actions of one of both contracting States “result” in taxation not in accordance with the provisions of the convention. Therefore, cases where such actions “will result” in taxation not in accordance with the provisions of the convention are not covered. Further, this treaty allows taxpayers to submit a MAP request irrespective of domestic available remedies. However, the protocol to this treaty limits such submission, as it requires that a domestic remedy should first be initiated before a case can be dealt with in MAP. Furthermore, with respect to the one treaty included in the second row of the table above, the provision incorporated in the protocol to this treaty reads:

With reference to paragraph 1 of Article 25, the expression “irrespective of the remedies provided by the domestic law” means that the mutual agreement procedure is not alternative with the national contentious proceedings which shall be, in any case, preventively initiated, when the claim is related with an assessment of the Italian taxes not in accordance with this Convention.

26. As pursuant to this provision a domestic procedure has to be initiated concomitantly to the initiation of the mutual agreement procedure, a MAP request can in practice thus not be submitted irrespective of the remedies provided by the domestic law.

27. Accordingly, this tax treaty is considered not to be in line with this part of element B.1.

28. The two treaties mentioned in the third row of the table do not contain a provision based on Article 25 of the OECD Model Tax Convention (OECD, 2017) that allows taxpayers to file for a MAP and thus, these treaties are not considered to be in line with this part of element B.1.

#### *Inclusion of Article 25(1), second sentence of the OECD Model Tax Convention*

29. Out of the United Arab Emirates' 133 tax treaties, 121 contain a provision equivalent to Article 25(1), second sentence, of the OECD Model Tax Convention (OECD, 2017) allowing taxpayers to submit a MAP request within a period of no less than three years from the first notification of the action resulting in taxation not in accordance with the provisions of the particular tax treaty.

30. The remaining 12 tax treaties that do not contain such provision can be categorised as follows:

Provision	Number of tax treaties
No MAP provision	2
No filing period for a MAP request	1
Filing period less than 3 years for a MAP request (2 years)	8
Filing period more than 3 years for a MAP request (5 years)	1

#### *Peer input*

31. For the 12 treaties identified that do not contain the equivalent of Article 25(1), first sentence of the OECD Model Tax Convention (OECD, 2015a), either as it read prior to the adoption of the Action 14 final report or as amended by that report (OECD, 2015b), one peer provided input during stage 1. However, this peer did not make any observations on how this treaty would be renegotiated. For the eight treaties identified that do not contain the equivalent of Article 25(1), second sentence of the OECD Model Tax Convention (OECD, 2017), the relevant peers did not provide input during stage 1.

#### ***Practical application***

##### *Article 25(1), first sentence, of the OECD Model Tax Convention*

32. As indicated in paragraphs 21-28 above, all but three of the United Arab Emirates' tax treaties allow taxpayers to file a MAP request irrespective of domestic remedies. In this respect, the United Arab Emirates indicated that nothing in its domestic tax law, policy or practice prevents a taxpayer from requesting MAP assistance where the taxpayer has sought to resolve the issue under dispute via the judicial and administrative remedies provided by the domestic law of the United Arab Emirates. Further, the United Arab Emirates reported that it would grant access to MAP where there is a pending administrative or judicial proceeding or if an administrative or court decision has been issued regarding the same subject matter. Nevertheless, the United Arab Emirates noted that its competent authority cannot derogate from a final court decision in MAP and therefore it will only seek to resolve the MAP case by having the treaty partner providing for correlative relief in line with the

decision of its court. This is confirmed in the United Arab Emirates’ MAP guidance as well, under the section titled “Timeframe for Resolving and Implementing MAP cases”.

*Article 25(1), second sentence, of the OECD Model Tax Convention*

33. As indicated in paragraph 30 above, all but one of the United Arab Emirates’ tax treaties containing MAP provisions include a filing period for a MAP request. The United Arab Emirates has not reported on having a general provision on statute of limitation under its domestic law. Therefore, if the tax treaty does not contain a filing period for MAP requests, the United Arab Emirates reported that its competent authority will not follow time limits in respect of the submission of MAP requests. This is confirmed in the United Arab Emirates’ MAP guidance as well, under the section titled “Timeframe for Resolving and Implementing MAP cases”, where it is noted that there would be no filing period applicable for MAP cases under one of its treaties.

***Recent developments***

*Bilateral modifications*

34. The United Arab Emirates signed new tax treaties with four treaty partners which are newly negotiated treaties with treaty partners with which there were no treaties yet in place. Only one of these treaties has entered into force. Three of these treaties contain a provision that is equivalent to Article 25(1), first and second sentence, of the OECD Model Tax Convention (OECD, 2017) as amended by the Action 14 final report (OECD, 2015b) and one of these treaties contains a provision that is equivalent to Article 25(1), first and second sentence, of the OECD Model Tax Convention (OECD, 2015a) as it read prior to the adoption of the Action 14 final report (OECD, 2015b). The effects of these newly signed treaties have been reflected in the analysis above where it has relevance.

*Multilateral Instrument*

35. The United Arab Emirates signed the Multilateral Instrument and has deposited its instrument of ratification on 29 May 2019. The Multilateral Instrument has entered into force for the United Arab Emirates on 1 September 2019.

*Article 25(1), first sentence of the OECD Model Tax Convention*

36. Article 16(4)(a)(i) of that instrument stipulates that Article 16(1), first sentence – containing the equivalent of Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2017) as amended by the Action 14 final report (OECD, 2015b) and allowing the submission of MAP requests to the competent authority of either contracting state – will apply in place of or in the absence of a provision in tax treaties that is equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2015a) as it read prior to the adoption of the Action 14 final report (OECD, 2015b). However, this shall only apply if both contracting parties to the applicable tax treaty have listed this tax treaty as a covered tax agreement under the Multilateral Instrument and insofar as both notified the depositary, pursuant to Article 16(6)(a), that this treaty contains the equivalent of Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2015a) as it read prior to the adoption of the Action 14 final report (OECD, 2015b). Article 16(4)(a)(i) will for a tax treaty not take effect if one of the treaty partners has, pursuant to Article 16(5)(a), reserved the right not to apply the first sentence of Article 16(1) of that instrument to all of its covered tax agreements.



37. With the depositing of its instrument of ratification, the United Arab Emirates opted, pursuant to Article 16(4)(a)(i) of that instrument, to introduce in its tax treaties a provision that is equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2017) as amended by the Action 14 final report (OECD, 2015b), allowing taxpayers to submit a MAP request to the competent authority of either contracting state. In other words, where under the United Arab Emirates' tax treaties taxpayers currently have to submit a MAP request to the competent authority of the contracting state of which they are resident, the United Arab Emirates opted to modify these treaties allowing taxpayers to submit a MAP request to the competent authority of either contracting state. In this respect, the United Arab Emirates listed 112 of its 133 treaties as a covered tax agreement under the Multilateral Instrument and made, on the basis of Article 16(6)(a), for 107 the notification that they contain a provision that is equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2015a) as it read prior to the adoption of the Action 14 final report (OECD, 2015b). Two of these 107 treaties concern the treaties mentioned in paragraph 21 above that already allows the submission of a MAP request to either competent authority and are thus, excluded from the below analysis.

38. In total, 36 of the 105 relevant treaty partners are not a signatory to the Multilateral Instrument, whereas nine have not listed their treaty with the United Arab Emirates as a covered tax agreement under that instrument and 19 reserved, pursuant to Article 16(5)(a), the right not to apply the first sentence of Article 16(1) to its existing tax treaties, with a view to allow taxpayers to submit a MAP request to the competent authority of either contracting state. All of the remaining 41 treaty partners are signatories to the Multilateral Instrument, listed their treaty with the United Arab Emirates as a covered tax agreement and also made a notification on the basis of Article 16(6)(a).

39. Of these 41 treaty partners, 33 have already deposited their instrument of ratification of the Multilateral Instrument, following which the Multilateral Instrument has entered into force for the treaties between the United Arab Emirates and these treaty partners, and therefore has modified these treaties to include the equivalent of Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2017) as amended by the Action 14 final report (OECD, 2015b). For the remaining eight treaties, the instrument will, upon entry into force for these treaties, modify them to include the equivalent of this provision.

40. In view of the above and in relation to the 12 treaties identified in paragraphs 21-28 above that are considered not to contain the equivalent of Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2015a) as it read prior to the adoption of the Action 14 final report (OECD, 2015b), four are part of the 33 treaties that have already been modified by the Multilateral Instrument.

#### Article 25(1), second sentence of the OECD Model Tax Convention

41. With respect to the period of filing of a MAP request, Article 16(4)(a)(ii) of the Multilateral Instrument stipulates that Article 16(1), second sentence – containing the equivalent of Article 25(1), second sentence, of the OECD Model Tax Convention (OECD, 2017) – will apply where such period is shorter than three years from the first notification of the action resulting in taxation not in accordance with the provisions of a tax treaty. However, this shall only apply if both contracting parties to the applicable tax treaty have listed this treaty as a covered tax agreement under the Multilateral Instrument and insofar as both notified, pursuant to Article 16(6)(b)(i), the depositary that this treaty does not contain the equivalent of Article 25(1), second sentence, of the OECD Model Tax Convention (OECD, 2017).

42. With regard to the eight tax treaties identified in paragraph 30 above that contain a filing period for MAP requests of less than three years, the United Arab Emirates listed

seven treaties as a covered tax agreement under the Multilateral Instrument and made for all, pursuant to Article 16(6)(b)(i), a notification that they do not contain a provision described in Article 16(4)(a)(ii). All of the seven relevant treaty partners are signatories to the Multilateral Instrument, have listed their treaty with the United Arab Emirates as a covered tax agreement and also made such notification.

43. Of these seven treaty partners, five have already deposited their instrument of ratification of the Multilateral Instrument, following which the Multilateral Instrument has entered into force for the treaties between the United Arab Emirates and these treaty partners, and therefore has modified these treaties to include the equivalent of Article 25(1), second sentence, of the OECD Model Tax Convention (OECD, 2017). For the remaining two treaties, the instrument will, upon entry into force for these treaties, modify them to include the equivalent of this provision.

### *Other developments*

44. For the nine tax treaties that do not contain the equivalent of Article 25(1), first or second sentence, of the OECD Model Tax Convention (OECD, 2015a) as it read prior to the adoption of the Action 14 final report (OECD, 2015b) and which will not be modified by the Multilateral Instrument to include such equivalent, the United Arab Emirates reported that negotiations on an amending protocol are pending with respect to one treaty. For the remaining treaties, no actions have been taken nor are any actions planned to be taken.

### *Peer input*

45. Of the peers that provided input during stage 2, one provided input in relation to its tax treaty with the United Arab Emirates. However, no input was provided with respect to this element.

### *Anticipated modifications*

46. The United Arab Emirates reported it will seek to include Article 25(1), first and second sentence, of the OECD Model Tax Convention (OECD, 2017), as amended by the Action 14 final report (OECD, 2015b) in all of its future tax treaties.

### *Conclusion*

	Areas for improvement	Recommendations
[B.1]	<p>Two out of 133 tax treaties do not contain a provision that is equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2015a), either as it read prior to the adoption of the Action 14 final report or as amended by that report (OECD, 2015b) and the timeline to file a MAP request is shorter than three years from the first notification of the action resulting in taxation not in accordance with the provision of the tax treaty. Of these two treaties:</p> <ul style="list-style-type: none"> <li>• One has been modified by the Multilateral Instrument to include the equivalent of Article 25(1) of the OECD Model Tax Convention (OECD, 2017).</li> <li>• One is expected to be modified by the Multilateral Instrument to include a filing period of three years upon entry into force for the treaties concerned, but not as regards Article 25(1), first sentence. With respect to this treaty, no actions have been taken nor are any actions planned to be taken.</li> </ul>	<p>As one treaty will not be modified by the Multilateral Instrument to include the equivalent of Article 25(1), first sentence of the OECD Model Tax Convention (OECD, 2017), as amended by the Action 14 final report (OECD, 2015b), the United Arab Emirates should, without further delay, request the inclusion of the required provision via bilateral negotiations, either</p> <ol style="list-style-type: none"> <li>a. as amended in the Action 14 final report (OECD, 2015b); or</li> <li>b. as it read prior to the adoption of Action 14 final report (OECD, 2015b), thereby including the full sentence of such provision.</li> </ol>



	Areas for improvement	Recommendations
[B.1]	<p>Ten out of 133 tax treaties do not contain a provision that is equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2015a), either as it read prior to the adoption of the Action 14 final report or as amended by that report (OECD, 2015b). Of these ten treaties:</p> <ul style="list-style-type: none"> <li>• Three have been modified by the Multilateral Instrument to include the required provision.</li> <li>• The remaining seven treaties will not be modified by the Multilateral Instrument to include the required provision. With respect to these treaties: <ul style="list-style-type: none"> <li>- For one, negotiations are pending.</li> <li>- For six, no actions have been taken nor are any actions planned to be taken.</li> </ul> </li> </ul>	<p>For the seven treaties that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(1), first sentence of the OECD Model Tax Convention (OECD, 2017), as amended by the Action 14 final report (OECD, 2015b), the United Arab Emirates should:</p> <ul style="list-style-type: none"> <li>• For one treaty, continue negotiations with the treaty partner with a view to including the required provision</li> <li>• For six treaties, request, without further delay, via bilateral negotiations the inclusion of the required provision.</li> </ul> <p>This concerns a provision that is equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2015a) either:</p> <ol style="list-style-type: none"> <li>a. as amended by the Action 14 final report (OECD, 2015b); or</li> <li>b. as it read prior to the adoption of the Action 14 final report (OECD, 2015b).</li> </ol> <p>With regard to the one treaty among these eight treaties that was signed but is not in force as yet, the United Arab Emirates should enter into bilateral negotiations with the concerned treaty partner to make this treaty in line with element B.1.</p>
	<p>Six out of 133 tax treaties do not contain the equivalent of Article 25(1), second sentence, of the OECD Model Tax Convention (OECD, 2017), as the timeline to file a MAP request is shorter than three years from the first notification of the action resulting in taxation not in accordance with the provision of the tax treaty. Of these six treaties:</p> <ul style="list-style-type: none"> <li>• Four have been modified by the Multilateral Instrument to include the required provision.</li> <li>• One is expected to be modified by the Multilateral Instrument to include the required provision.</li> <li>• The remaining treaty will not be modified by the Multilateral Instrument to include the required provision. With respect to this treaty, no actions have been taken nor are any actions planned to be taken.</li> </ul>	<p>As one treaty will not be modified by the Multilateral Instrument to include the equivalent of Article 25(1), second sentence of the OECD Model Tax Convention (OECD, 2017), the United Arab Emirates should, without further delay, request the inclusion of the required provision via bilateral negotiations.</p>

## [B.2] Allow submission of MAP requests to the competent authority of either treaty partner, or, alternatively, introduce a bilateral consultation or notification process

Jurisdictions should ensure that either (i) their tax treaties contain a provision which provides that the taxpayer can make a request for MAP assistance to the competent authority of either Contracting Party, or (ii) where the treaty does not permit a MAP request to be made to either Contracting Party and the competent authority who received the MAP request from the taxpayer does not consider the taxpayer's objection to be justified, the competent authority should implement a bilateral consultation or notification process which allows the other competent authority to provide its views on the case (such consultation shall not be interpreted as consultation as to how to resolve the case).

47. In order to ensure that all competent authorities concerned are aware of MAP requests submitted, for a proper consideration of the request by them and to ensure that taxpayers

have effective access to MAP in eligible cases, it is essential that all tax treaties contain a provision that either allows taxpayers to submit a MAP request to the competent authority:

- i. of either treaty partner; or, in the absence of such provision,
- ii. where it is a resident, or to the competent authority of the state of which they are a national if their cases come under the non-discrimination article. In such cases, jurisdictions should have in place a bilateral consultation or notification process where a competent authority considers the objection raised by the taxpayer in a MAP request as being not justified.

### ***Domestic bilateral consultation or notification process in place***

48. As discussed under element B.1, seven out of the United Arab Emirates’ 133 treaties currently contain a provision equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2017) as amended by the Action 14 final report (OECD, 2015b), allowing taxpayers to submit a MAP request to the competent authority of either treaty partner. However, as was also discussed under element B.1, 41 of these 133 treaties have been or will be modified by the Multilateral Instrument to allow taxpayers to submit a MAP request to the competent authority of either treaty partner.

49. The United Arab Emirates reported that it has introduced a bilateral consultation process that allows the other competent authority concerned to provide its views on the case when the United Arab Emirates’ competent authority considers the objection raised in the MAP request not to be justified. This is also noted in the United Arab Emirates’ MAP guidance, under the section titled “Timeframe for Resolving and Implementing MAP cases”. The United Arab Emirates clarified that the procedure as well as the template for the same has been documented in its internal procedure and that the staff in its competent authority have been briefed on this process.

### ***Recent developments***

50. In the stage 1 report, it was noted that the United Arab Emirates had not yet documented its bilateral consultation or notification process which allowed the other competent authority concerned to provide its views on the case when the United Arab Emirates’ competent authority considered the objection raised in the MAP request not to be justified.

51. As detailed above, the United Arab Emirates has since 1 January 2020 introduced a bilateral consultation process that is applicable in situations where its competent authority considers the objection raised in the MAP request not to be justified. Therefore, the recommendation made in stage 1 has been addressed.

### ***Practical application***

#### ***Period 1 January 2018-31 December 2019 (stage 1)***

52. The United Arab Emirates reported that in the period 1 January 2018-31 December 2019 its competent authority has for none of the MAP requests it received decided that the objection raised by taxpayers in such request was not justified. The 2018 and 2019 MAP Statistics submitted by the United Arab Emirates also show that none of its MAP cases was closed with the outcome “objection not justified”.

53. All peers that provided input indicated not being aware of any cases for which the United Arab Emirates’ competent authority considered the objection raised in a MAP

request as not justified in the period 1 January 2018-31 December 2019. They also reported not having been consulted/notified in such cases, which can be explained because no such cases occurred since this date.

*Period 1 January 2020-31 October 2021 (stage 2)*

54. The United Arab Emirates reported that also since 1 January 2020 its competent authority has for none of the MAP requests it received decided that the objection raised by taxpayers in such request was not justified. The 2020 MAP statistics submitted by the United Arab Emirates also show that none of its MAP cases was closed with the outcome “objection not justified”.

55. All peers that provided input during stage 1 stated in stage 2 that the update report provided by the United Arab Emirates fully reflects their experience with the United Arab Emirates since 1 January 2020 and/or there are no additions to the previous input given.

***Anticipated modifications***

56. The United Arab Emirates indicated that it does not anticipate any modifications in relation to element B.2.

***Conclusion***

	Areas for improvement	Recommendations
[B.2]	-	-

**[B.3] Provide access to MAP in transfer pricing cases**

Jurisdictions should provide access to MAP in transfer pricing cases.

57. Where two or more tax administrations take different positions on what constitutes arm’s length conditions for specific transactions between associated enterprises, economic double taxation may occur. Not granting access to MAP with respect to a treaty partner’s transfer pricing adjustment, with a view to eliminating the economic double taxation that may arise from such adjustment, will likely frustrate the main objective of tax treaties. Jurisdictions should thus provide access to MAP in transfer pricing cases.

***Legal and administrative framework***

58. Out of the United Arab Emirates’ 133 tax treaties, 111 contain a provision equivalent to Article 9(2) of the OECD Model Tax Convention (OECD, 2017) requiring their state to make a correlative adjustment in case a transfer pricing adjustment is imposed by the treaty partner. One tax treaty does not contain in its entirety a provision that is based on Article 9 of the OECD Model Tax Convention (OECD, 2017) with regard to associated enterprises. Furthermore, 13 tax treaties do not contain a provision that is based on or equivalent to Article 9(2) of the OECD Model Tax Convention (OECD, 2017). The remaining eight treaties contain a provision that is based on Article 9(2) of the OECD Model Tax Convention (OECD, 2017), but deviate from this provision for the following reasons:

- Three treaties contain a provision that is based on Article 9(2) of the OECD Model Tax Convention (OECD, 2017), but the granting of a corresponding adjustment could be read as only optional as the word “shall” is replaced by “may”.

- One treaty contains a provision that is based on Article 9(2) of the OECD Model Tax Convention (OECD, 2017), but which does not contain the last part of the second sentence that allows competent authorities to consult each other where necessary.
- One treaty contains a provision that is based on Article 9(2) of the OECD Model Tax Convention (OECD, 2017), but which contains additional wording “(due regard shall be had to the other provisions of this Agreement) and the domestic taxation laws of the respective Contracting State” in the last sentence.
- Three treaties contain a provision that is based on Article 9(2) of the OECD Model Tax Convention (OECD, 2017), but is considered not being equivalent thereof as it stipulates that a corresponding adjustment can only be made through an agreement or consultation between the competent authorities.

59. Access to MAP should be provided in transfer pricing cases regardless of whether the equivalent of Article 9(2) is contained in the United Arab Emirates’ tax treaties and irrespective of whether its domestic legislation enables the granting of corresponding adjustments. In accordance with element B3, as translated from the Action 14 Minimum Standard, the United Arab Emirates indicated that it will always provide access to MAP for transfer pricing cases and is willing to make corresponding adjustments, regardless of whether the equivalent of Article 9(2) of the OECD Model Tax Convention (OECD, 2017) is contained in its tax treaties.

60. In view of the above, the United Arab Emirates’ MAP guidance under the section titled “Description of MAP as an alternate tax resolution mechanism” includes examples of cases for which taxpayers can submit a MAP request, which include cases concerning transfer pricing adjustments

### ***Recent developments***

#### *Bilateral modifications*

61. The United Arab Emirates signed new tax treaties with four treaty partners which are newly negotiated treaties with treaty partners with which there were no treaties yet in place. Only one of these treaties has entered into force. All of these treaties contain a provision that is equivalent to Article 9(2) of the OECD Model Tax Convention (OECD, 2017). The effects of these newly signed treaties have been reflected in the analysis above where it has relevance.

#### *Multilateral Instrument*

62. The United Arab Emirates signed the Multilateral Instrument and has deposited its instrument of ratification on 29 May 2019. The Multilateral Instrument has entered into force for the United Arab Emirates on 1 September 2019.

63. Article 17(2) of that instrument stipulates that Article 17(1) – containing the equivalent of Article 9(2) of the OECD Model Tax Convention (OECD, 2017) – will apply in place of or in the absence of a provision in tax treaties that is equivalent to Article 9(2) of the OECD Model Tax Convention (OECD, 2017). However, this shall only apply if both contracting parties to the applicable tax treaty have listed this treaty as a covered tax agreement under the Multilateral Instrument. Article 17(2) of the Multilateral Instrument does not take effect for a tax treaty if one or both of the treaty partners have, pursuant to Article 17(3), reserved the right not to apply Article 17(1) for those tax treaties that already contain the equivalent of Article 9(2) of the OECD Model Tax Convention (OECD, 2017), or not to apply Article 17(1)

in the absence of such equivalent under the condition that: (i) it shall make appropriate corresponding adjustments or (ii) its competent authority shall endeavour to resolve the case under mutual agreement procedure of the applicable tax treaty. Where neither treaty partner has made such a reservation, Article 17(4) of the Multilateral Instrument stipulates that both have to notify the depositary whether the applicable treaty already contains a provision equivalent to Article 9(2) of the OECD Model Tax Convention (OECD, 2017). Where such a notification is made by both of them, the Multilateral Instrument will modify this treaty to replace that provision. If neither or only one treaty partner made this notification, Article 17(1) of the Multilateral Instrument will supersede this treaty only to the extent that the provision contained in that treaty relating to the granting of corresponding adjustments is incompatible with Article 17(1) (containing the equivalent of Article 9(2) of the OECD Model Tax Convention (OECD, 2017)).

64. The United Arab Emirates has, pursuant to Article 17(3), not reserved the right not to apply Article 17(1) of the Multilateral Instrument for those tax treaties that already contain a provision equivalent to Article 9(2) of the OECD Model Tax Convention (OECD, 2017). With regard to the 21 tax treaties identified in paragraph 58 above that are considered not to contain this equivalent (disregarding the one treaty that does not contain Article 9 at all), the United Arab Emirates listed 20 of them as a covered tax agreement under the Multilateral Instrument, but only for four did it make a notification on the basis of Article 17(4). One of these four treaty partners did not list its treaty with the United Arab Emirates as a covered tax agreement and one has, on the basis of Article 17(3), reserved the right not to apply Article 17(1). Both remaining relevant treaty partners are signatories to the Multilateral Instrument, listed their treaty with the United Arab Emirates as a covered tax agreement and also made a notification on the basis of Article 17(4) that their treaty with the United Arab Emirates contains a provision described in Article 17(2). Both of these treaty partners have already deposited their instrument of ratification of the Multilateral Instrument, following which the Multilateral Instrument has entered into force for the treaties between the United Arab Emirates and these treaty partners, and therefore has modified these treaties to include the equivalent of Article 9(2) of the OECD Model Tax Convention (OECD, 2017) in place of existing provisions in these treaties.

65. With regard to the remaining 16 treaties that were not notified by the United Arab Emirates under Article 17(4), four treaty partners are not signatories to the Multilateral Instrument and three treaty partners have not listed their treaty with the United Arab Emirates under that instrument. Two of the remaining nine treaty partners have, on the basis of Article 17(3), reserved the right not to apply Article 17(1).

66. Of the remaining seven treaty partners, five have already deposited their instrument of ratification of the Multilateral Instrument, following which the Multilateral Instrument has entered into force for the treaties between the United Arab Emirates and these treaty partners, and therefore have been superseded by the Multilateral Instrument upon its entry into force for these treaties to include the equivalent of Article 9(2) of the OECD Model Tax Convention (OECD, 2017), but only to the extent that the provisions contained in those treaties relating to the granting of corresponding adjustments are incompatible with Article 17(1). The remaining two treaties will be superseded by the Multilateral Instrument upon its entry into force for these treaties to include the equivalent of Article 9(2) of the OECD Model Tax Convention (OECD, 2017), but only to the extent that the provisions contained in those treaties relating to the granting of corresponding adjustments are incompatible with Article 17(1).

### *Application of legal and administrative framework in practice*

#### *Period 1 January 2018-31 December 2019 (stage 1)*

67. The United Arab Emirates reported that in the period 1 January 2018-31 December 2019, it has not denied access to MAP on the basis that the case concerned a transfer pricing case.

68. All peers that provided input indicated not being aware of a denial of access to MAP by the United Arab Emirates in the period 1 January 2018-31 December 2019 on the basis that the case concerned was a transfer pricing case.

#### *Period 1 January 2020-31 October 2021 (stage 2)*

69. The United Arab Emirates reported that also since 1 January 2020 it has not denied access to MAP on the basis that the case concerned a transfer pricing case.

70. All peers that provided input during stage 1 provided input during stage 2 as well and noted that the update report provided by the United Arab Emirates fully reflects their experience with the United Arab Emirates since 1 January 2020 and/or there are no additions to the previous input given.

### *Anticipated modifications*

71. The United Arab Emirates reported that it is in favour of including Article 9(2) of the OECD Model Tax Convention (OECD, 2017) in its tax treaties where possible and that it will seek to include Article 9(2) in all of its future tax treaties.

### *Conclusion*

	Areas for improvement	Recommendations
[B.3]	-	-

## **[B.4] Provide access to MAP in relation to the application of anti-abuse provisions**

Jurisdictions should provide access to MAP in cases in which there is a disagreement between the taxpayer and the tax authorities making the adjustment as to whether the conditions for the application of a treaty anti-abuse provision have been met or as to whether the application of a domestic law anti-abuse provision is in conflict with the provisions of a treaty.

72. There is no general rule denying access to MAP in cases of perceived abuse. In order to protect taxpayers from arbitrary application of anti-abuse provisions in tax treaties and in order to ensure that competent authorities have a common understanding on such application, it is important that taxpayers have access to MAP if they consider the interpretation and/or application of a treaty anti-abuse provision as being incorrect. Subsequently, to avoid cases in which the application of domestic anti-abuse legislation is in conflict with the provisions of a tax treaty, it is also important that taxpayers have access to MAP in such cases.

### *Legal and administrative framework*

73. None of the United Arab Emirates' 133 tax treaties allow competent authorities to restrict access to MAP for cases where a treaty anti-abuse provision applies or where there is a disagreement between the taxpayer and the tax authorities as to whether the application



of a domestic law anti-abuse provision is in conflict with the provisions of a tax treaty. In addition, also the domestic law and/or administrative processes of the United Arab Emirates do not include a provision allowing its competent authority to limit access to MAP for cases in which there is a disagreement between the taxpayer and the tax authorities as to whether the conditions for the application of a domestic law anti-abuse provision is in conflict with the provisions of a tax treaty.

74. The United Arab Emirates’ MAP guidance, under the section titled “Description of MAP as an alternate tax resolution mechanism”, provides that the United Arab Emirates’ competent authority will not deny a MAP request on the basis that the case concerns the application of treaty anti-abuse provisions or the application of domestic law anti-abuse provisions conflicting with the provisions of a treaty.

### ***Recent developments***

75. There are no recent developments with respect to element B.4.

### ***Practical application***

#### *Period 1 January 2018-31 December 2019 (stage 1)*

76. The United Arab Emirates reported that in the period 1 January 2018-31 December 2019 it has not denied access to MAP in cases in which there was a disagreement between the taxpayer and the tax authorities as to whether the conditions for the application of a treaty anti-abuse provision have been met, or as to whether the application of a domestic law anti-abuse provision is in conflict with the provisions of a tax treaty. However, no MAP cases were received from taxpayers in this period.

77. All peers that provided input indicated not being aware of cases that have been denied access to MAP in the United Arab Emirates in the period 1 January 2018-31 December 2019 in relation to the application of treaty and/or domestic anti-abuse provisions.

#### *Period 1 January 2020-31 October 2021 (stage 2)*

78. The United Arab Emirates reported that also since 1 January 2020 it has not denied access to MAP in cases in which there was a disagreement between the taxpayer and the tax authorities as to whether the conditions for the application of a treaty anti-abuse provision have been met, or as to whether the application of a domestic law anti-abuse provision is in conflict with the provisions of a tax treaty. However, no such cases in relation hereto were received since that date either.

79. All peers that provided input during stage 1 provided input during stage 2 as well and noted that the update report provided by the United Arab Emirates fully reflects their experience with the United Arab Emirates since 1 January 2020 and/or there are no additions to the previous input given.

### ***Anticipated modifications***

80. The United Arab Emirates indicated that it does not anticipate any modifications in relation to element B.4.

**Conclusion**

	Areas for improvement	Recommendations
[B.4]	-	-

**[B.5] Provide access to MAP in cases of audit settlements**

Jurisdictions should not deny access to MAP in cases where there is an audit settlement between tax authorities and taxpayers. If jurisdictions have an administrative or statutory dispute settlement/resolution process independent from the audit and examination functions and that can only be accessed through a request by the taxpayer, jurisdictions may limit access to the MAP with respect to the matters resolved through that process.

81. An audit settlement procedure can be valuable to taxpayers by providing certainty on their tax position. Nevertheless, as double taxation may not be fully eliminated by agreeing on such settlements, taxpayers should have access to the MAP in such cases, unless they were already resolved via an administrative or statutory disputes settlement/resolution process that functions independently from the audit and examination function and which is only accessible through a request by taxpayers.

***Legal and administrative framework******Audit settlements***

82. The United Arab Emirates reported that under its domestic law no process is available allowing taxpayers and the tax administration to enter into a settlement agreement during the course of or after the ending of an audit.

***Administrative or statutory dispute settlement/resolution process***

83. The United Arab Emirates reported that it does not have an administrative or statutory dispute settlement/resolution process in place, which is independent from the audit and examination functions and which can only be accessed through a request by the taxpayer.

***Recent developments***

84. There are no recent developments with respect to element B.5.

***Practical application******Period 1 January 2018-31 December 2019 (stage 1)***

85. The United Arab Emirates reported that in the period 1 January 2018-31 December 2019, it has not denied access to MAP in any case where the issue presented by the taxpayer in a MAP request has already been resolved through an audit settlement between the taxpayer and the tax administration, which is explained by the fact that such settlements are not possible in the United Arab Emirates.

86. All peers indicated not being aware of a denial of access to MAP in the United Arab Emirates in the period 1 January 2018-31 December 2019 in cases where there was an audit settlement between the taxpayer and the tax administration.



*Period 1 January 2020-31 October 2021 (stage 2)*

87. The United Arab Emirates reported that since 1 January 2020 it has also not denied access to MAP for cases where the issue presented by the taxpayer has already been dealt with in an audit settlement between the taxpayer and the tax administration since such settlements are still not possible in the United Arab Emirates.

88. All peers that provided input during stage 1 stated in stage 2 that the update report provided by the United Arab Emirates fully reflects their experience with the United Arab Emirates since 1 January 2020 and/or there are no additions to the previous input given.

***Anticipated modifications***

89. The United Arab Emirates indicated that it does not anticipate any modifications in relation to element B.5.

***Conclusion***

	Areas for improvement	Recommendations
[B.5]	-	-

**[B.6] Provide access to MAP if required information is submitted**

Jurisdictions should not limit access to MAP based on the argument that insufficient information was provided if the taxpayer has provided the required information based on the rules, guidelines and procedures made available to taxpayers on access to and the use of MAP.

90. To resolve cases where there is taxation not in accordance with the provisions of the tax treaty, it is important that competent authorities do not limit access to MAP when taxpayers have complied with the information and documentation requirements as provided in the jurisdiction’s guidance relating hereto. Access to MAP will be facilitated when such required information and documentation is made publicly available.

***Legal framework on access to MAP and information to be submitted***

91. The information and documentation the United Arab Emirates requires taxpayers to include in a request for MAP assistance are discussed under element B.8.

92. The United Arab Emirates reported that where a taxpayer has failed to provide the required information in their MAP request, its competent authority would make a formal request for the required information or documentation from the taxpayer to be provided within 30 days from the date of the said request. The United Arab Emirates clarified that access to MAP would not be denied by its competent authority on the basis that insufficient information has been provided.

93. The above information is confirmed in the United Arab Emirates’ MAP guidance under the sections titled “Timeline for MAP requests” and “Description of MAP as an alternate tax resolution mechanism”.

***Recent developments***

94. There are no recent developments with respect to element B.6.

***Practical application******Period 1 January 2018-31 December 2019 (stage 1)***

95. The United Arab Emirates reported that in the period 1 January 2018-31 December 2019 it has not denied access to MAP for cases where the taxpayer had not provided the required information or documentation, which is clarified by the fact that no MAP requests were received from taxpayers during this period.

96. All peers that provided input indicated not being aware of a limitation of access to MAP by the United Arab Emirates in the period 1 January 2018-31 December 2019 in situations where taxpayers complied with information and documentation requirements.

***Period 1 January 2020-31 October 2021 (stage 2)***

97. The United Arab Emirates reported that since 1 January 2020 its competent authority has also not denied access to MAP for cases where the taxpayer had provided the required information or documentation.

98. All peers that provided input during stage 1 provided input during stage 2 as well and noted that the update report provided by the United Arab Emirates fully reflects their experience with the United Arab Emirates since 1 January 2020 and/or there are no additions to the previous input given.

***Anticipated modifications***

99. The United Arab Emirates indicated that it does not anticipate any modifications in relation to element B.6.

***Conclusion***

	Areas for improvement	Recommendations
[B.6]	-	-

**[B.7] Include Article 25(3), second sentence, of the OECD Model Tax Convention in tax treaties**

Jurisdictions should ensure that their tax treaties contain a provision under which competent authorities may consult together for the elimination of double taxation in cases not provided for in their tax treaties.

100. For ensuring that tax treaties operate effectively and in order for competent authorities to be able to respond quickly to unanticipated situations, it is useful that tax treaties include the second sentence of Article 25(3) of the OECD Model Tax Convention, enabling them to consult together for the elimination of double taxation in cases not provided for by these treaties.

***Current situation of the United Arab Emirates' tax treaties***

101. Out of the United Arab Emirates' 133 tax treaties, 121 contain a provision equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017) allowing their competent authorities to consult together for the elimination of double taxation in cases

not provided for in their tax treaties. The remaining 12 tax treaties do not contain a provision that is based on or equivalent to Article 25(3), second sentence of the OECD Model Tax Convention (OECD, 2017).

102. For the 12 treaties identified that do not contain the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017), the relevant peers did not provide input during stage 1.

### ***Recent developments***

#### *Bilateral modifications*

103. The United Arab Emirates signed new tax treaties with four treaty partners which are newly negotiated treaties with treaty partners with which there were no treaties yet in place. Only one of these treaties has entered into force. All of these treaties contain a provision that is equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017). The effects of these newly signed treaties have been reflected in the analysis above where it has relevance.

#### *Multilateral Instrument*

104. The United Arab Emirates signed the Multilateral Instrument and has deposited its instrument of ratification on 29 May 2019. The Multilateral Instrument has entered into force for the United Arab Emirates on 1 September 2019.

105. Article 16(4)(c)(ii) of that instrument stipulates that Article 16(3), second sentence – containing the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017) – will apply in the absence of a provision in tax treaties that is equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017). In other words, in the absence of this equivalent, Article 16(4)(c)(ii) of the Multilateral Instrument will modify the applicable tax treaty to include such equivalent. However, this shall only apply if both contracting parties to the applicable tax treaty have listed this treaty as a covered tax agreement under the Multilateral Instrument and insofar as both notified, pursuant to Article 16(6)(d)(ii), the depositary that this treaty does not contain the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017).

106. With regard to the 12 tax treaties identified above that are considered not to contain the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017), the United Arab Emirates listed all of them as a covered tax agreement under the Multilateral Instrument, but only for nine treaties did it make, pursuant to Article 16(6)(d)(ii), a notification that they do not contain a provision described in Article 16(4)(c)(ii). Of the relevant nine treaty partners, one is not a signatory to the Multilateral Instrument. The remaining eight treaty partners are signatories to the Multilateral Instrument, listed their treaty with the United Arab Emirates as a covered tax agreement and also made such notification.

107. Of these eight treaty partners, five have already deposited their instrument of ratification of the Multilateral Instrument, following which the Multilateral Instrument has entered into force for the treaties between the United Arab Emirates and these treaty partners, and therefore has modified these treaties to include the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017). For the remaining three treaties, the instrument will, upon entry into force for these treaties, modify them to include the equivalent of this provision.

*Peer input*

108. Of the peers that provided input during stage 2, one provided input in relation to its tax treaty with the United Arab Emirates. However, no input was provided with respect to this element.

*Anticipated modifications*

109. The United Arab Emirates reported that for the four tax treaties that do not contain the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017) and will not be modified by the Multilateral Instrument, it intends to update them via bilateral negotiations with a view to be compliant with element B.7. The United Arab Emirates, however, reported not having a specific plan in place for such negotiations. In addition, the United Arab Emirates reported it will seek to include Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017) in all of its future tax treaties.

*Conclusion*

	Areas for improvement	Recommendations
[B.7]	<p>12 out of 133 tax treaties do not contain a provision that is equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017). Of these 12 treaties:</p> <ul style="list-style-type: none"> <li>• Five have been modified by the Multilateral Instrument to include the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017).</li> <li>• Three are expected to be modified by the Multilateral Instrument to include the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017).</li> <li>• The remaining four treaties will not be modified by the Multilateral Instrument to include the required provision. With respect to these treaties, no actions have been taken nor are any actions planned to be taken.</li> </ul>	<p>For the remaining four treaties that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017), the United Arab Emirates should, without further delay, request the inclusion of the required provision via bilateral negotiations.</p> <p>With regard to the two treaties among these four treaties that were recently signed but are not in force as yet, the United Arab Emirates should enter into bilateral negotiations with the concerned treaty partners to make these treaties in line with element B.7.</p>

**[B.8] Publish clear and comprehensive MAP guidance**

Jurisdictions should publish clear rules, guidelines and procedures on access to and use of the MAP and include the specific information and documentation that should be submitted in a taxpayer's request for MAP assistance.

110. Information on a jurisdiction's MAP regime facilitates the timely initiation and resolution of MAP cases. Clear rules, guidelines and procedures on access to and use of the MAP are essential for making taxpayers and other stakeholders aware of how a jurisdiction's MAP regime functions. In addition, to ensure that a MAP request is received and will be reviewed by the competent authority in a timely manner, it is important that a jurisdiction's MAP guidance clearly and comprehensively explains how a taxpayer can make a MAP request and what information and documentation should be included in such request.

### ***The United Arab Emirates’ MAP guidance***

111. The United Arab Emirates issued guidance on the governance and administration of the mutual agreement procedure (“MAP guidance”), which was published in January 2021 and is available (in English) at:

[https://www.mof.gov.ae/ar/StrategicPartnerships/DoubleTaxtionAgreements/Documents/UAE-%20MAP%20Guidance%20\(2\).pdf](https://www.mof.gov.ae/ar/StrategicPartnerships/DoubleTaxtionAgreements/Documents/UAE-%20MAP%20Guidance%20(2).pdf)

112. This MAP guidance consists of nine sections and covers the following topics:
- a. contact information of the competent authority or the office in charge of MAP cases
  - b. the manner and form in which the taxpayer should submit its MAP request
  - c. the specific information and documentation that should be included in a MAP request (see also below)
  - d. how the MAP functions in terms of timing and the role of the competent authorities
  - e. relationship with domestic available remedies
  - f. access to MAP in transfer pricing cases, anti-abuse provisions, multilateral cases and for multi-year resolution of cases
  - g. implementation of MAP agreements (including the steps of the process and the timing of such steps for the implementation of MAP agreements, and any actions to be taken by taxpayers).

113. The above-described MAP guidance includes detailed information on the availability and the use of MAP and the procedure in practice. This guidance includes the information that the FTA MAP Forum agreed should be included in a jurisdiction’s MAP guidance, which concerns: (i) contact information of the competent authority or the office in charge of MAP cases and (ii) the manner and form in which the taxpayer should submit its MAP request.<sup>1</sup>

114. Although the information included in the United Arab Emirates’ MAP guidance is detailed and comprehensive, a few subjects are not specifically discussed, including:

- whether MAP is available for cases concerning bona fide foreign-initiated self-adjustments
- the consideration of interest charges and penalties in MAP
- suspension of tax collection pending MAP.

### ***Information and documentation to be included in a MAP request***

115. To facilitate the review of a MAP request by competent authorities and to have more consistency in the required content of MAP requests, the FTA MAP Forum agreed on guidance that jurisdictions could use in their domestic guidance on what information and documentation taxpayers need to include in request for MAP assistance.<sup>2</sup> This agreed guidance is shown below. The United Arab Emirates’ MAP guidance enumerates in the chapter titled “The MAP Process”, which items must be included in a request for MAP (if available), which are checked in the following list:

- identity of the taxpayer(s) covered in the MAP request
- the basis for the request
- facts of the case
- analysis of the issue(s) requested to be resolved via MAP

- whether the MAP request was also submitted to the competent authority of the other treaty partner
- whether the MAP request was also submitted to another authority under another instrument that provides for a mechanism to resolve treaty-related disputes
- whether the issue(s) involved were dealt with previously
- a statement confirming that all information and documentation provided in the MAP request is accurate and that the taxpayer will assist the competent authority in its resolution of the issue(s) presented in the MAP request by furnishing any other information or documentation required by the competent authority in a timely manner.

116. However, the list of information also contains a bullet point that states that for future MAP cases, the United Arab Emirates should ensure that its competent authority continues to have the authority, and uses that authority in practice, to resolve MAP cases without being dependent on approval or direction from the tax administration personnel directly involved in the adjustment at issue and absent any policy considerations that the United Arab Emirates would like to see reflected in future amendments to the treaty. Although this statement is in line with the Action 14 minimum standard as noted under element C.4, the placement of this statement in the list of information could be misleading and confusing for taxpayers as this is not something that can be provided by them.

### ***Recent developments***

117. The stage 1 report noted that the United Arab Emirates did not have a published MAP guidance and the United Arab Emirates was recommended to introduce a MAP guidance, including the specific information and documentation that should be submitted in a taxpayer's request for MAP assistance and to publish such guidance. As noted above, the United Arab Emirates has now published MAP guidance that contains: (i) contact information of the competent authority or the office in charge of MAP cases and (ii) the manner and form in which the taxpayer should submit its MAP request.

118. Therefore, the recommendation made in stage 1 has been addressed.

### ***Anticipated modifications***

119. The United Arab Emirates indicated that it does not anticipate any modifications in relation to element B.8.

### ***Conclusion***

	Areas for improvement	Recommendations
[B.8]	-	-

**[B.9] Make MAP guidance available and easily accessible and publish MAP profile**

Jurisdictions should take appropriate measures to make rules, guidelines and procedures on access to and use of the MAP available and easily accessible to the public and should publish their jurisdiction MAP profiles on a shared public platform pursuant to the agreed template.

120. The public availability and accessibility of a jurisdiction’s MAP guidance increases public awareness on access to and the use of the MAP in that jurisdiction. Publishing MAP profiles on a shared public platform further promotes the transparency and dissemination of the MAP programme.<sup>3</sup>

***Rules, guidelines and procedures on access to and use of the MAP***

121. The MAP guidance of the United Arab Emirates is published and can be found (in English) at:

[https://www.mof.gov.ae/ar/StrategicPartnerships/DoubleTaxtionAgreements/Documents/UAE-%20MAP%20Guidance%20\(2\).pdf](https://www.mof.gov.ae/ar/StrategicPartnerships/DoubleTaxtionAgreements/Documents/UAE-%20MAP%20Guidance%20(2).pdf)

122. This guidance was published in January 2021. As regards its accessibility, the United Arab Emirates’ MAP guidance can be easily found in English through the website of the Ministry of Finance or through a search engine.

***MAP profile***

123. The MAP profile of the United Arab Emirates is published on the website of the OECD and was last updated in May 2020. This MAP profile is complete and contains basic information. However, the MAP profile has not been updated with the most recent and detailed information since the publication of the United Arab Emirates’ MAP guidance.

***Recent developments***

124. As mentioned above, the United Arab Emirates has introduced MAP guidance and has made it publicly available and easily accessible on the website of the Ministry Finance in May 2021. However, the United Arab Emirates has not updated its MAP profile since the publication of its MAP guidance. Therefore, the recommendation made in stage 1 has not been fully addressed.

***Anticipated modifications***

125. The United Arab Emirates indicated that it does not anticipate any modifications in relation to element B.9.

***Conclusion***

	Areas for improvement	Recommendations
[B.9]	The MAP profile contains outdated information.	The United Arab Emirates should update its MAP profile to include the most up to date information and align the content of its MAP profile with its MAP guidance.



**[B.10] Clarify in MAP guidance that audit settlements do not preclude access to MAP**

Jurisdictions should clarify in their MAP guidance that audit settlements between tax authorities and taxpayers do not preclude access to MAP. If jurisdictions have an administrative or statutory dispute settlement/resolution process independent from the audit and examination functions and that can only be accessed through a request by the taxpayer, and jurisdictions limit access to the MAP with respect to the matters resolved through that process, jurisdictions should notify their treaty partners of such administrative or statutory processes and should expressly address the effects of those processes with respect to the MAP in their public guidance on such processes and in their public MAP programme guidance.

126. As explained under element B.5, an audit settlement can be valuable to taxpayers by providing certainty to them on their tax position. Nevertheless, as double taxation may not be fully eliminated by agreeing with such settlements, it is important that a jurisdiction's MAP guidance clarifies that in case of audit settlement taxpayers have access to the MAP. In addition, for providing clarity on the relationship between administrative or statutory dispute settlement or resolution processes and the MAP (if any), it is critical that both the public guidance on such processes and the public MAP programme guidance address the effects of those processes, if any. Finally, as the MAP represents a collaborative approach between treaty partners, it is helpful that treaty partners are notified of each other's MAP programme and limitations thereto, particularly in relation to the previously mentioned processes.

***MAP and audit settlements in the MAP guidance***

127. As previously discussed under B.5, audit settlements are not possible in the United Arab Emirates.

128. Peers raised no issues with respect to the availability of audit settlements and the inclusion of information hereon in the United Arab Emirates' MAP guidance, which can be clarified by the fact that the United Arab Emirates has no such published guidance and such settlements are not possible in the United Arab Emirates.

***MAP and other administrative or statutory dispute settlement/resolution processes in available guidance***

129. As previously mentioned under element B.5, the United Arab Emirates does not have an administrative or statutory dispute settlement/resolution process in place that is independent from the audit and examination functions and that can only be accessed through a request by the taxpayer. In that regard, there is no need to address the effects of such process with respect to MAP in the United Arab Emirates' MAP guidance.

130. All peers that provided input indicated not being aware of the existence of an administrative or statutory dispute settlement/resolution process in the United Arab Emirates, which can be clarified by the fact that such process is not in place in the United Arab Emirates.

***Notification of treaty partners of existing administrative or statutory dispute settlement/resolution processes***

131. As the United Arab Emirates does not have an internal administrative or statutory dispute settlement/resolution process in place, there is no need for notifying treaty partners of such process.



***Recent developments***

132. There are no recent developments with respect to element B.10.

***Anticipated modifications***

133. The United Arab Emirates indicated that it does not anticipate any modifications in relation to element B.10.

***Conclusion***

	Areas for improvement	Recommendations
[B.10]	-	-

***References***

- OECD (2015a), *Model Tax Convention on Income and on Capital 2014 (Full Version)*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264239081-en>.
- OECD (2015b), “Making Dispute Resolution Mechanisms More Effective, Action 14 – 2015 Final Report”, in *OECD/G20 Base Erosion and Profit Shifting Project*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264241633-en>.
- OECD (2017), *Model Tax Convention on Income and on Capital 2017 (Full Version)*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/g2g972ee-en>.

***Notes***

1. Available at: [www.oecd.org/tax/beps/beps-action-14-on-more-effective-dispute-resolution-peer-review-documents.pdf](http://www.oecd.org/tax/beps/beps-action-14-on-more-effective-dispute-resolution-peer-review-documents.pdf).
2. Available at: [www.oecd.org/tax/beps/beps-action-14-on-more-effective-dispute-resolution-peer-review-documents.pdf](http://www.oecd.org/tax/beps/beps-action-14-on-more-effective-dispute-resolution-peer-review-documents.pdf).
3. The shared public platform can be found at: [www.oecd.org/ctp/dispute/country-map-profiles.htm](http://www.oecd.org/ctp/dispute/country-map-profiles.htm).



## *Part C*

### **Resolution of MAP cases**

#### **[C.1] Include Article 25(2), first sentence, of the OECD Model Tax Convention in tax treaties**

Jurisdictions should ensure that their tax treaties contain a provision which requires that the competent authority who receives a MAP request from the taxpayer, shall endeavour, if the objection from the taxpayer appears to be justified and the competent authority is not itself able to arrive at a satisfactory solution, to resolve the MAP case by mutual agreement with the competent authority of the other Contracting Party, with a view to the avoidance of taxation which is not in accordance with the tax treaty.

134. It is of critical importance that in addition to allowing taxpayers to request for a MAP, tax treaties also include the equivalent of the first sentence of Article 25(2) of the OECD Model Tax Convention (OECD, 2017), which obliges competent authorities, in situations where the objection raised by taxpayers are considered justified and where cases cannot be unilaterally resolved, to enter into discussions with each other to resolve cases of taxation not in accordance with the provisions of a tax treaty.

#### ***Current situation of the United Arab Emirates' tax treaties***

135. Out of the United Arab Emirates' 133 tax treaties, 131 contain a provision equivalent to Article 25(2), first sentence, of the OECD Model Tax Convention (OECD, 2017) requiring its competent authority to endeavour – when the objection raised is considered justified and no unilateral solution is possible – to resolve by mutual agreement with the competent authority of the other treaty partner the MAP case with a view to the avoidance of taxation which is not in accordance with the tax treaty. The remaining two treaties do not contain a provision that is based on or equivalent to Article 25(2), first sentence of the OECD Model Tax Convention (OECD, 2017).

136. For the two treaties identified that do not contain the equivalent of Article 25(2), first sentence, of the OECD Model Tax Convention (OECD, 2017), the relevant peers did not provide input during stage 1.

#### ***Recent developments***

##### ***Bilateral modifications***

137. The United Arab Emirates signed new tax treaties with four treaty partners which are newly negotiated treaties with treaty partners with which there were no treaties yet in place. Only one of these treaties has entered into force. All of these treaties contain a provision that is equivalent to Article 25(2), first sentence, of the OECD Model Tax

Convention (OECD, 2017). The effects of these newly signed treaties have been reflected in the analysis above where it has relevance.

### *Multilateral Instrument*

138. The United Arab Emirates signed the Multilateral Instrument and has deposited its instrument of ratification on 29 May 2019. The Multilateral Instrument has entered into force for the United Arab Emirates on 1 September 2019.

139. Article 16(4)(b)(i) of that instrument stipulates that Article 16(2), first sentence – containing the equivalent of Article 25(2), first sentence, of the OECD Model Tax Convention (OECD, 2017) – will apply in the absence of a provision in tax treaties that is equivalent to Article 25(2), first sentence, of the OECD Model Tax Convention (OECD, 2017). In other words, in the absence of this equivalent, Article 16(4)(b)(i) of the Multilateral Instrument will modify the applicable tax treaty to include such equivalent. However, this shall only apply if both contracting parties to the applicable tax treaty have listed this treaty as a covered tax agreement under the Multilateral Instrument and insofar as both notified, pursuant to Article 16(6)(c)(i), the depositary that this treaty does not contain the equivalent of Article 25(2), first sentence, of the OECD Model Tax Convention (OECD, 2017).

140. With regard to the two treaties identified above that are considered not to contain the equivalent of Article 25(2), first sentence, of the OECD Model Tax Convention (OECD, 2017), the United Arab Emirates listed both of them as covered tax agreements under the Multilateral Instrument but did not make for them, pursuant to Article 16(6)(c)(i), a notification that they do not contain a provision described in Article 16(4)(b)(i). Therefore, at this stage, these treaties will not be modified by the Multilateral Instrument upon its entry into force to include the equivalent of Article 25(2), first sentence, of the OECD Model Tax Convention (OECD, 2017).

### *Peer input*

141. Of the peers that provided input during stage 2, one provided input in relation to its tax treaty with the United Arab Emirates. However, no input was provided with respect to this element.

### *Anticipated modifications*

142. The United Arab Emirates reported that for the two tax treaties that do not contain the equivalent of Article 25(2), first sentence, of the OECD Model Tax Convention (OECD, 2017) and will not be modified by the Multilateral Instrument, it intends to update them via bilateral negotiations with a view to be compliant with element C.1. The United Arab Emirates, however, reported not having a specific plan in place for such negotiations. In addition, the United Arab Emirates reported it will seek to include Article 25(2), first sentence, of the OECD Model Tax Convention (OECD, 2017) in all of its future tax treaties.

## Conclusion

	Areas for improvement	Recommendations
[C.1]	Two out of 133 tax treaties does not contain a provision that is equivalent to Article 25(2), first sentence, of the OECD Model Tax Convention (OECD, 2017). Neither treaty will be modified by the Multilateral Instrument to include the required provision. With respect to these treaties, no actions have been taken nor are any actions planned to be taken.	For the two treaties that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(2), first sentence, of the OECD Model Tax Convention (OECD, 2017), the United Arab Emirates should, without further delay, request the inclusion of the required provision via bilateral negotiations. With regard to the one treaty among these two treaties that was signed but is not in force as yet, the United Arab Emirates should enter into bilateral negotiations with the concerned treaty partner to make this treaty in line with element C.1.

### [C.2] Seek to resolve MAP cases within a 24-month average timeframe

Jurisdictions should seek to resolve MAP cases within an average time frame of 24 months. This time frame applies to both jurisdictions (i.e. the jurisdiction which receives the MAP request from the taxpayer and its treaty partner).

143. As double taxation creates uncertainties and leads to costs for both taxpayers and jurisdictions, and as the resolution of MAP cases may also avoid (potential) similar issues for future years concerning the same taxpayers, it is important that MAP cases are resolved swiftly. A period of 24 months is considered as an appropriate time period to resolve MAP cases on average.

#### *Reporting of MAP statistics*

144. The FTA MAP Forum has agreed on rules for reporting of MAP statistics (“**MAP Statistics Reporting Framework**”) for MAP requests submitted on or after 1 January 2016. Also, for MAP requests submitted prior to that date, the FTA MAP Forum agreed to report MAP statistics on the basis of an agreed template. The United Arab Emirates joined in the Inclusive Framework in 2018. For this reason the statistics referred to are pre-2018 cases for cases that were pending on 31 December 2017, and post-2017 cases for cases that started on or after 1 January 2018. The United Arab Emirates did not submit its MAP statistics for 2018. However, its MAP statistics for 2019 and 2020 were submitted pursuant to the MAP Statistics Reporting Framework within the prescribed deadline. However, the United Arab Emirates missed out the reporting of one pre-2018 case for all of these years and three post-2017 cases for 2018, 2019 and 2020 and these cases were not included in its MAP statistics as initially reported and published on the OECD website. The statistics discussed below include both pre-2018 and post-2017 cases and they are attached to this report as Annex B and Annex C respectively and should be considered jointly to understand the MAP caseload of the United Arab Emirates.

145. With respect to post-2017 cases, the United Arab Emirates reported that it was not involved in any MAP cases that required matching with its treaty partners.

146. No peer input was received on the matching of MAP statistics with the United Arab Emirates for the years 2018-20.

147. In that regard, based on the information provided by the United Arab Emirates’ MAP partners, its post-2017 MAP statistics do not match those of its treaty partners as reported by the latter.

### *Monitoring of MAP statistics*

148. The United Arab Emirates reported that it has no system in place that communicates, monitors and manages with its treaty partners the MAP caseload.

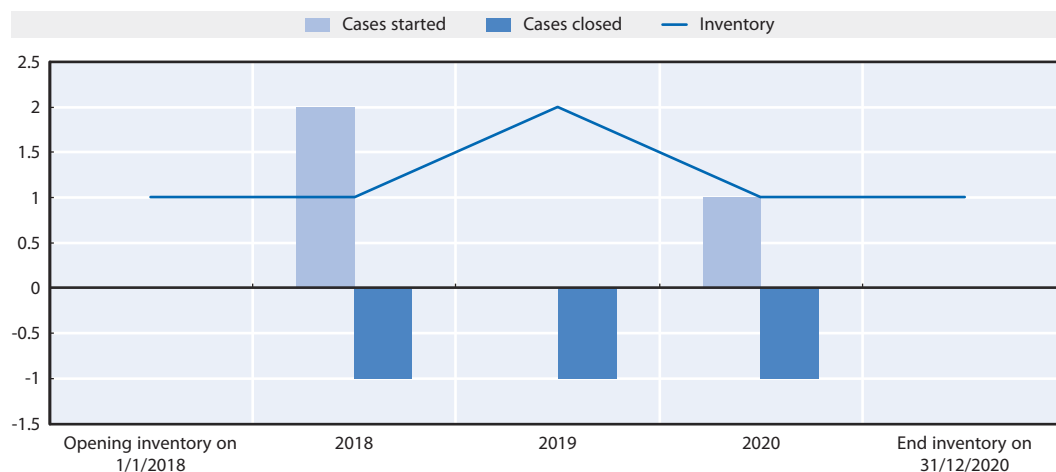
### *Analysis of the United Arab Emirates' MAP caseload*

#### *Global overview*

149. The analysis of the United Arab Emirates' MAP caseload relates to the period starting on 1 January 2018 and ending on 31 December 2020.<sup>1</sup>

150. Figure C.1 shows the evolution of the United Arab Emirates' MAP caseload over the Statistics Reporting Period.

Figure C.1. Evolution of the United Arab Emirates' MAP caseload



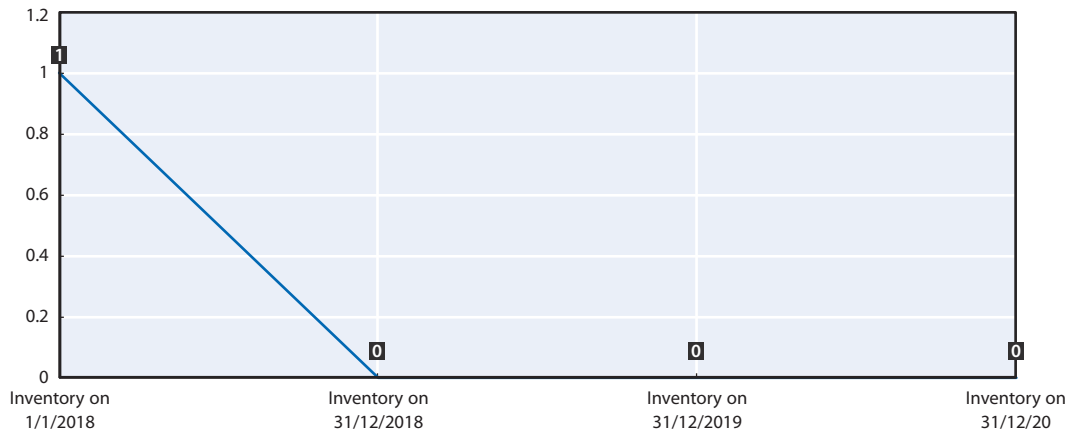
151. At the beginning of the Statistics Reporting Period the United Arab Emirates had one pending other MAP case.<sup>2</sup> At the end of the Statistics Reporting Period, the United Arab Emirates had one MAP case in its inventory, which concerns an attribution/allocation case. The United Arab Emirates' MAP caseload has remained the same during the Statistics Reporting Period, with three new cases being started and three cases closed during this period.

#### *Pre-2018 cases*

152. Figure C.2 shows the evolution of the United Arab Emirates' pre-2018 MAP cases over the Statistics Reporting Period.

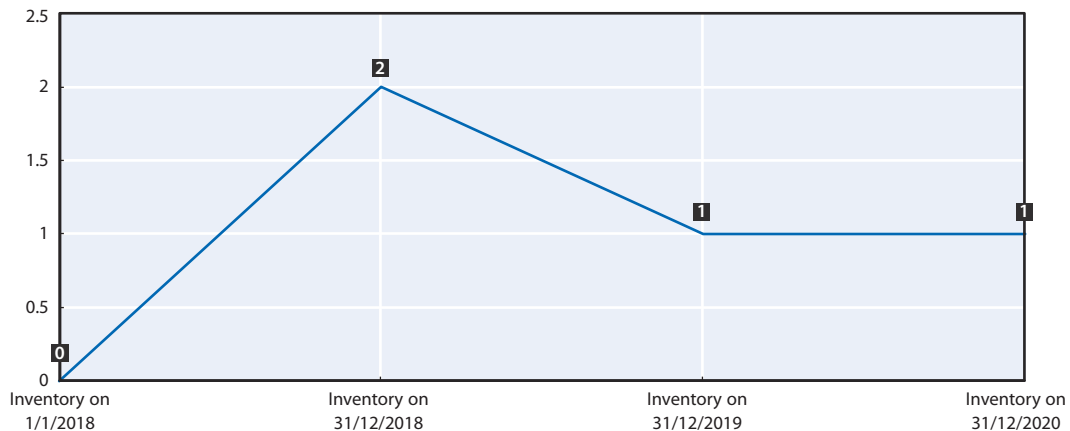
153. At the beginning of the Statistics Reporting Period, the United Arab Emirates' MAP inventory of pre-2018 MAP cases consisted of one other MAP case. At the end of the Statistics Reporting Period, the United Arab Emirates did not have any pre-2018 cases remaining in its MAP inventory, as the one pending case was closed in 2018.

Figure C.2. Evolution of the United Arab Emirates' MAP inventory – Pre-2018 cases

*Post-2017 cases*

154. Figure C.3 shows the evolution of the United Arab Emirates' post-2017 MAP cases over the Statistics Reporting Period.

Figure C.3. Evolution of the United Arab Emirates' MAP inventory – Post-2017 cases



155. In total, three MAP cases started during the Statistics Reporting Period, all of which concerned attribution/allocation cases. At the end of this period, the United Arab Emirates' post-2017 MAP inventory comprised one attribution/allocation case. Accordingly, the United Arab Emirates closed two post-2017 cases during the Statistics Reporting Period, which represents approximately 67% of the total number of post-2017 cases that started during the Statistics Reporting Period and which concern two attribution/allocation cases.

156. The number of post-2017 cases closed as compared to the number of post-2017 cases started during the Statistics Reporting Period is shown in the table below.

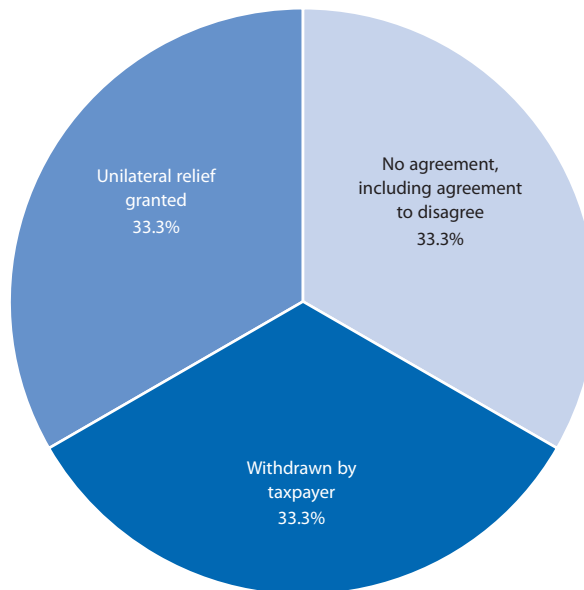
Post-2017 cases	% of cases closed in 2018 compared to cases started in 2018	% of cases closed in 2019 compared to cases started in 2019	% of cases closed in 2020 compared to cases started in 2020	Cumulative evolution of total MAP caseload over the four years (2018-20)
Attribution/allocation cases	0%	(no cases started)	100%	67%
Other cases	(no cases started)	(no cases started)	(no cases started)	(no cases started)

### *Overview of cases closed during the Statistics Reporting Period*

#### *Reported outcomes*

157. During the Statistics Reporting Period, the United Arab Emirates closed three MAP cases for which the outcomes shown in Figure C.4 were reported.

Figure C.4. Cases closed in 2018, 2019 or 2020 (Three cases)



158. Figure C.4 shows that in total, three MAP cases were closed during the Statistics Reporting Period. All three cases were resolved with different outcomes: “unilateral relief granted”, “withdrawn by taxpayer” and “no agreement, including agreement to disagree”.

#### *Reported outcomes for attribution/allocation cases*

159. In total two attribution/allocation cases were closed during the Statistics Reporting Period. The reported outcomes for these cases were “unilateral relief granted”, which was provided by the treaty partner, and “withdrawn by taxpayer”.



*Reported outcomes for other cases*

160. In total one other MAP case was closed during the Statistics Reporting Period. The reported outcome for this case was “no agreement including agreement to disagree”, which was also a decision taken by the treaty partner since no response was received from the United Arab Emirates.

*Average timeframe needed to resolve MAP cases**All cases closed during the Statistics Reporting Period*

161. The average time needed to close MAP cases during the Statistics Reporting Period was 15.10 months. This average can be broken down as follows:

	Number of cases	Start date to End date (in months)
Attribution/Allocation cases	2	10.65
Other cases	1	24.00
<b>All cases</b>	<b>3</b>	<b>15.10</b>

*Pre-2018 cases*

162. For pre-2018 cases the United Arab Emirates reported that it needed 24.00 months to close one other MAP case.

163. For the purpose of computing the average time needed to resolve pre-2018 cases, the United Arab Emirates reported it used the same rules as the MAP Statistics Reporting Framework.

*Post-2017 cases*

164. For post-2017 cases the United Arab Emirates reported that on average it needed 10.65 months to close two attribution/allocation cases.

*Peer input*

165. No peer input was received in respect of element C.2.

*Recent developments*

166. The United Arab Emirates was in the stage 1 peer review report under element C.2 recommended to report its MAP statistics in accordance with the MAP Statistics Reporting Framework. In this respect, the United Arab Emirates submitted its MAP Statistics for 2020 within the prescribed deadline. However, the United Arab Emirates did not report the MAP Statistics for 2020 correctly. Therefore, the recommendation made in stage 1 has not been addressed.

167. In view of the statistics discussed above, it follows that the United Arab Emirates was able to close its MAP cases within an average time frame of 24 months in this period. However, the United Arab Emirates’ MAP inventory has only changed owing to actions taken by the other competent authority during the Statistics Reporting Period. Element C.3 will further consider these numbers in light of the adequacy of resources.

***Anticipated modifications***

168. The United Arab Emirates indicated that it does not anticipate any modifications in relation to element C.2.

***Conclusion***

	Areas for improvement	Recommendations
[C.2]	Although 2018, 2019 and 2020 MAP statistics were submitted on time, three post-2017 cases were omitted from the MAP statistics for these years. In addition, matching of MAP statistics was not sought with all of its treaty partners.	The United Arab Emirates should report its MAP statistics in accordance with the MAP Statistics Reporting Framework. In addition, the United Arab Emirates should endeavour to match its MAP statistics with all of its treaty partners.

**[C.3] Provide adequate resources to the MAP function**

Jurisdictions should ensure that adequate resources are provided to the MAP function.

169. Adequate resources, including personnel, funding and training, are necessary to properly perform the competent authority function and to ensure that MAP cases are resolved in a timely, efficient and effective manner.

***Description of the United Arab Emirates' competent authority***

170. Under the tax treaties that the United Arab Emirates has entered into, the competent authority function is generally assigned to the Ministry of Finance. Accordingly, this function is delegated to the International Financial Relations department in the Ministry of Finance. The staff members in the Exchange of Information unit and the International Agreements unit in this department would work on MAP cases along with several other tax treaty related tasks. The United Arab Emirates did not provide further details on the number of staff members in this department, their background or functions.

***Monitoring mechanism***

171. As discussed under element C.2, the United Arab Emirates does not have a monitoring mechanism in place as yet.

***Recent developments***

172. In the stage 1 report, the United Arab Emirates was recommended under element C.3 to monitor whether the resources available for the competent authority function remain adequate in order to resolve future MAP cases in a timely, efficient and effective manner.

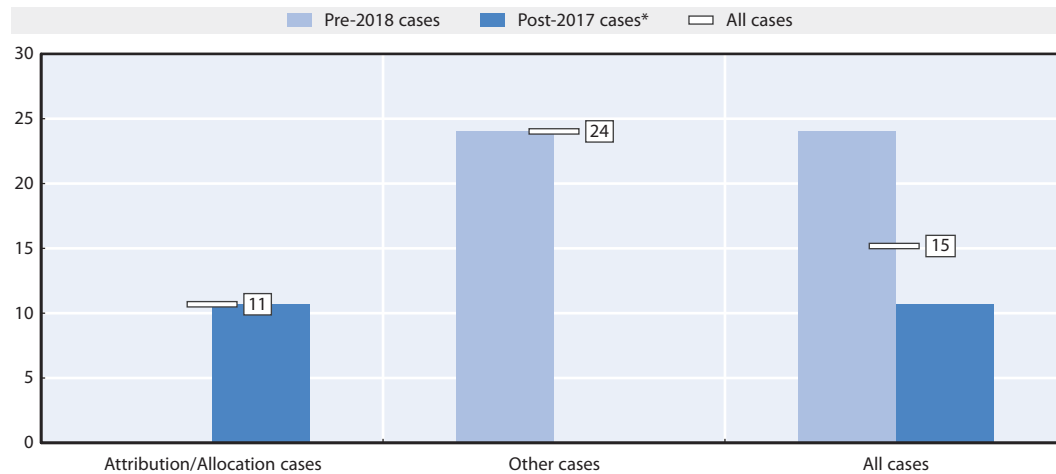
173. In this regard, the United Arab Emirates reported that there are no recent developments.

***Practical application******MAP statistics***

174. As discussed under element C.2, the United Arab Emirates has closed its MAP cases during the Statistics Reporting Period within the pursued 24-month average, as it needed 15.10 months to close three MAP cases. This is owing to an average time of 10.65 months

for two attribution/allocation cases and 24.00 months for one other MAP case. The average time to resolve MAP cases in 2018-20 can be illustrated by Figure C.5.

Figure C.5. Average time (in months) to close cases in 2018-20



\*Note that post-2017 cases only concern cases started and closed during 2018, 2019 or 2020.

175. The stage 1 peer review report of the United Arab Emirates analysed the 2018-19 MAP statistics and showed that the United Arab Emirates was not involved in any MAP cases. For stage 2, the statistics for these years were corrected and the 2020 MAP statistics are also taken into account as discussed under element C.2.

176. Further, as discussed in element C.2, the MAP inventory of the United Arab Emirates has remained the same since 1 January 2018. This can be shown as follows:

2018-20	Opening inventory on 1/1/2018	Cases started	Cases closed	End inventory on 31/12/2020	Increase in cases
Attribution/allocation cases	0	3	2	1	(1 new case)
Other cases	1	0	1	0	(no change)
<b>Total</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>(no change)</b>

177. However, the United Arab Emirates' competent authority was not aware of the cases that it was involved in during this period, although as noted under element C.2, the competent authority of the treaty partner made attempts to reach out to its competent authority using its official contact details.

### Peer input

178. No peer input was received in respect of element C.3.

### Anticipated modifications

179. The United Arab Emirates indicated that it does not anticipate any modifications in relation to element C.3.

### Conclusion

	Areas for improvement	Recommendations
[C.3]	Although MAP cases were closed within the 24-month average (which is the pursued average for resolving MAP cases received on or after 1 January 2018) and the United Arab Emirates' MAP inventory remains modest, the United Arab Emirates' competent authority was not aware of multiple MAP cases that were started at the end of the treaty partner. Therefore, there is a risk that pending post-2017 cases will not be resolved within the pursued average of 24 months and this might indicate that resources are not adequately made available for the United Arab Emirates' competent authority.	The United Arab Emirates should ensure that resources are made available for the competent authority function in a way that allows an adequate use of such resources for the identification and resolution of MAP cases in a timely, efficient and effective manner. Such adequate resources would enable the United Arab Emirates' competent authority to resolve its pending cases in due time and to be able to cope with a possible increase in the number of MAP cases.

#### [C.4] Ensure staff in charge of MAP has the authority to resolve cases in accordance with the applicable tax treaty

Jurisdictions should ensure that the staff in charge of MAP processes have the authority to resolve MAP cases in accordance with the terms of the applicable tax treaty, in particular without being dependent on the approval or the direction of the tax administration personnel who made the adjustments at issue or being influenced by considerations of the policy that the jurisdictions would like to see reflected in future amendments to the treaty.

180. Ensuring that staff in charge of MAP can and will resolve cases, absent any approval/direction by the tax administration personnel directly involved in the adjustment and absent any policy considerations, contributes to a principled and consistent approach to MAP cases.

#### *Functioning of staff in charge of MAP*

181. The United Arab Emirates reported that since it does not have a general income tax law at the moment, it only has a limited audit function which would not interfere with the work of the competent authority.

182. Further, the United Arab Emirates clarified that its competent authority will take into consideration the actual terms of a tax treaty as applicable for the relevant year and that it is committed not to be influenced by policy considerations that the United Arab Emirates would like to see reflected in future amendments to the treaty.

183. Accordingly, the United Arab Emirates' MAP guidance in the section titled "The MAP Process" notes that its competent authority continues to have the authority, and uses that authority in practice, to resolve MAP cases without being dependent on approval or direction from the tax administration personnel directly involved in the adjustment at issue and absent any policy considerations that the United Arab Emirates would like to see reflected in future amendments to the treaty.

#### *Recent developments*

184. There are no recent developments with respect to element C.4.

***Practical application****Period 1 January 2018-31 December 2019 (stage 1)*

185. Peers generally reported no impediments in the United Arab Emirates to perform its MAP function in the absence of approval or the direction of the tax administration personnel who made the adjustments at issue or being influenced by considerations of the policy in the period 1 January 2018-31 December 2019.

*Period 1 January 2020-31 October 2021 (stage 2)*

186. All peers that provided input during stage 1 stated in stage 2 that the update report provided by the United Arab Emirates fully reflects their experience with the United Arab Emirates since 1 January 2020 and/or there are no additions to the previous input given.

***Anticipated modifications***

187. The United Arab Emirates indicated that it does not anticipate any modifications in relation to element C.4.

***Conclusion***

	Areas for improvement	Recommendations
[C.4]	-	-

**[C.5] Use appropriate performance indicators for the MAP function**

Jurisdictions should not use performance indicators for their competent authority functions and staff in charge of MAP processes based on the amount of sustained audit adjustments or maintaining tax revenue.

188. For ensuring that each case is considered on its individual merits and will be resolved in a principled and consistent manner, it is essential that any performance indicators for the competent authority function and for the staff in charge of MAP processes are appropriate and not based on the amount of sustained audit adjustments or aim at maintaining a certain amount of tax revenue.

***Performance indicators used by the United Arab Emirates***

189. The Action 14 final report (OECD, 2015) includes examples of performance indicators that are considered appropriate. These indicators are:

- number of MAP cases resolved
- consistency (i.e. a treaty should be applied in a principled and consistent manner to MAP cases involving the same facts and similarly-situated taxpayers)
- time taken to resolve a MAP case (recognising that the time taken to resolve a MAP case may vary according to its complexity and that matters not under the control of a competent authority may have a significant impact on the time needed to resolve a case).

190. In view of these examples, as the United Arab Emirates has not been involved in any MAP cases thus far, it did not report using any of these performance indicators to assess staff in charge of MAP cases.

191. Further to the above, the United Arab Emirates reported that it does not use any performance indicators for staff in charge of MAP that are related to the outcome of MAP discussions in terms of the amount of sustained audit adjustments or maintained tax revenue. In other words, staff in charge of MAP is not evaluated on the basis of the material outcome of MAP discussions.

### ***Recent developments***

192. There are no recent developments with respect to element C.5.

### ***Practical application***

#### *Period 1 January 2018-31 December 2019 (stage 1)*

193. Peers that provided input reported not being aware of the use of performance indicators by the United Arab Emirates that are based on the amount of sustained audit adjustments or maintaining a certain amount of tax revenue in the period 1 January 2018-31 December 2019.

#### *Period 1 January 2020-31 October 2021 (stage 2)*

194. All peers that provided input during stage 1 stated in stage 2 that the update report provided by the United Arab Emirates fully reflects their experience with the United Arab Emirates since 1 January 2020 and/or there are no additions to the previous input given.

### ***Anticipated modifications***

195. The United Arab Emirates indicated that it does not anticipate any modifications in relation to element C.5.

### ***Conclusion***

	Areas for improvement	Recommendations
[C.5]	-	-

## **[C.6] Provide transparency with respect to the position on MAP arbitration**

Jurisdictions should provide transparency with respect to their positions on MAP arbitration.

196. The inclusion of an arbitration provision in tax treaties may help ensure that MAP cases are resolved within a certain timeframe, which provides certainty to both taxpayers and competent authorities. In order to have full clarity on whether arbitration as a final stage in the MAP process can and will be available in jurisdictions it is important that jurisdictions are transparent on their position on MAP arbitration.

### ***Position on MAP arbitration***

197. The United Arab Emirates' MAP profile states that it has no domestic law limitations for including MAP arbitration in its tax treaties.

### ***Practical application***

198. To date, the United Arab Emirates has incorporated an arbitration clause in two of its 133 treaties as a final stage to the MAP. These clauses can be specified as follows:

- mandatory and binding arbitration: one treaty
- voluntary and binding arbitration: one treaty.

### ***Recent developments***

199. There are no recent developments with respect to element C.6.

### ***Anticipated modifications***

200. The United Arab Emirates indicated that it does not anticipate any modifications in relation to element C.6.

### ***Conclusion***

	Areas for improvement	Recommendations
[C.6]	-	-

## *References*

- OECD (2015), “Making Dispute Resolution Mechanisms More Effective, Action 14 – 2015 Final Report”, in *OECD/G20 Base Erosion and Profit Shifting Project*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264241633-en>.
- OECD (2017), *Model Tax Convention on Income and on Capital 2017 (Full Version)*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/g2g972ee-en>.

## **Notes**

1. The United Arab Emirates’ 2018, 2019 and 2020 MAP statistics were corrected in the course of its peer review and deviate from the published MAP statistics for these years. See for a further explanation Annexes B and C.
2. For pre-2018 and post-2017 the United Arab Emirates follows the MAP Statistics Reporting Framework for determining whether a case is considered an attribution/allocation MAP case. Annex D of MAP Statistics Reporting Framework provides that “an attribution/allocation MAP case is a MAP case where the taxpayer’s MAP request relates to (i) the attribution of profits to a permanent establishment (see e.g. Article 7 of the OECD Model Tax Convention); or (ii) the determination of profits between associated enterprises (see e.g. Article 9 of the OECD Model Tax Convention), which is also known as a transfer pricing MAP case”.





## *Part D*

### **Implementation of MAP agreements**

#### **[D.1] Implement all MAP agreements**

Jurisdictions should implement any agreement reached in MAP discussions, including by making appropriate adjustments to the tax assessed in transfer pricing cases.

201. In order to provide full certainty to taxpayers and the jurisdictions, it is essential that all MAP agreements are implemented by the competent authorities concerned.

#### ***Legal framework to implement MAP agreements***

202. The United Arab Emirates reported that notwithstanding whether the underlying tax treaty contains the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017), it will implement all MAP agreements irrespective of its domestic time limits.

203. The United Arab Emirates' MAP guidance, under the section titled "Legal Basis", states that once both competent authorities successfully resolve a MAP case, they would formalise a mutual agreement amongst themselves at the earliest. It is noted that the competent authority of the United Arab Emirates having jurisdiction over the case would inform the taxpayer who had applied for MAP about the terms and conditions of the resolution. It is further noted that the taxpayer may accept or reject the agreement, but that the competent authorities would consider the case closed.

204. The United Arab Emirates further indicated that it would monitor the implementation of MAP agreements, although so far it has no experience in this regard due to fact that no MAP agreements have yet been entered into.

#### ***Recent developments***

205. There are no recent developments with respect to element D.1.

#### ***Practical application***

##### *Period 1 January 2018-31 December 2019 (stage 1)*

206. The United Arab Emirates reported that it did not enter into any MAP agreements with another competent authority that required implementation in the United Arab Emirates in the period 1 January 2018-31 December 2019.

207. Peers reported not being aware of MAP agreements that were reached in the period 1 January 2018-31 December 2019 that were not implemented in the United Arab Emirates.

*Period 1 January 2020-31 October 2021 (stage 2)*

208. The United Arab Emirates reported that there were no MAP agreements reached with another competent authority that required implementation in the United Arab Emirates since 1 January 2020.

209. All peers that provided input during stage 1 stated in stage 2 that the update report provided by the United Arab Emirates fully reflects their experience with the United Arab Emirates since 1 January 2020 and/or there are no additions to the previous input given.

***Anticipated modifications***

210. The United Arab Emirates indicated that it does not anticipate any modifications in relation to element D.1.

***Conclusion***

	Areas for improvement	Recommendations
[D.1]	-	-

**[D.2] Implement all MAP agreements on a timely basis**

Agreements reached by competent authorities through the MAP process should be implemented on a timely basis.

211. Delay of implementation of MAP agreements may lead to adverse financial consequences for both taxpayers and competent authorities. To avoid this and to increase certainty for all parties involved, it is important that the implementation of any MAP agreement is not obstructed by procedural and/or statutory delays in the jurisdictions concerned.

***Theoretical timeframe for implementing mutual agreements***

212. The United Arab Emirates' MAP guidance, under the section titled "Timeline for MAP requests" notes that the implementation of MAP agreements should be no later than 90 days from the exchange of closing letters.

***Recent developments***

213. There are no recent developments with respect to element D.2.

***Practical application***

*Period 1 January 2018-31 December 2019 (stage 1)*

214. The United Arab Emirates reported that it did not enter into any MAP agreements with another competent authority that required implementation in the United Arab Emirates in the period 1 January 2018-31 December 2019.

215. Peers reported not being aware of MAP agreements that were reached in the period 1 January 2018-31 December 2019 that were not implemented in the United Arab Emirates in a timely manner.

*Period 1 January 2020-31 October 2021 (stage 2)*

216. The United Arab Emirates reported that there were no MAP agreements reached with another competent authority that required implementation in the United Arab Emirates since 1 January 2020.

217. All peers that provided input during stage 1 stated in stage 2 that the update report provided by the United Arab Emirates fully reflects their experience with the United Arab Emirates since 1 January 2020 and/or there are no additions to the previous input given.

***Anticipated modifications***

218. The United Arab Emirates indicated that it does not anticipate any modifications in relation to element D.2.

***Conclusion***

	Areas for improvement	Recommendations
[D.2]	-	-

**[D.3] Include Article 25(2), second sentence, of the OECD Model Tax Convention in tax treaties or alternative provisions in Article 9(1) and Article 7(2)**

Jurisdictions should either (i) provide in their tax treaties that any mutual agreement reached through MAP shall be implemented notwithstanding any time limits in their domestic law, or (ii) be willing to accept alternative treaty provisions that limit the time during which a Contracting Party may make an adjustment pursuant to Article 9(1) or Article 7(2), in order to avoid late adjustments with respect to which MAP relief will not be available.

219. In order to provide full certainty to taxpayers it is essential that implementation of MAP agreements is not obstructed by any time limits in the domestic law of the jurisdictions concerned. Such certainty can be provided by either including the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017) in tax treaties, or alternatively, setting a time limit in Article 9(1) and Article 7(2) for making adjustments to avoid that late adjustments obstruct granting of MAP relief.

***Legal framework and current situation of the United Arab Emirates' tax treaties***

220. As discussed under element D.1, there are no time limits in United Arab Emirates for tax assessments.

221. Out of the United Arab Emirates' 133 tax treaties, 116 contain a provision equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017) that any mutual agreement reached through MAP shall be implemented notwithstanding any time limits in their domestic law. In addition, one tax treaty does not contain Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017), but contains a provision in the MAP article setting a time limit for making primary adjustments, which

is considered as having both alternative provisions in Article 9(1) and Article 7(2) of the OECD Model Tax Convention (OECD, 2017).

222. For the remaining 16 tax treaties the following analysis is made:

- One tax treaty does not contain a provision that is based on or equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017), but contains only the alternative provision in Article 9(1) of the OECD Model Tax Convention (OECD, 2017).
- 14 tax treaties do not contain a provision that is based on or equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017), or the alternative provisions in Article 9(1) and Article 7(2) of the OECD Model Tax Convention (OECD, 2017).
- One tax treaty contain a provision stipulating that the implementation of the agreement shall be within the time-limits under domestic law.

223. For the 16 treaties identified that do not contain the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017), three peers provided input during stage 1. One peer reported that its treaty with the United Arab Emirates has been modified by the Multilateral Instrument. This treaty is one of three treaties that have been modified by the Multilateral Instrument to be in line with element D.3. Another peer noted that its treaty with the United Arab Emirates was not in line with the Action 14 minimum standard, but reported that since MAP cases have not arisen in respect of this treaty, it treated other treaty partners with priority regarding the implementation of the minimum standard in the field of MAP and that it intends to enter into contact with the United Arab Emirates in this respect in due course. The third peer noted that its treaty with the United Arab Emirates does not meet the Action 14 minimum standard, but that it had made all necessary notifications under the Multilateral Instrument. This treaty is one of treaties that will be modified, upon entry into force, by the Multilateral Instrument to be in line with element D.3.

### ***Recent developments***

#### *Bilateral modifications*

224. The United Arab Emirates signed new tax treaties with four treaty partners which are newly negotiated treaties with treaty partners with which there were no treaties yet in place. Only one of these treaties has entered into force. All of these treaties contain a provision that is equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017). The effects of these newly signed treaties have been reflected in the analysis above where it has relevance.

#### *Multilateral Instrument*

225. The United Arab Emirates signed the Multilateral Instrument and has deposited its instrument of ratification on 29 May 2019. The Multilateral Instrument has entered into force for the United Arab Emirates on 1 September 2019.

226. Article 16(4)(b)(ii) of that instrument stipulates that Article 16(2), second sentence – containing the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017) – will apply in the absence of a provision in tax treaties that is equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention (OECD,

2017). In other words, in the absence of this equivalent, Article 16(4)(b)(ii) of the Multilateral Instrument will modify the applicable tax treaty to include such equivalent. However, this shall only apply if both contracting parties to the applicable tax treaty have listed this treaty as a covered tax agreement under the Multilateral Instrument and insofar as both, pursuant to Article 16(6)(c)(ii), notified the depositary that this treaty does not contain the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017). Article 16(4)(b)(ii) of the Multilateral Instrument will for a tax treaty not take effect if one or both of the treaty partners has, pursuant to Article 16(5)(c), reserved the right not to apply the second sentence of Article 16(2) of that instrument for all of its covered tax agreements under the condition that: (i) any MAP agreement shall be implemented notwithstanding any time limits in the domestic laws of the contracting states, or (ii) the jurisdiction intends to meet the Action 14 Minimum Standard by accepting in its tax treaties the alternative provisions to Article 9(1) and 7(2) concerning the introduction of a time limit for making transfer pricing profit adjustments.

227. With regard to the 16 tax treaties identified above that are considered not to contain the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017) or the alternative provisions for Articles 9(1) and 7(2), the United Arab Emirates listed all of them as covered tax agreements under the Multilateral Instrument but only for 14 treaties did it make, pursuant to Article 16(6)(c)(ii), a notification that they do not contain a provision described in Article 16(4)(b)(ii). Of the relevant 14 treaty partners, one is not a signatory to the Multilateral Instrument and two did not list its treaty with the United Arab Emirates as a covered tax agreement under that instrument. Out of the remaining 11 treaty partners, one made a reservation on the basis of Article 16(5)(c). The remaining ten treaty partners are signatories to the Multilateral Instrument, listed their treaty with the United Arab Emirates as a covered tax agreement and also made such notification.

228. Of these ten treaty partners, seven have already deposited their instrument of ratification of the Multilateral Instrument, following which the Multilateral Instrument has entered into force for the treaties between the United Arab Emirates and these treaty partners, and therefore has modified these treaties to include the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017). For the remaining three treaties, the instrument will, upon entry into force for these treaties, modify them to include the equivalent of this provision.

### *Other developments*

229. The United Arab Emirates reported that for one of the six treaties that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017), the relevant treaty partner has informed the United Arab Emirates that it will withdraw its reservation under the Multilateral Instrument, following which it is expected that the treaty with that treaty partner will be modified by the instrument to include the second sentence of Article 25(2) of the OECD Model Tax Convention (OECD, 2017).

230. For the remaining five treaties, the United Arab Emirates reported that negotiations on an amending protocol have been finalised with respect to one treaty. For the remaining treaties, no actions have been taken nor are any actions planned to be taken.

*Peer input*

231. Of the peers that provided input during stage 2, one provided input in relation to its tax treaty with the United Arab Emirates. This peer noted that its treaty with the United Arab Emirates did not contain the equivalent of Article 25(2), second sentence of the OECD Model Tax Convention (OECD, 2017), but that the Multilateral Instrument has modified this treaty to make it in line with such standard, which is in line with the above analysis.

*Anticipated modifications*

232. The United Arab Emirates reported it will seek to include Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017) in all of its future tax treaties.

*Conclusion*

	Areas for improvement	Recommendations
[D.3]	<p>16 out of 133 tax treaties neither contain a provision that is equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017) nor both alternative provisions provided for in Article 9(1) and Article 7(2). Of these 16 treaties:</p> <ul style="list-style-type: none"> <li>• Seven have been modified by the Multilateral Instrument to include the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017).</li> <li>• Three are expected to be modified by the Multilateral Instrument to include the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017).</li> <li>• One is expected to be modified by the Multilateral Instrument to include the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017) once the treaty partner has amended its notifications.</li> <li>• The remaining five treaties will not be modified by the Multilateral Instrument to include the required provision. With respect to these treaties: <ul style="list-style-type: none"> <li>- For one, negotiations have been finalised.</li> <li>- For four, no actions have been taken nor are any actions planned to be taken.</li> </ul> </li> </ul>	<p>For the remaining five treaties that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017), the United Arab Emirates should:</p> <ul style="list-style-type: none"> <li>• For one treaty, as quickly as possible sign and ratify the amending protocol to this treaty to have in place the required provision.</li> <li>• For the remaining four treaties, without further delay, request the inclusion of the required provision or be willing to accept the alternatives via bilateral negotiations.</li> </ul> <p>With regard to the one treaty among these five treaties that was signed but is not in force as yet, the United Arab Emirates should enter into bilateral negotiations with the concerned treaty partner to make this treaty in line with element D.3.</p>

## Summary

	Areas for improvement	Recommendations
<b>Part A: Preventing disputes</b>		
[A.1]	Three out of 133 tax treaties do not contain a provision that is equivalent to Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017). None of these three treaties will be modified by the Multilateral Instrument to include the required provision. With respect to these treaties, no actions have been taken nor are any actions planned to be taken.	For the three treaties that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(3), first sentence, of the OECD Model Tax Convention (OECD, 2017), the United Arab Emirates should, without further delay, request the inclusion of the required provision via bilateral negotiations. With regard to the one treaty among these three treaties that was signed but is not in force as yet, the United Arab Emirates should enter into bilateral negotiations with the concerned treaty partner to make this treaty in line with element A.1.
[A.2]	-	-
<b>Part B: Availability and access to MAP</b>		
[B.1]	<p>Two out of 133 tax treaties do not contain a provision that is equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2015a), either as it read prior to the adoption of the Action 14 final report or as amended by that report (OECD, 2015b) and the timeline to file a MAP request is shorter than three years from the first notification of the action resulting in taxation not in accordance with the provision of the tax treaty. Of these two treaties:</p> <ul style="list-style-type: none"> <li>• One has been modified by the Multilateral Instrument to include the equivalent of Article 25(1) of the OECD Model Tax Convention (OECD, 2017).</li> <li>• One is expected to be modified by the Multilateral Instrument to include a filing period of three years upon entry into force for the treaties concerned, but not as regards Article 25(1), first sentence. With respect to this treaty, no actions have been taken nor are any actions planned to be taken.</li> </ul>	<p>As one treaty will not be modified by the Multilateral Instrument to include the equivalent of Article 25(1), first sentence of the OECD Model Tax Convention (OECD, 2017), as amended by the Action 14 final report (OECD, 2015b), the United Arab Emirates should, without further delay, request the inclusion of the required provision via bilateral negotiations, either</p> <ol style="list-style-type: none"> <li>a. as amended in the Action 14 final report (OECD, 2015b); or</li> <li>b. as it read prior to the adoption of Action 14 final report (OECD, 2015b), thereby including the full sentence of such provision.</li> </ol>



	Areas for improvement	Recommendations
[B.1]	<p>Ten out of 133 tax treaties do not contain a provision that is equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2015a), either as it read prior to the adoption of the Action 14 final report or as amended by that report (OECD, 2015b). Of these ten treaties:</p> <ul style="list-style-type: none"> <li>• Three have been modified by the Multilateral Instrument to include the required provision.</li> <li>• The remaining seven treaties will not be modified by the Multilateral Instrument to include the required provision. With respect to these treaties: <ul style="list-style-type: none"> <li>- For one, negotiations are pending</li> <li>- For six, no actions have been taken nor are any actions planned to be taken.</li> </ul> </li> </ul>	<p>For the seven treaties that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(1), first sentence of the OECD Model Tax Convention (OECD, 2017), as amended by the Action 14 final report (OECD, 2015b), the United Arab Emirates should:</p> <ul style="list-style-type: none"> <li>• For one treaty, continue negotiations with the treaty partner with a view to including the required provision.</li> <li>• For six treaties, request, without further delay, via bilateral negotiations the inclusion of the required provision.</li> </ul> <p>This concerns a provision that is equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2015a) either:</p> <ol style="list-style-type: none"> <li>a. as amended by the Action 14 final report (OECD, 2015b); or</li> <li>b. as it read prior to the adoption of the Action 14 final report (OECD, 2015b).</li> </ol> <p>With regard to the one treaty among these eight treaties that was signed but is not in force as yet, the United Arab Emirates should enter into bilateral negotiations with the concerned treaty partner to make this treaty in line with element B.1.</p>
	<p>Six out of 133 tax treaties do not contain the equivalent of Article 25(1), second sentence, of the OECD Model Tax Convention (OECD, 2017), as the timeline to file a MAP request is shorter than three years from the first notification of the action resulting in taxation not in accordance with the provision of the tax treaty. Of these six treaties:</p> <ul style="list-style-type: none"> <li>• Four have been modified by the Multilateral Instrument to include the required provision.</li> <li>• One is expected to be modified by the Multilateral Instrument to include the required provision.</li> <li>• the remaining treaty will not be modified by the Multilateral Instrument to include the required provision. With respect to this treaty, no actions have been taken nor are any actions planned to be taken.</li> </ul>	<p>As one treaty will not be modified by the Multilateral Instrument to include the equivalent of Article 25(1), second sentence of the OECD Model Tax Convention (OECD, 2017), the United Arab Emirates should, without further delay, request the inclusion of the required provision via bilateral negotiations.</p>
[B.2]	-	-
[B.3]	-	-
[B.4]	-	-
[B.5]	-	-
[B.6]	-	-



	Areas for improvement	Recommendations
[B.7]	<p>12 out of 133 tax treaties do not contain a provision that is equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017). Of these 12 treaties:</p> <ul style="list-style-type: none"> <li>• Five have been modified by the Multilateral Instrument to include the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017).</li> <li>• Three are expected to be modified by the Multilateral Instrument to include the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017).</li> <li>• The remaining four treaties will not be modified by the Multilateral Instrument to include the required provision. With respect to these treaties, no actions have been taken nor are any actions planned to be taken.</li> </ul>	<p>For the remaining four treaties that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention (OECD, 2017), the United Arab Emirates should, without further delay, request the inclusion of the required provision via bilateral negotiations.</p> <p>With regard to the two treaties among these four treaties that were recently signed but are not in force as yet, the United Arab Emirates should enter into bilateral negotiations with the concerned treaty partners to make these treaties in line with element B.7.</p>
[B.8]	-	-
[B.9]	The MAP profile contains outdated information.	The United Arab Emirates should update its MAP profile to include the most up to date information and align the content of its MAP profile with its MAP guidance.
[B.10]	-	-
<b>Part C: Resolution of MAP cases</b>		
[C.1]	Two out of 133 tax treaties does not contain a provision that is equivalent to Article 25(2), first sentence, of the OECD Model Tax Convention (OECD, 2017). Neither treaty will be modified by the Multilateral Instrument to include the required provision. With respect to these treaties, no actions have been taken nor are any actions planned to be taken.	For the two treaties that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(2), first sentence, of the OECD Model Tax Convention (OECD, 2017), the United Arab Emirates should, without further delay, request the inclusion of the required provision via bilateral negotiations. With regard to the one treaty among these two treaties that was signed but is not in force as yet, the United Arab Emirates should enter into bilateral negotiations with the concerned treaty partner to make this treaty in line with element C.1.
[C.2]	<p>Although 2018, 2019 and 2020 MAP statistics were submitted on time, three post-2017 cases were omitted from the MAP statistics for these years.</p> <p>In addition, matching of MAP statistics was not sought with all of its treaty partners.</p>	<p>The United Arab Emirates should report its MAP statistics in accordance with the MAP Statistics Reporting Framework.</p> <p>In addition, the United Arab Emirates should endeavour to match its MAP statistics with all of its treaty partners.</p>
[C.3]	Although MAP cases were closed within the 24-month average (which is the pursued average for resolving MAP cases received on or after 1 January 2018) and the United Arab Emirates' MAP inventory remains modest, the United Arab Emirates' competent authority was not aware of multiple MAP cases that were started at the end of the treaty partner. Therefore, there is a risk that pending post-2017 cases will not be resolved within the pursued average of 24 months and this might indicate that resources are not adequately made available for the United Arab Emirates' competent authority.	The United Arab Emirates should ensure that resources are made available for the competent authority function in a way that allows an adequate use of such resources for the identification and resolution of MAP cases in a timely, efficient and effective manner. Such adequate resources would enable the United Arab Emirates' competent authority to resolve its pending cases in due time and to be able to cope with a possible increase in the number of MAP cases.
[C.4]	-	-
[C.5]	-	-
[C.6]	-	-

	Areas for improvement	Recommendations
<b>Part D: Implementation of MAP agreements</b>		
[D.1]	-	-
[D.2]	-	-
[D.3]	<p>16 out of 133 tax treaties neither contain a provision that is equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017) nor both alternative provisions provided for in Article 9(1) and Article 7(2). Of these 16 treaties:</p> <ul style="list-style-type: none"> <li>• Seven have been modified by the Multilateral Instrument to include the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017).</li> <li>• Three are expected to be modified by the Multilateral Instrument to include the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017).</li> <li>• One is expected to be modified by the Multilateral Instrument to include the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017) once the treaty partner has amended its notifications.</li> <li>• The remaining five treaties will not be modified by the Multilateral Instrument to include the required provision. With respect to these treaties: <ul style="list-style-type: none"> <li>- For one, negotiations have been finalised.</li> <li>- For four, no actions have been taken nor are any actions planned to be taken.</li> </ul> </li> </ul>	<p>For the remaining five treaties that will not be modified by the Multilateral Instrument to include the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention (OECD, 2017), the United Arab Emirates should:</p> <ul style="list-style-type: none"> <li>• For one treaty, as quickly as possible sign and ratify the amending protocol to this treaty to have in place the required provision.</li> <li>• For the remaining four treaties, without further delay, request the inclusion of the required provision or be willing to accept the alternatives via bilateral negotiations.</li> </ul> <p>With regard to the one treaty among these five treaties that was signed but is not in force as yet, the United Arab Emirates should enter into bilateral negotiations with the concerned treaty partner to make this treaty in line with element D.3.</p>



Treaty partner	Column 2		Column 3		Column 4		Column 5		Column 6		Column 7		Column 8		Column 9		Column 10		Column 11	
	DTC in force?	Article 25(1) of the OECD Model Tax Convention ("MTC")	Article 25(1) of the OECD MTC	Article 9(2) of the OECD MTC	Anti-abuse	Article 25(2) of the OECD MTC	Article 25(2) of the OECD MTC	Article 25(3) of the OECD MTC	Arbitration											
	B.1	B.1	B.3	B.4	C.1	D.3	A.1	B.7	C.6											
Angola	Y	N/A	O	Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Antigua and Barbuda	N	1/15/2017	O	Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Argentina	Y	N/A	O*	Y	N/A	Y	i	Y	N*	Y	N*	Y	N*	Y	N*	Y	N*	Y	N*	N
Armenia	Y	N/A	O	Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Austria	Y	N/A	O	Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Azerbaijan	Y	N/A	O	Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Bangladesh	Y	N/A	O	Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Barbados	Y	N/A	E*	Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Belarus	Y	N/A	O	Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Belgium	Y	N/A	E*	Y	N/A	Y	i	Y	Y	Y	Y*	Y	Y*	Y	Y*	Y	Y*	Y	Y*	N
Belize	Y	N/A	E*	Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Benin	N	3/4/2013	O	Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Bermuda	Y	N/A	O	Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Bosnia and Herzegovina	Y	N/A	O	ii	5 years	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Botswana	Y	N/A	O	Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Brazil	Y	N/A	O	Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Brunei Darussalam	Y	N/A	O	Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Bulgaria	Y	N/A	O*	Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Burkina Faso	N	1/29/2020	E	Y	N/A	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N

Column 1	Column 2		Column 3		Column 4		Column 5		Column 6		Column 7		Column 8		Column 9		Column 10		Arbitration
	Article 25(1) of the OECD Model Tax Convention ("MTC")	B.1	B.1	B.1	Article 9(2) of the OECD MTC	B.4	Article 25(2) of the OECD MTC	C.1	D.3	A.1	B.7	C.6							
Treaty partner	DTC in force?	Inclusion Art. 25(1) first sentence?	Inclusion Art. 25(1) second sentence? (Note 1)	Inclusion Art. 9(2) (Note 2) If no, will your CA provide access to MAP in TP cases?	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Inclusion Art. 25(2) first sentence? (Note 3)	Inclusion Art. 25(2) second sentence? (Note 4)	Inclusion Art. 25(3) first sentence? (Note 5)	Inclusion Art. 25(3) second sentence? (Note 6)										
Burundi	N	2/6/2017	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Cameroon	Y	N/A	E*	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Canada	Y	N/A	O	Y*	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Chad	N	9/4/2018	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Chile	N	12/31/2019	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
China (People's Republic of)	Y	N/A	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Colombia	N	11/12/2017	E	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Comoros Islands	Y	N/A	N	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Costa Rica	Y	N/A	E	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Croatia	Y	N/A	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Cyprus*	Y	N/A	E*	Y	N/A	Y	Y	Y*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Czech Republic	Y	N/A	N	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Democratic Republic of the Congo	N	10/12/2021	E	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Ecuador	N	11/9/2016	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Egypt	Y	N/A	E	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Equatorial Guinea	N	10/19/2016	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Estonia	Y	N/A	E*	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N

Treaty partner	Column 2		Column 3		Column 4		Column 5		Column 6		Column 7		Column 8		Column 9		Column 10		Column 11		
	DTC in force?	Inclusion Art. 25(1) first sentence?	Inclusion Art. 25(1) second sentence? (Note 1)	Inclusion Art. 9(2) (Note 2) If no, will your CA provide access to MAP in TP cases?	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Anti-abuse	Article 25(2) of the OECD MTC	Article 25(2) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Article 25(3) of the OECD MTC	Arbitration
	B.1	B.1	B.1	B.3	B.4	C.1	D.3	A.1	A.1	B.7	C.6										
Ethiopia	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Fiji	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Finland	Y	N/A	Y	N/A	i	Y	Y	i***	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
France	Y	N/A	Y*	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Gabon	N	3/11/2019	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Gambia	N	7/27/2015	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Georgia	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Germany	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Ghana	N	11/18/2019	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Greece	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Guinea	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Hong Kong (China)	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Hungary	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
India	Y	N/A	Y*	N/A	i	Y	Y	i***	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Indonesia	Y	N/A	Y*	N/A	i	Y	Y	Y	Y	Y	Y	Y*	Y	Y	Y	Y	Y	Y	Y	Y	N
Iraq	N	10/3/2017	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Ireland	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Israel	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Italy	Y	N/A	ii*	N/A	i	Y	Y	i**	Y	Y	Y	N*	Y	Y	Y	Y	Y	Y	Y	N*	N
Japan	Y	N/A	Y	N/A	i	Y	Y	Y*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Jersey	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N

Treaty partner	Column 2		Column 3		Column 4		Column 5		Column 6		Column 7		Column 8		Column 9		Column 10		Column 11	
	DTC in force?	Inclusion Art. 25(1) first sentence?	Inclusion Art. 25(1) second sentence? (Note 1)	Inclusion Art. 9(2) (Note 2) If no, will your CA provide access to MAP in TP cases?	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Inclusion Art. 25(2) first sentence?	Inclusion Art. 25(2) second sentence? (Note 4)	Inclusion Art. 25(3) first sentence? (Note 5)	Inclusion Art. 25(3) second sentence? (Note 6)	Article 25(3) of the OECD MTC	Arbitration									
	B.1	B.1	B.1	B.3	B.4	C.1	D.3	A.1	B.7	C.6										
Jordan	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Kazakhstan	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Kenya	Y	N/A	ii*	2 years	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N*	N
Korea	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Kosovo	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Kyrgyzstan	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Latvia	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Lebanon	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Liberia	N	4/30/2019	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Libya	N	4/1/2013	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Liechtenstein	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Lithuania	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Luxembourg	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Malaysia	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Maldives	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Mali	N	3/6/2018	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Malta	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Mauritania	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Mauritius	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Mexico	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Moldova	Y	N/A	Y	N/A	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N

Treaty partner	Column 2		Column 3		Column 4		Column 5		Column 6		Column 7		Column 8		Column 9		Column 10		Column 11	
	DTC in force?	Article 25(1) of the OECD Model Tax Convention ("MTC")	B.1	B.1	B.3	B.4	C.1	D.3	A.1	B.7	C.6	Arbitration								
		Inclusion Art. 25(1) first sentence?	Inclusion Art. 25(1) second sentence? (Note 1)	Inclusion Art. 9(2) of the OECD MTC	Anti-abuse	Article 25(2) of the OECD MTC		Article 25(3) of the OECD MTC		Arbitration										
		If yes, submission to either competent authority? (new Art. 25(1), first sentence)	If no, please state reasons	If no, will your CA provide access to MAP in TP cases?	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Inclusion Art. 25(2) first sentence? (Note 3)	Inclusion Art. 25(2) second sentence? (Note 4)	Inclusion Art. 25(3) first sentence? (Note 5)	Inclusion Art. 25(3) second sentence? (Note 6)	Inclusion arbitration provision?										
Montenegro	Y	O	Y	N/A	i	Y	Y	Y	Y	Y	N									
Morocco	Y	O*	Y	N/A	i	Y	Y	Y	Y	Y	N									
Mozambique	Y	N	Y	N/A	i	Y	Y	Y	Y	Y	N									
Netherlands	Y	E*	Y	N/A	i	Y	Y	Y	Y	Y	Y									
New Zealand	Y	E*	Y	N/A	i	Y	Y	Y	Y*	Y	N									
Niger	Y	O	ii	2 years	i	Y	Y	Y	Y	Y	N									
Nigeria	Y	O*	Y	N/A	i	Y	Y	Y	Y	Y	N									
North Macedonia	Y	O	Y	N/A	i	Y	Y	Y	Y	Y	N									
Pakistan	Y	E*	Y	N/A	i	Y	Y	Y	Y	Y	N									
Palestinian Authority	N	O	Y	N/A	i	Y	Y	Y	Y	Y	N									
Panama	Y	E*	Y	N/A	i	Y	Y*	Y	Y	Y	N									
Paraguay	Y	O	Y	N/A	i	Y	Y	Y	Y	Y	N									
Philippines	Y	O	Y	N/A	i	Y	Y	Y	Y	Y	N									
Poland	Y	O	Y	N/A	i	Y	Y*	Y	Y	Y	N									
Portugal	Y	O	Y	N/A	i	Y	Y	Y	Y	Y*	N									
Romania	Y	E**	Y	N/A	i	Y	Y	Y	Y	Y	N									
Russia	Y	E*	Y	N/A	i	Y	Y	Y	Y	Y*	N									
Rwanda	N	O	Y	N/A	i	Y	Y	Y	Y	Y	N									
San Marino	Y	O	Y	N/A	i	Y	Y	Y	Y	Y	Y									
Saudi Arabia	Y	O	Y	N/A	i	Y	Y	Y	Y	Y	N									



Treaty partner	Column 2		Column 3		Column 4		Column 5		Column 6		Column 7		Column 8		Column 9		Column 10		Column 11	
	DTC in force?	Article 25(1) of the OECD Model Tax Convention ("MTC")	B.1	B.1	B.3	B.4	C.1	D.3	A.1	B.7	C.6	Article 25(2) of the OECD MTC	Article 25(3) of the OECD MTC	Arbitration						
Senegal	Y	N/A	E*	Y	N/A	Y	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Serbia	Y	N/A	O	Y	N/A	Y	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Seychelles	Y	N/A	E*	Y*	N/A	Y	Y	i	i	Y	Y	Y	Y	Y	Y*	Y	Y	Y	Y	N
Sierra Leone	N	12/22/2019	O	Y	N/A	Y	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Singapore	Y	N/A	O	Y	N/A	Y	Y	Y	i	Y	Y	Y*	Y	Y	Y	Y	Y	Y	Y	N
Slovak Republic	Y	N/A	O	Y	N/A	Y	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Slovenia	Y	N/A	O	Y	N/A	Y	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
South Africa	Y	N/A	O	Y	N/A	Y	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
South Sudan	N	4/23/2019	O	Y	N/A	Y	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Spain	Y	N/A	O	Y	N/A	Y	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Sri Lanka	Y	N/A	O	Y	N/A	Y	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
St. Kitts and Nevis	N	11/24/2016	O	Y	N/A	Y	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
St. Vincent and the Grenadines	Y	N/A	O	Y	N/A	Y	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Sudan	Y	N/A	O	Y	N/A	Y	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Suriname	N	11/4/2018	O	Y	N/A	Y	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Switzerland	Y	N/A	O	Y	N/A	Y	Y	Y	i	Y	Y	ii	Y	Y	Y	Y	Y	Y	Y	N
Syrian Arab Republic	Y	N/A	O	Y	N/A	Y	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Tajikistan	Y	N/A	O	Y	N/A	Y	Y	Y	i	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Thailand	Y	N/A	O	Y	N/A	Y	Y	Y	i	Y	Y	Y*	Y	Y	Y	Y	Y	Y	Y	N

Column 1	Column 2		Column 3		Column 4		Column 5		Column 6		Column 7		Column 8		Column 9		Column 10		Column 11	
	Article 25(1) of the OECD Model Tax Convention ("MTC")		Article 9(2) of the OECD MTC		Anti-abuse		Article 25(2) of the OECD MTC		Article 25(3) of the OECD MTC		Arbitration									
Treaty partner	DTC in force?	Inclusion Art. 25(1) first sentence?		Inclusion Art. 25(1) second sentence? (Note 1)		Inclusion Art. 9(2) (Note 2) If no, will your CA provide access to MAP in TP cases?		Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?		Inclusion Art. 25(2) first sentence? (Note 3)		Inclusion Art. 25(2) second sentence? (Note 4)		Inclusion Art. 25(3) first sentence? (Note 5)		Inclusion Art. 25(3) second sentence? (Note 6)		Inclusion arbitration provision?		
		Inclusion Art. 25(1) first sentence?	If yes, submission to either competent authority? (new Art. 25(1), first sentence)	Inclusion Art. 25(1) second sentence? (Note 1)	If no, please state reasons	Inclusion Art. 9(2) (Note 2) If no, will your CA provide access to MAP in TP cases?	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	If no, will your CA accept a taxpayer's request for MAP in relation to such cases?	Inclusion Art. 25(2) first sentence? (Note 3)	Inclusion Art. 25(2) second sentence? (Note 4)	Inclusion Art. 25(3) first sentence? (Note 5)	Inclusion Art. 25(3) second sentence? (Note 6)	Inclusion arbitration provision?							
Tunisia	Y	N/A	O	Y	N/A	i	i	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Türkiye	Y	N/A	O*	i	N/A	Y	i	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Y	N*	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Türkmenistan	Y	N/A	O	Y	N/A	Y	Y	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Uganda	N	6/9/2015	O	Y	N/A	Y	Y	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Ukraine	Y	N/A	E**	Y	N/A	Y	Y	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
United Kingdom	Y	N/A	E*	Y	N/A	Y	Y	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Uruguay	Y	N/A	E*	Y	N/A	Y	Y	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Uzbekistan	Y	N/A	O	Y	N/A	Y	Y	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Venezuela	Y	N/A	O	Y	N/A	Y	Y	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Viet Nam	Y	N/A	O	Y	N/A	Y	Y	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Yemen	Y	N/A	N	i	N/A	Y	i	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Zambia	N	2/7/2020	E	Y	N/A	Y	Y	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Zimbabwe	Y	N/A	O	Y	N/A	Y	Y	Inclusion provision that MAP Article will not be available in cases where your jurisdiction is of the assessment that there is an abuse of the DTC or of the domestic tax law?	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N

Notes: a. Footnote by Türkiye: The information in this document with reference to “Cyprus” relates to the southern part of the Island. There is no single authority representing both Turkish and Greek Cypriot people on the Island. Türkiye recognises the Turkish Republic of Northern Cyprus (TRNC). Until a lasting and equitable solution is found within the context of United Nations, Türkiye shall preserve its position concerning the “Cyprus” issue.

Footnote by all the European Union Member States of the OECD and the European Union: The Republic of Cyprus is recognised by all members of the United Nations with the exception of Türkiye. The information in this document relates to the area under the effective control of the Government of the Republic of Cyprus.

**Legend**

E\* The provision contained in this treaty was already in line with the requirements under this element of the Action 14 Minimum Standard, but has been modified by the Multilateral Instrument to allow the filing of a MAP request in either contracting state.

E**	The provision contained in this treaty was not in line with the requirements under this element of the Action 14 Minimum Standard, but the treaty has been modified by the Multilateral Instrument and is now in line with this standard.
O*	The provision contained in this treaty is already in line with the requirements under this element of the Action 14 Minimum Standard, but will be modified by the Multilateral Instrument upon entry into force for this specific treaty and will then allow the filing of a MAP request in either contracting state.
O**	The provision contained in this treaty is already in line with the requirements under this element of the Action 14 Minimum Standard, but will be superseded by the Multilateral Instrument only to the extent that existing treaty provisions are incompatible with the relevant provision of the Multilateral Instrument and will then allow the filing of a MAP request in either contracting state.
Y*	The provision contained in this treaty was not in line with the requirements under this element of the Action 14 Minimum Standard, but the treaty has been modified by the Multilateral Instrument and is now in line with this element of the Action 14 Minimum Standard.
Y**	The provision contained in this treaty already included an arbitration provision, which has been replaced by part VI of the Multilateral Instrument containing a mandatory and binding arbitration procedure.
Y***	The provision contained in this treaty did not include an arbitration provision, but part VI of the Multilateral Instrument applies, following which a mandatory and binding arbitration procedure is included in this treaty
i*/ii*/iv*/N*	The provision contained in this treaty is not in line with the requirements under this element of the Action 14 Minimum Standard, but the treaty will be modified by the Multilateral Instrument upon entry into force for this specific treaty and will then be in line with this element of the Action 14 Minimum Standard.
i**/iv***/N**	The provision contained in this treaty is not in line with the requirements under this element of the Action 14 Minimum Standard, but the treaty will be superseded by the Multilateral Instrument upon entry into force for this specific treaty only to the extent that existing treaty provisions are incompatible with the relevant provision of the Multilateral Instrument.
i***/E****	The provision contained in this treaty was not in line with the requirements under this element of the Action 14 Minimum Standard, but the treaty has been superseded by the Multilateral Instrument only to the extent that existing treaty provisions are incompatible with the relevant provision of the Multilateral Instrument.

## Annex B

### MAP Statistics Reporting for the 2018, 2019 and 2020 Reporting Periods (1 January 2018 to 31 December 2020) for pre-2018 cases

2018 MAP Statistics													
Category of cases	No. of pre-2018 cases in MAP inventory on 1 January 2018	Number of pre-2018 cases closed during the reporting period by outcome										No. of pre-2017 cases remaining in on MAP inventory on 31 December 2018	Average time taken (in months) for closing pre-2018 cases during the reporting period
		Denied MAP access	Objection is not justified	Withdrawn by taxpayer	Unilateral relief granted	Resolved via domestic remedy	Agreement fully eliminating double taxation/ fully resolving taxation not in accordance with tax treaty	Agreement partially eliminating double taxation/partially resolving taxation not in accordance with tax treaty	Agreement that there is no taxation not in accordance with tax treaty	No agreement, including agreement to disagree	Any other outcome		
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11	Column 12	Column 13	Column 14
Attribution/Allocation	0	0	0	0	0	0	0	0	0	0	0	0	n.a.
Others	1	0	0	0	0	0	0	0	0	1	0	0	24
Total	1	0	0	0	0	0	0	0	0	1	0	0	24

Note: The number of pre-2018 cases for 2018 differs from the United Arab Emirates' published statistics for this year as one case that was missed out during reporting was identified during the peer review.

2019 MAP Statistics													
Category of cases	No. of pre-2018 cases in MAP inventory on 1 January 2019	Number of pre-2018 cases closed during the reporting period by outcome										No. of pre-2017 cases remaining in on MAP inventory on 31 December 2019	Average time taken (in months) for closing pre-2018 cases during the reporting period
		Denied MAP access	Objection is not justified	Withdrawn by taxpayer	Unilateral relief granted	Resolved via domestic remedy	Agreement fully eliminating double taxation/ fully resolving taxation not in accordance with tax treaty	Agreement partially eliminating double taxation/partially resolving taxation not in accordance with tax treaty	Agreement that there is no taxation not in accordance with tax treaty	No agreement, including agreement to disagree	Any other outcome		
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11	Column 12	Column 13	Column 14
Attribution/Allocation	0	0	0	0	0	0	0	0	0	0	0	0	n.a.
Others	0	0	0	0	0	0	0	0	0	0	0	0	n.a.
Total	0	0	0	0	0	0	0	0	0	0	0	0	n.a.

2020 MAP Statistics																
Category of cases	No. of pre-2018 cases in MAP inventory on 1 January 2020	Number of pre-2018 cases closed during the reporting period by outcome										No. of pre-2017 cases remaining in on MAP inventory on 31 December 2020	Average time taken (in months) for closing pre-2018 cases during the reporting period			
		Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10			Column 11	Column 12	Column 13
Attribution/Allocation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	n.a.
Others	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	n.a.
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	n.a.

## Annex C

### MAP Statistics Reporting for the 2018, 2019 and 2020 Reporting Periods (1 January 2018 to 31 December 2020) for post-2017 cases

2018 MAP Statistics															
Category of cases	No. of post-2017 cases in MAP inventory on 1 January 2018	No. of post-2017 cases started during the reporting period	Number of closed post-2017 cases during the reporting period by outcome							No. of post-2017 cases remaining in on MAP inventory on 31 December 2018	Average time taken (in months) for closing post-2017 cases during the reporting period				
			Denied MAP access	Objection is not justified	Withdrawn by taxpayer	Unilateral relief granted	Resolved via domestic remedy	Agreement fully eliminating double taxation/ fully resolving taxation not in accordance with tax treaty	Agreement partially eliminating double taxation/partially resolving taxation not in accordance with tax treaty			Agreement that there is no taxation not in accordance with tax treaty	No agreement, including agreement to disagree	Any other outcome	
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11	Column 12	Column 13	Column 14	Column 15	
Attribution/Allocation	0	2	0	0	0	0	0	0	0	0	0	0	0	2	n.a.
Others	0	0	0	0	0	0	0	0	0	0	0	0	0	0	n.a.
Total	0	2	0	0	0	0	0	0	0	0	0	0	0	2	n.a.

Note: The number of post-2017 cases for 2017 and onwards differs from the United Arab Emirates' published statistics for these years as three cases that were missed out during reporting were identified during the peer review.

2019 MAP Statistics															
Category of cases	No. of post-2017 cases in MAP inventory on 1 January 2019	No. of post-2017 cases started during the reporting period	Number of closed post-2017 cases during the reporting period by outcome							No. of post-2017 cases remaining in on MAP inventory on 31 December 2019	Average time taken (in months) for closing post-2017 cases during the reporting period				
			Denied MAP access	Objection is not justified	Withdrawn by taxpayer	Unilateral relief granted	Resolved via domestic remedy	Agreement fully eliminating double taxation/ fully resolving taxation not in accordance with tax treaty	Agreement partially eliminating double taxation/partially resolving taxation not in accordance with tax treaty			Agreement that there is no taxation not in accordance with tax treaty	No agreement, including agreement to disagree	Any other outcome	
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11	Column 12	Column 13	Column 14	Column 15	
Attribution/Allocation	2	0	0	0	0	1	0	0	0	0	0	0	0	1	20.68
Others	0	0	0	0	0	0	0	0	0	0	0	0	0	0	n.a.
Total	2	0	0	0	0	1	0	0	0	0	0	0	0	1	20.68

2020 MAP Statistics															
Category of cases	No. of post-2017 cases in MAP inventory on 1 January 2020	No. of post-2017 cases started during the reporting period	Number of post-2017 cases closed during the reporting period by outcome								No. of post-2017 cases remaining in on MAP inventory on 31 December 2020	Average time taken (in months) for closing post-2017 cases during the reporting period			
			Denied MAP access	Objection is not justified	Withdrawn by taxpayer	Unilateral relief granted	Resolved via domestic remedy	Agreement fully eliminating double taxation/ fully resolving taxation not in accordance with tax treaty	Agreement partially eliminating double taxation/partially resolving taxation not in accordance with tax treaty	Agreement that there is no taxation not in accordance with tax treaty			No agreement, including agreement to disagree	Any other outcome	
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11	Column 12	Column 13	Column 14	Column 15	
Attribution/ Allocation	1	1	0	0	1	0	0	0	0	0	0	0	0	1	0.62
Others	0	0	0	0	0	0	0	0	0	0	0	0	0	0	n.a.
Total	1	1	0	0	1	0	0	0	0	0	0	0	0	1	0.62





## *Glossary*

<b>Action 14 Minimum Standard</b>	The minimum standard as agreed upon in the final report on Action 14: Making Dispute Resolution Mechanisms More Effective
<b>MAP Statistics Reporting Framework</b>	Rules for reporting of MAP statistics as agreed by the FTA MAP Forum
<b>Multilateral Instrument</b>	Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting
<b>OECD Model Tax Convention</b>	OECD Model Tax Convention on Income and on Capital as it read on 21 November 2017
<b>OECD Transfer Pricing Guidelines</b>	OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations
<b>Pre-2018 cases</b>	MAP cases in a competent authority’s inventory that are pending resolution on 31 December 2017
<b>Post-2017 cases</b>	MAP cases that are received by a competent authority from the taxpayer on or after 1 January 2018
<b>Statistics Reporting Period</b>	Period for reporting MAP statistics that started on 1 January 2018 and ended on 31 December 2020
<b>Terms of Reference</b>	Terms of reference to monitor and review the implementing of the BEPS Action 14 Minimum Standard to make dispute resolution mechanisms more effective



## **OECD/G20 Base Erosion and Profit Shifting Project**

# **Making Dispute Resolution More Effective – MAP Peer Review Report, The United Arab Emirates (Stage 2)**

### **INCLUSIVE FRAMEWORK ON BEPS: ACTION 14**

Under BEPS Action 14, members of the OECD/G20 Inclusive Framework on BEPS have committed to implement a minimum standard to strengthen the effectiveness and efficiency of the mutual agreement procedure (MAP). The MAP is included in Article 25 of the OECD Model Tax Convention and commits countries to endeavour to resolve disputes related to the interpretation and application of tax treaties. The BEPS Action 14 Minimum Standard has been translated into specific terms of reference and a methodology for the peer review and monitoring process. The peer review process is conducted in two stages. Stage 1 assesses countries against the terms of reference of the minimum standard according to an agreed schedule of review. Stage 2 focuses on monitoring the follow-up of any recommendations resulting from jurisdictions' Stage 1 peer review report. This report reflects the outcome of the Stage 2 peer monitoring of the implementation of the BEPS Action 14 Minimum Standard by the United Arab Emirates.



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