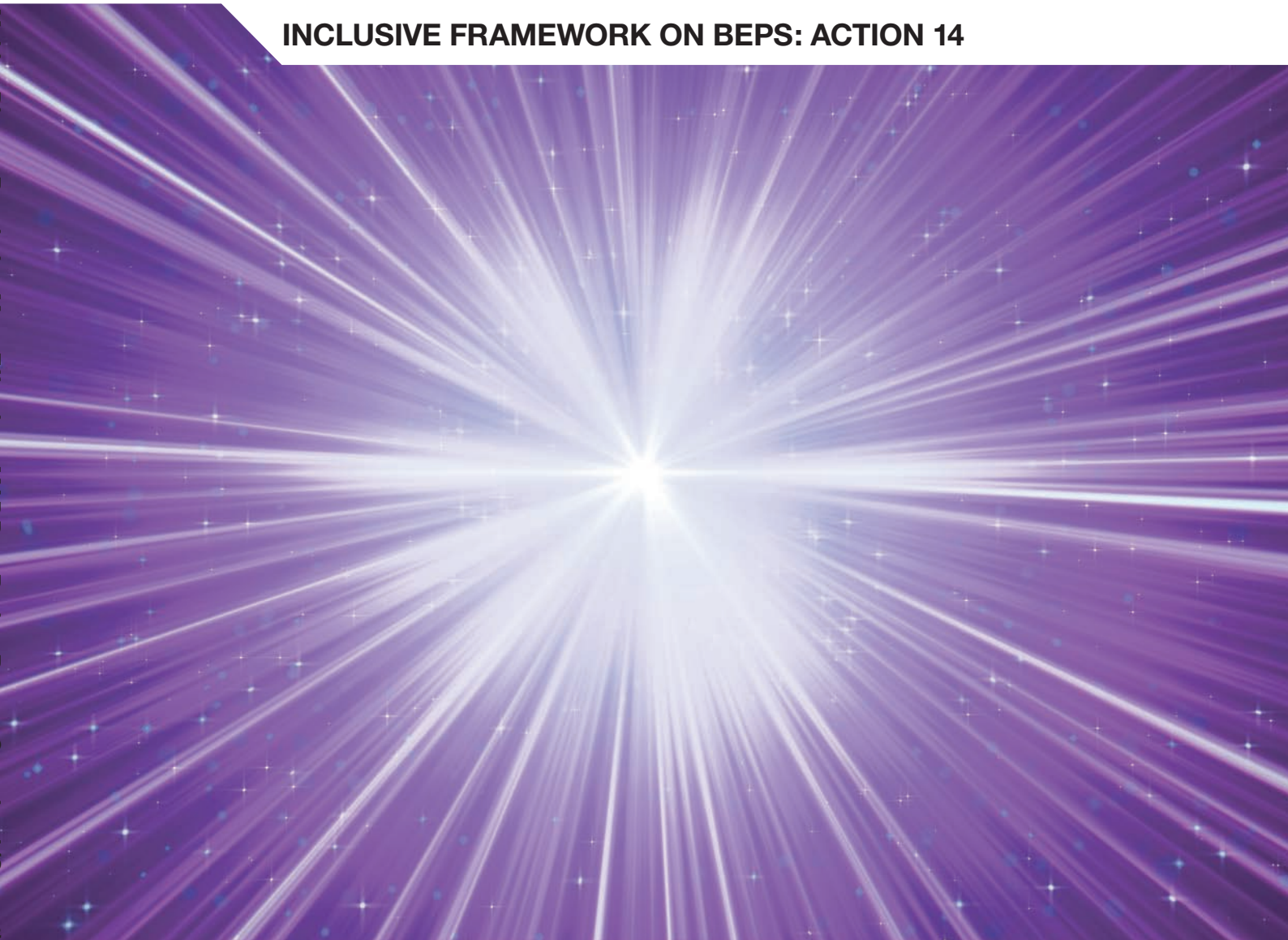


**OECD/G20 Base Erosion and Profit Shifting
Project**



Making Dispute Resolution More Effective – MAP Peer Review Report, Greenland (Stage 1)

INCLUSIVE FRAMEWORK ON BEPS: ACTION 14



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Foreword

The integration of national economies and markets has increased substantially in recent years, putting a strain on the international tax rules, which were designed more than a century ago. Weaknesses in the current rules create 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.

Following the release of the report *Addressing Base Erosion and Profit Shifting* in February 2013, OECD and G20 countries adopted a 15-point Action Plan to address BEPS in September 2013. The Action Plan identified 15 actions along three key pillars: 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 were delivered to G20 Leaders in Antalya in November 2015. All the different outputs, including those delivered in an interim form in 2014, were consolidated into a comprehensive package. The BEPS package of measures represents the first substantial renovation of the international tax rules in almost a century. Once the new measures become applicable, 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 BEPS planning strategies that rely on outdated rules or on poorly co-ordinated domestic measures will be rendered ineffective.

Implementation is now the focus of this work. The BEPS package is designed to be implemented via changes in domestic law and practices, and in tax treaties. With the negotiation of a multilateral instrument (MLI) having been finalised in 2016 to facilitate the implementation of the treaty related BEPS measures, over 90 jurisdictions are covered by the MLI. The entry into force of the MLI on 1 July 2018 paves the way for swift implementation of the treaty related measures. 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. Globalisation requires that global solutions and a global dialogue be established which go beyond OECD and G20 countries.

A better understanding of how the BEPS recommendations are implemented in practice could reduce misunderstandings and disputes between governments. Greater focus on implementation and tax administration should therefore be mutually beneficial to governments and business. Proposed improvements to data and analysis will help support ongoing evaluation of the quantitative impact of BEPS, as well as evaluating the impact of the countermeasures developed under the BEPS Project.

As a result, the OECD established 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 all its subsidiary bodies. The

Inclusive Framework, which already has more than 135 members, is monitoring and peer reviewing the implementation of the minimum standards as well as completing the work on standard setting to address BEPS issues. In addition to BEPS 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.

This report was approved by the Inclusive Framework on 28 October 2020 and prepared for publication by the OECD Secretariat.

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Abbreviations and acronyms

APA	Advance Pricing Arrangement
FTA	Forum on Tax Administration
MAP	Mutual Agreement Procedure
OECD	Organisation for Economic Co-operation and Development

Executive summary

Greenland has a small tax treaty network with over ten tax treaties. Greenland has limited experience with resolving MAP cases. It has a small MAP inventory, with a small number of new cases submitted each year and two cases pending on 31 December 2019, all of which are other cases. Overall Greenland meets the majority of the elements of the Action 14 Minimum Standard. Where it has deficiencies, Greenland is working to address most of them.

All of Greenland's 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. Its treaty network is largely consistent with the requirements of the Action 14 Minimum Standard, except mainly for the fact that one out of Greenland's ten tax treaties neither contains 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.

In order to be fully compliant with all four key areas of an effective dispute resolution mechanism under the Action 14 Minimum Standard, Greenland needs to amend and update one tax treaty. Greenland reported that it intends to update this treaty via bilateral negotiations to be compliant with the requirements under the Action 14 Minimum Standard. In that regard, it reported that it has already started negotiations with the relevant treaty partner.

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

Greenland meets some 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 2019 not received any MAP request concerning transfer pricing cases, cases where anti-abuse provisions are applied or cases where there has been an audit settlement. Furthermore, Greenland does not have in place a documented bilateral consultation or notification process for those situations in which its competent authority considers the objection raised by taxpayers in a MAP request as not justified. In addition, Greenland has not yet issued MAP guidance but it submitted its MAP profile.

Concerning the average time needed to close MAP cases, the MAP statistics for Greenland in 2019 are as follows:

2019	Opening Inventory 1/1/2019	Cases started	Cases closed	End inventory 31/12/2019	Average time to close cases (in months)
Attribution/allocation cases	0	0	0	0	n.a.
Other cases	0	2	0	2	n.a.
Total	0	2	0	2	n.a.

Greenland did not close any MAP cases in 2019. Its MAP inventory as on 31 December 2019 increased as compared to its inventory as on 1 January 2019.

Furthermore, Greenland meets almost all the other requirements under the Action 14 Minimum Standard in relation to the resolution of MAP cases. Its organisation is adequate and the performance indicators used are appropriate to perform the MAP function. However, Greenland should ensure that its competent authority operates fully independently from the audit function of the tax authorities to resolve MAP cases in an effective and efficient manner.

Lastly, as there was no MAP agreement reached that required implementation in Greenland in 2019, it was not yet possible to assess whether Greenland meets the Action 14 Minimum Standard as regards the implementation of MAP agreements. Greenland does not monitor the implementation of MAP agreements. In addition, Greenland has a domestic statute of limitation for implementation of MAP agreements, for which there is a risk that such agreements cannot be implemented where the applicable tax treaty does not contain the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention. Nevertheless, no problems have surfaced throughout the peer review process, which can be clarified by the fact that there was no MAP agreement reached by Greenland.

Introduction

Available mechanisms in Greenland to resolve tax treaty-related disputes

Greenland has entered into ten tax treaties on income (and/or capital), nine of which are in force.¹ These ten treaties are being applied to an equal number of jurisdictions. All of these treaties provide for a mutual agreement procedure for resolving disputes on the interpretation and application of the provisions of the tax treaty. In addition, six of the ten treaties are limited in scope.

In Greenland, the competent authority function to conduct mutual agreement procedure (“**MAP**”) is delegated to Greenland’s Tax Agency. The competent authority of Greenland handles MAP cases by using the office of international relations that is a small catch-all section for tasks and cases of international relevance with assistance of personnel in the audit and assessment department who have knowledge and experience.

Greenland intends to issue and publish guidance on the governance and administration of MAP.

Recent developments in Greenland

Greenland signed a treaty with the Cayman Islands, which has not yet entered into force.

Greenland reported it will strive to update its tax treaties via bilateral negotiations in order to comply with the Action 14 Minimum Standard. In that regard, it reported for the treaty that needs to be modified it has already started negotiation with the relevant treaty partner.

Basis for the peer review process

The peer review process entails an evaluation of Greenland’s 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 (if any) and the practical application of that framework. The review process performed is desk-based and conducted through specific questionnaires completed by Greenland, its peers and taxpayers. The questionnaires for the peer review process were sent to Greenland and the peers on 20 December 2019.

The period for evaluating Greenland’s implementation of the Action 14 Minimum Standard ranges from 1 January 2019 to 31 December 2019 (“**Review Period**”). In general, developments following the Review Period, including the subsequent introduction of MAP

Guidance, have not been taken into account for the analysis in this report. However, the report may depict some recent developments that have occurred after the Review Period, which at this stage will not impact the assessment of Greenland’s implementation of this minimum standard. In the update of this report, being stage 2 of the peer review process, these recent developments will be taken into account in the assessment and, if necessary, the conclusions contained in this report will be amended accordingly.

For the purpose of this report and the statistics below, in assessing whether Greenland 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 concerned a modification or a replacement of an existing treaty. Reference is made to Annex A for the overview of Greenland’s tax treaties regarding the mutual agreement procedure.

One peer, Denmark, provided input. It had two MAP cases with Greenland that started on or after 1 January 2019. The peer indicated that it has very good working relations with Greenland’s competent authority.

Greenland provided extensive answers in its questionnaire. Greenland was responsive in the course of the drafting of the peer review report by responding to requests for additional information, and provided further clarity where necessary. In addition, Greenland provided the following information:

- MAP profile²
- MAP statistics³ according to the MAP Statistics Reporting Framework (see below).

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

Overview of MAP caseload in Greenland

The analysis of Greenland’s MAP caseload relates to the period starting on 1 January 2019 and ending on 31 December 2019 (“**Statistics Reporting Period**”). According to the statistics provided by Greenland, its MAP caseload during this period was as follows:

2019	Opening Inventory 1/1/2019	Cases started	Cases closed	End inventory 31/12/2019
Attribution/allocation cases	0	0	0	0
Other cases	0	2	0	2
Total	0	2	0	2

General outline of the peer review report

This report includes an evaluation of Greenland’s 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 implementing of the BEPS Action 14 Minimum Standard to make dispute resolution mechanisms more effective (“**Terms of Reference**”).⁴ Apart from analysing Greenland’s legal framework and its administrative practice, the report also incorporates peer input. Furthermore, the report depicts the changes adopted and plans shared by Greenland 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 objective of the Action 14 Minimum Standard is to make dispute resolution mechanisms more effective and concerns a continuous effort. Therefore, this peer review report includes recommendations that Greenland continues to act in accordance with a given element of the Action 14 Minimum Standard, even if there is no area for improvement for this specific element.

Notes

1. The tax treaties Greenland has entered into are available at: <https://int.aka.gl/en/International-Agreements/DTC>. The treaty that is signed but has not yet entered into force is with the Cayman Islands. 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 Greenland’s tax treaties. Furthermore, the ten tax treaties Greenland has entered into include treaties with Bermuda, British Virgin Islands, Cayman Islands, Guernsey, Isle of Man, Jersey. With these six jurisdictions, Greenland has entered into separate treaties that have a limited scope of application, one of which relates to transfer pricing and one to certain categories of income of individuals. In this situation, the number of such treaties is regarded as one for the purpose of this peer review report.
2. Available at <https://www.oecd.org/tax/dispute/Greenland-Dispute-Resolution-Profile.pdf>.
3. The MAP statistics of Greenland are included in Annex B and C of this report.
4. 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.

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 Greenland's tax treaties

2. All of Greenland's ten tax treaties contain a provision equivalent to Article 25(3), first sentence, of the OECD Model Tax Convention 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.¹

Anticipated modifications

Bilateral modifications

3. Greenland reported it will seek to include Article 25(3), first sentence, of the OECD Model Tax Convention in all of its future tax treaties.

Peer input

4. No specific peer input was provided in relation to element A.1.

Conclusion

	Areas for Improvement	Recommendations
[A.1]	-	Greenland should maintain its stated intention to include the required provision in all future tax treaties.

[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.

5. 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.² 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.

Greenland’s APA programme

6. Greenland does not have an APA programme, by which there is no possibility for providing roll-back of bilateral APAs to previous years.

7. No specific peer input was provided in relation to element A.2.

Anticipated modifications

8. Greenland indicated that it does not anticipate any modifications in relation to element A.2.

Conclusion

	Areas for Improvement	Recommendations
[A.2]	-	-

Notes

1. These ten treaties include the treaty signed with the Cayman Islands that is not yet in force.
2. 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).

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>.

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.

9. 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 Greenland's tax treaties

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

10. None of Greenland's ten 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 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, none of Greenland's tax treaties contain a provision equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention (OECD, 2017), as changed by the Action 14 final report and allowing taxpayers to submit a MAP request to the competent authority of either state.

11. The ten treaties are considered not to have the full equivalent of Article 25(1), first sentence, of the OECD Model Tax Convention as it read prior to the adoption of the Action 14 final report, 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 all of those ten 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 (six 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 (four treaties).

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

12. Out of Greenland's ten tax treaties, nine contain a provision equivalent to Article 25(1), second sentence, of the OECD Model Tax Convention 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. The remaining tax treaty does not contain a filing period for MAP requests.

13. Greenland reported that there are no specific rules regarding the filing period of MAP requests in the legislation when there is no filing period in the tax treaty, and therefore it would be regulated by the provisions for reassessment under Section 47 and 48 in the Act on Tax Administration that stipulates that a filing period is five years after the end of the relevant fiscal year.

Practical application

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

14. Greenland's MAP profile states that the taxpayers are allowed to request for MAP assistance in cases where the issue under dispute has already been decided via the judicial and administrative remedies provided by the domestic law. Greenland however reported that the competent authority cannot deviate if a case has already been decided by the National Tax Council which is independent from Greenland's Tax Agency or the courts. It also reported that an enquiry requesting a reopening by a taxpayer or the tax authority can be made to the Tax Council (Section 73 in the Act on Administration of Taxes) or the courts (Section 528 or 532 in the Greenlandic Act on Administration of Justice) before a MAP agreement has been reached. Greenland further reported that if the Tax council reopens the case and does not agree with the expected outcome of the MAP, it would be up to the competent authority to re-evaluate the case.

15. Given the above practice it is considered that the competent authority would need to close the MAP case with the outcome of "no agreement", if the Tax Council reopens the case but does not agree with the position of Greenland's competent authority. Such practice does not allow taxpayers to make a MAP request irrespective of the domestic remedies, and therefore it is considered not in line with this part of element B.1.

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

16. Greenland reported that in the absence of filing period in the treaty the domestic filing period of five years would apply.

Anticipated modifications

Bilateral modifications

17. For the treaty that does not contain a filing period for MAP requests, Greenland reported that it has already started negotiations with the relevant treaty partner to make the treaty compliant with the Action 14 Minimum Standard. In addition, Greenland reported that it will seek to include Article 25(1) of the OECD Model Tax Convention, as amended in the Action 14 final report, in all of its future tax treaties.

18. Greenland indicated that it intends to ensure that taxpayers that meet the requirements of Article 25(1) of the OECD Model Tax Convention can access the MAP and that they will seek to resolve all MAP cases that were accepted into the MAP process.

Peer input

19. For the treaty identified that does not contain the equivalent of Article 25(1), second sentence, of the OECD Model Tax Convention, the relevant peer reported that it is expected to adopt a protocol in which it is intended to include the changes needed to meet the Minimum Standard.

Conclusion

	Areas for Improvement	Recommendations
	There is a risk that access to MAP is denied in eligible cases where the issue under dispute has already been decided via the administrative or judicial remedies provided by Greenland's domestic law.	Greenland should follow its stated intention to ensure that taxpayers that meet the requirements of Article 25(1) of the OECD Model Tax Convention can access the MAP.
[B.1]	For the tax treaty that does not include a time limit for submission of a MAP request, applicable rules under domestic legislation may lead to a filing period of less than three years as from the first notification of the action resulting in taxation not in accordance with the provisions of a tax treaty.	Greenland should ensure that where its domestic time limits apply for filing of MAP requests, in the absence of a provision hereon in its tax treaties, such time limits do not prevent taxpayers from having access to MAP if a request thereto is made within a period of three years as from the first notification of the action resulting in taxation not in accordance with the provisions of a tax treaty.
		Greenland should maintain its stated intention to include Article 25(1) of the OECD Model Tax Convention as amended in the Action 14 final report in all future tax treaties.

[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).

20. 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

21. As discussed under element B.1, out of Greenland's ten treaties, none currently contain a provision equivalent to Article 25(1), first sentence, of the OECD Model Tax Convention as changed by the Action 14 final report, allowing taxpayers to submit a MAP request to the competent authority of either treaty partner.

22. Greenland reported that it has not introduced a bilateral consultation or notification process that allows the other competent authority concerned to provide its views on the case when Greenland's competent authority considers the objection raised in the MAP request not to be justified.

Practical application

23. Greenland reported that since 1 January 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.

24. The peer that provided input indicated not being aware of any cases for which Greenland's competent authority denied access to MAP. This can be explained by the fact that no such cases occurred since 1 January 2019.

Anticipated modifications

25. Greenland indicated that it will introduce a bilateral consultation or notification process for those situations where its competent authority considers an objection raised in a MAP request as being not justified.

Conclusion

	Areas for Improvement	Recommendations
[B.2]	All of the ten treaties do not contain a provision equivalent to Article 25(1) of the OECD Model Tax Convention as changed by the Action 14 final report, allowing taxpayers to submit a MAP request to the competent authority of either treaty partners. For these treaties no documented bilateral consultation or notification process is in place, which allows the other competent authority concerned to provide its views on the case when the taxpayer's objection raised in the MAP request is considered not to be justified.	Greenland should without further delay follow its stated intention to introduce a documented notification process and provide in that document rules of procedure on how that process should be applied in practice, including the steps to be followed and timing of these steps. Furthermore, Greenland should apply its notification process for future cases in which its competent authority considered the objection raised in a MAP request not to be justified and when the tax treaty concerned does not contain Article 25(1) of the OECD Model Tax Convention as amended by the Action 14 final report.

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

Jurisdictions should provide access to MAP in transfer pricing cases.

26. 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

27. Out of Greenland's ten tax treaties, three contain a provision equivalent to Article 9(2) of the OECD Model Tax Convention requiring their state to make a correlative adjustment in case a transfer pricing adjustment is imposed by the treaty partner. Furthermore, seven do not contain such equivalent.

28. Access to MAP should be provided in transfer pricing cases regardless of whether the equivalent of Article 9(2) is contained in Greenland's 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, Greenland 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 is contained in its tax treaties.

Application of legal and administrative framework in practice

29. Greenland reported that since 1 January 2019, it has not received MAP requests concerning a transfer pricing case and therefore has not denied access to MAP in transfer pricing cases.

30. The peer that provided input indicated not being aware of a denial of access to MAP by Greenland since 1 January 2019 on the basis that the case concerned was a transfer pricing case.

Anticipated modifications

31. Greenland reported that it is in favour of including Article 9(2) of the OECD Model Tax Convention in its tax treaties where possible and that it will seek to include Article 9(2) of the OECD Model Tax Convention in all of its future tax treaties.

Conclusion

	Areas for Improvement	Recommendations
[B.3]	Greenland reported that it will provide access to MAP in transfer pricing cases. Its competent authority, however did not receive any MAP request for such cases during the Review Period. Greenland is therefore recommended to follow its policy and grant access to MAP in such cases.	

[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.

32. 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

33. None of Greenland's ten 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 Greenland 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.

Practical application

34. Greenland reported that since 1 January 2019 it has not received any MAP requests for cases concerning the application of anti-abuse provisions and therefore has not denied access to MAP in any 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.

35. The peer that provided input indicated not being aware of cases that have been denied access to MAP in Greenland since 1 January 2019 in relation to the application of treaty and/or domestic anti-abuse provisions.

Anticipated modifications

36. Greenland indicated that it does not anticipate any modifications in relation to element B.4.

Conclusion

	Areas for Improvement	Recommendations
[B.4]	Greenland reported it will give access to MAP in cases concerning whether the conditions for the application of a treaty anti-abuse provision have been met or whether the application of a domestic law anti-abuse provision is in conflict with the provisions of a treaty. Its competent authority, however, did not receive any MAP requests of this kind from taxpayers during the Review Period. Greenland is therefore recommended to follow its policy and grant access to MAP in such cases.	

[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.

37. 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***

38. Under Greenland’s domestic law it is not possible that taxpayers and the tax administration enter into an audit settlement.

Administrative or statutory dispute settlement/resolution process

39. Greenland reported 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.

Practical application

40. Greenland reported that since 1 January 2019 it has not received any MAP requests for cases where the issue presented by the taxpayer had already been resolved through an audit settlement between the taxpayer and the tax administration since audit settlements are not available in Greenland.

41. The peer that provided input indicated not being aware of a denial of access to MAP in Greenland since 1 January 2019 in cases where there was an audit settlement between the taxpayer and the tax administration, which can be explained by the fact that such settlements are not possible in Greenland.

Anticipated modifications

42. Greenland 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.

43. 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

44. The information and documentation Greenland requires taxpayers to include in a request for MAP assistance are discussed under element B.8.

45. Greenland reported that a taxpayer is in general given a four-week period from the day when Greenland's Tax Authority request more information, and the deadline may be extended upon request. It further reported that if no additional information is provided, Greenland's Tax Authority will assess the case on the basis of the available and existing information and make a decision. The taxpayer is informed about the decision and can file a complaint to the Tax Council within three months.

Practical application

46. Greenland reported that it provides access to MAP in all cases where taxpayers have complied with the information or documentation requirements. It further reported that since 1 January 2019 it has not denied access to MAP for cases where the taxpayer had not provided the required information or documentation.

47. The peer that provided input indicated not being aware of a limitation of access to MAP by Greenland since 1 January 2019 in situations where taxpayers complied with information and documentation requirements.

Anticipated modifications

48. Greenland indicated that it intends to include procedures and timelines for requesting additional information from taxpayers in the MAP guidance.

Conclusion

	Areas for Improvement	Recommendations
[B.6]	-	As Greenland has thus far not limited access to MAP in eligible cases when taxpayers have complied with Greenland's information and documentation requirements for MAP requests, it should continue this practice.

[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.

49. 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 Greenland's tax treaties

50. Out of Greenland's ten tax treaties, four contain a provision equivalent to Article 25(3), second sentence, of the OECD Model Tax Convention allowing their competent authorities to consult together for the elimination of double taxation in cases not provided for in their tax treaties. The remaining six tax treaties do not contain a provision that is based on or the equivalent of Article 25(3), second sentence, of the OECD Model Tax Convention.

51. For those remaining six treaties this can be clarified by the fact that they have limited scope of application. This concerns tax treaties that only apply to a certain category of income or a certain category of taxpayers, whereby the structure and articles of the OECD Model Tax Convention are not followed. As these treaties were intentionally negotiated with a limited scope, the inclusion of Article 25(3), second sentence, of the OECD Model Tax Convention would contradict the object and purpose of those treaties and such inclusion would also be inappropriate, as it would allow competent authorities the possibility to consult in cases that have intentionally been excluded from the scope of a tax treaty. For this reason, therefore, there is a justification not to contain Article 25(3), second sentence, of the OECD Model Tax Convention for those six treaties with a limited scope of application.

Anticipated modifications

Bilateral modifications

52. Greenland reported that it will seek to include Article 25(3), second sentence, of the OECD Model Tax Convention in all of its future tax treaties, unless the treaties concerned are limited in scope, such that there is justification for them not to contain Article 25(3), second sentence, of the OECD Model Tax Convention.

Peer input

53. The peer provided no specific input in relation to element B.7.

Conclusion

	Areas for Improvement	Recommendations
[B.7]	-	Greenland should maintain its stated intention to include the required provision in all its future comprehensive tax treaties.

[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.

54. 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.

Greenland's MAP guidance

55. Since Greenland has not yet published MAP guidance, the information that the FTA MAP Forum agreed should be included in such guidance is not available. This 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 taxpayers should submit its MAP request.¹

Information and documentation to be included in a MAP request

56. 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 a request for MAP assistance.² This concerns:

- 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.

57. Due to the fact that Greenland has not issued MAP guidance, there is also no guidance on any of the above in Greenland.

Anticipated modifications

58. Greenland indicated that it intends to issue and publish its MAP guidance, and that such guidance would *inter alia* address the following items:

- contact information of the competent authority
- the manner and form in which the taxpayer should submit its MAP request
- the specific information and documentation that should be included in a MAP request
- how the MAP functions in terms of timing and the role of the competent authorities
- information on availability of arbitration
- relationship with domestic available remedies
- access to MAP in transfer pricing cases, audit settlements, anti-abuse provisions, multilateral disputes, bona fide foreign-initiated self-adjustments and for multi-year resolution of cases
- implementation of MAP agreements
- rights and role of taxpayers in the process
- suspension of tax collection
- interest charges, refunds and penalties.

Conclusion

	Areas for Improvement	Recommendations
[B.8]	There is no published MAP guidance.	Greenland should, without further delay, introduce and publish guidance on access to and use of the MAP, and in particular include the contact information of its competent authority as well as the manner and form in which the taxpayer should submit its MAP request, including the documentation and information that should be included in such a request. Additionally, although not required by the Action 14 Minimum Standard, in order to further improve the level of details of its MAP guidance Greenland could consider to follow its stated intention to include the items identified above. Furthermore, as discussed under element B.6, Greenland's MAP guidance could also provide further details regarding in what timeframe taxpayers are expected to comply with requests for additional information and documentation for a consideration of their MAP request.

[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.

59. 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.³

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

60. As discussed under element B.8, Greenland has not yet published MAP guidance.

MAP profile

61. The MAP profile of Greenland is published on the website of the OECD. This MAP profile is complete and with some detailed information.

Anticipated modifications

62. Greenland indicated that it intends to introduce and publish its MAP guidance on the website of Greenland's Tax Agency.

Conclusion

	Areas for Improvement	Recommendations
[B.9]	The MAP guidance is not publicly available.	Greenland should make its MAP guidance publicly available and easily accessible once it has been introduced. Furthermore, the MAP profile should be updated once Greenland's MAP guidance has been introduced.

[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.

63. 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

64. As previously discussed under B.5, it is not possible that taxpayers and the tax administration enter into audit settlements in Greenland.

65. A peer raised no issues with respect to the availability of audit settlements.

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

66. As previously mentioned under element B.5, Greenland 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 Greenland’s forthcoming MAP guidance.

67. The peer that provided input indicated not being aware of the existence of an administrative or statutory dispute settlement/resolution process in Greenland, which can be clarified by the fact that such process is not in place in Greenland.

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

68. As Greenland 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.

Anticipated modifications

69. Greenland indicated that it does not anticipate any modifications in relation to element B.10.

Conclusion

	Areas for Improvement	Recommendations
[B.10]	-	-

Notes

1. Available at: 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.
3. The shared public platform can be found at: www.oecd.org/ctp/dispute/country-map-profiles.htm.

References

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

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.

70. 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 Greenland's tax treaties

71. All of Greenland's ten tax treaties contain a provision equivalent to Article 25(2), first sentence, of the OECD Model Tax Convention 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.

Anticipated modifications

Bilateral modifications

72. Greenland reported it will seek to include Article 25(2), first sentence, of the OECD Model Tax Convention in all of its future tax treaties.

Peer input

73. The peer provided no specific input in relation to element C.1.

Conclusion

	Areas for Improvement	Recommendations
[C.1]	-	Greenland should maintain its stated intention to include the required provision in all future tax treaties.

[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).

74. 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

75. 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 (“**post-2015 cases**”). Also, for MAP requests submitted prior to that date (“**pre-2016 cases**”), the FTA MAP Forum agreed to report MAP statistics on the basis of an agreed template. Greenland joined in the Inclusive Framework in 2019. For this reason the statistics referred to are pre-2019 cases for cases that were pending on 31 December 2018, and post-2018 cases for cases that started on or after 1 January 2019. Greenland provided its MAP statistics for 2019 pursuant to the MAP Statistics Reporting Framework within the given deadline. The statistics discussed below include both pre-2019 and post-2018 cases and they are attached to this report as Annex B and Annex C respectively,¹ and should be considered jointly for an understanding of the MAP caseload of Greenland. With respect to post-2018 cases, Greenland reported having reached out to its MAP partner with a view to have their MAP statistics matching and that it could match its post-2018 MAP statistics with its MAP partner. In that regard, based on the information provided by Greenland’s MAP partner, its post-2018 MAP statistics actually match those of its treaty partner as reported by the latter.

Monitoring of MAP statistics

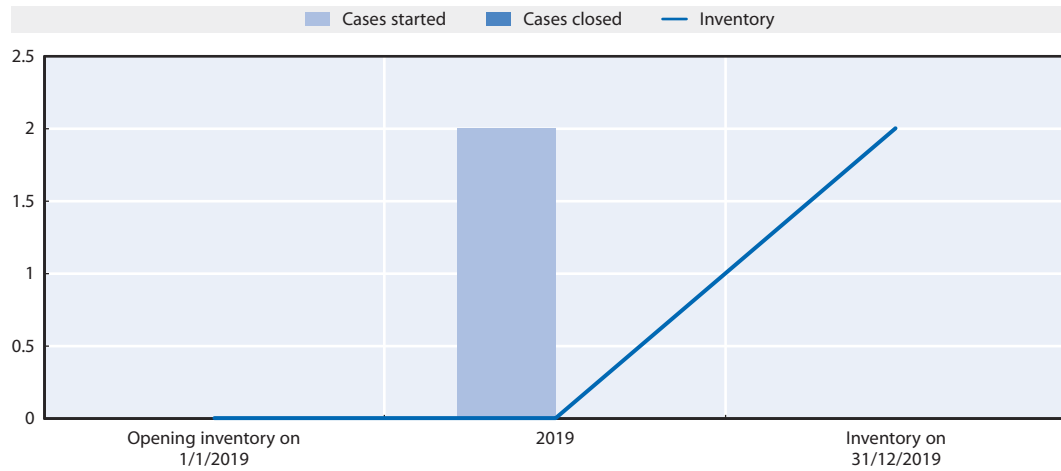
76. Greenland does not have a system in place with its treaty partners that communicates, monitors and manages the MAP caseload. In that regard, Greenland reported that it does not monitor MAP statistics, but MAP cases are part of the national case treatment.

Analysis of Greenland’s MAP caseload

Global overview

77. Figure C.1 shows Greenland’ MAP caseload over the Statistics Reporting Period.

Figure C.1. Evolution of Greenland’s MAP caseload



78. As of 1 January 2019 Greenland had no MAP cases. At the end of the Statistics Reporting Period, Greenland had two MAP cases in its inventory, which are “other” MAP cases.

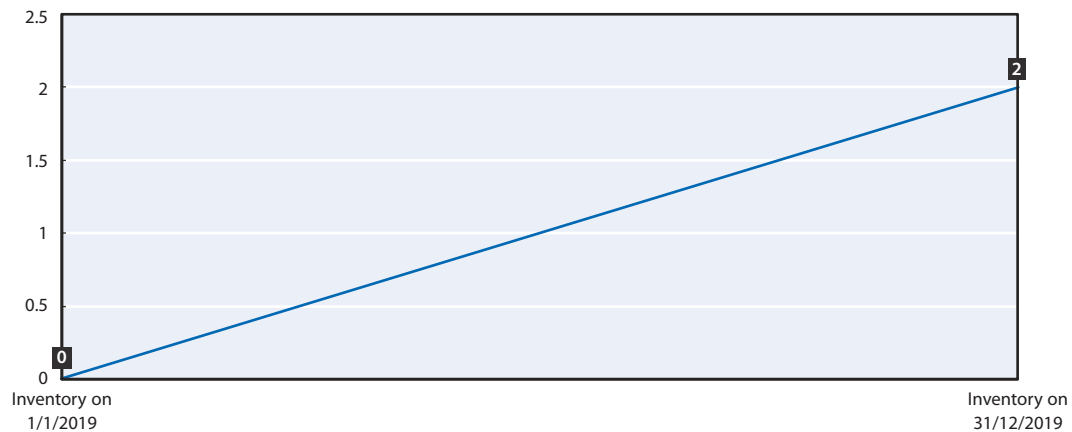
Pre-2019 cases

79. Greenland did not have any pre-2019 MAP cases during the Statistics Reporting Period.

Post-2018 cases

80. Figure C.2 shows the evolution of Greenland’s post-2018 MAP cases over the Statistics Reporting Period.

Figure C.2. Evolution of Greenland’s MAP inventory
Post-2018 cases



81. Two cases started during the Statistics Reporting Period, both of which concerned other cases. At the end of this period the total number of post-2018 cases in the inventory was two other cases. Conclusively, Greenland closed no post-2018 cases during the Statistics Reporting Period.

Overview of cases closed during the Statistics Reporting Period

Reported outcomes

82. During the Statistics Reporting Period, Greenland closed no cases.

Average timeframe needed to resolve MAP cases

All cases closed during the Statistics Reporting Period

83. As mentioned above, Greenland closed no cases during the Statistics Reporting Period.

Peer input

84. The peer that provided input reported that it has very good working relations with Greenland's competent authority, noting that Greenland's competent authority makes time planning for the MAP case handling, and that their communication is very good both with its competent authority and with the taxpayer.

Anticipated modifications

85. Greenland indicated that it does not anticipate any modifications in relation to element C.2.

Conclusion

	Areas for Improvement	Recommendations
[C.2]	As Greenland closed no cases during the Statistics Reporting Period, it was at this stage not possible to evaluate whether Greenland's competent authority seeks to resolve MAP cases within an average time frame of 24 months.	

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

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

86. 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 Greenland's competent authority

87. Under Greenland's tax treaties, the competent authority function is assigned to the Minister of Finance or his authorised representative. This has been delegated to Greenland's Tax Agency.

88. Greenland reported that the officer who receives a MAP request will forward it to the competent authority, and that as Greenland is a small jurisdiction with a very small administration, it uses the office of international relations that is a small catch-all section for tasks and cases of international relevance. The section then confers with relevant departments or offices within Greenland’s Tax Agency about the case and the procedure to solve it.

89. Greenland further reported that the competent authority can draw resources from the specialist sections within Greenland’s Tax Agency, but also from Danish and other Nordic colleagues with whom it has a long standing and close co-operation.

Monitoring mechanism

90. Greenland reported it monitors the situation, but as Greenland is only involved in a few MAP cases it considers the current resources available are sufficient and is willing to increase them when needed.

Practical application

MAP statistics

91. As discussed under element C.2 Greenland closed no MAP cases during the Statistics Reporting Period, by which there were no MAP statistics available to analyse the pursued 24-months average.

Peer input

92. The peer that provided input reported that it has very good working relations with Greenland’s competent authority, noting that Greenland’s competent authority makes time planning for the MAP case handling, and that their communication is very good both with its competent authority and with the taxpayer.

Anticipated modifications

93. Greenland indicated that it does not anticipate any modifications in relation to element C.3.

Conclusion

	Areas for Improvement	Recommendations
[C.3]	-	Greenland should continue to monitor whether it has adequate resources in place to ensure that MAP cases are resolved in a timely, efficient and effective manner.

[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.

94. 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

95. Greenland reported that the office for international relations in charge of MAP is a different branch from the department where the personnel in charge of tax audit and assessment belong to.

96. Greenland also reported that while it generally aims to make sure that the case handler of the assessment is not the same as the person who will be part of the decision making process in the MAP case, it cannot be excluded that there might be overlaps in some cases as Greenland is a very small jurisdiction with a small tax administration and limited professional skills. Therefore, it is not considered that staff in charge of MAP in practices operates independently and has the authority to resolve MAP cases without being dependent on the approval/direction of the tax administration personnel directly involved in the adjustment.

97. On the other hand, Greenland reported that the process for negotiating MAP agreements is not influenced by policy considerations that Greenland would like to see reflected in future amendments to the treaty.

Practical application

98. A peer provided no specific input in relation to element C.4.

Anticipated modifications

99. Greenland indicated that it does not anticipate any modifications in relation to element C.4.

Conclusion

	Areas for Improvement	Recommendations
[C.4]	The personnel directly involved in the adjustment at issue may be part of the decision making process of the MAP case, which bears the risk that staff in charge of MAP cannot handle and resolve MAP cases absent any approval/direction by such personnel.	Greenland should ensure that the personnel directly involved in the adjustment at issue does not have any influence in the decision making process of MAP cases, and ensure that staff in charge of MAP can enter into MAP agreements and authorise such agreements without being dependent on such personnel. In addition, Greenland should continue to ensure that its competent authority has the authority, and uses that authority in practice, to resolve MAP cases absent any policy considerations that Greenland would like to see reflected in future amendments to the treaty.

[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.

100. 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 Greenland

101. Greenland reported that there are no performance indicators set for the MAP function as well as for staff of Greenland's Tax Agency.

102. The Action 14 final report (OECD, 2015) includes examples of performance indicators that are considered appropriate. These indicators are shown below in bullet form:

- 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).

103. Further to the above, Greenland also 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.

Practical application

104. The peer provided no specific input in relation to element C.5.

Anticipated modifications

105. Greenland indicated that it will make sure the performance will live up to the international standards.

Conclusion

	Areas for Improvement	Recommendations
[C.5]	-	Greenland could consider using the examples of performance indicators mentioned in the Action 14 final report to evaluate staff in charge of the MAP processes.

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

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

106. 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

107. Greenland's MAP profile clearly states that its treaty policy allows to include arbitration in its treaties, noting it needs further examination if there are legal limitations in its domestic law to include MAP arbitration in its treaties.

Practical application

108. Greenland has not incorporated an arbitration clause in any of its ten tax treaties as a final stage to the MAP.

109. The peer provided no specific input in relation to element C.6.

Anticipated modifications

110. Greenland indicated that it does not anticipate any modifications in relation to element C.6.

Conclusion

	Areas for Improvement	Recommendations
[C.6]	-	-

Note

- For post-2018 cases, if the number of MAP cases in Greenland's inventory at the beginning of the Statistics Reporting Period plus the number of MAP cases started during the Statistics Reporting Period was more than five, Greenland reports its MAP caseload on a jurisdiction-by-jurisdiction basis. This rule applies for each type of cases (attribution/allocation cases and other cases).

References

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

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.

111. 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

112. Greenland reported that the general Greenland's Statute of Limitations is stipulated in the Act No. 274 of 22th December 1908. The Act states a normal 20 year statute of limitations and with a special statute of limitations of five years for certain claims such as taxes. If a taxpayer formally and in writing acknowledges the existence of the claim, the normal 20 year statute is in force. The statute of limitation is the same for upward and downward adjustments.

113. It also reported that section 47 and 48 of the Act on Tax Administration stipulates the reassessment of a tax assessment. The tax agency or the taxpayer can do or request a new tax assessment until the 31st of October in the fifth year after the end of the relevant fiscal year if new documentation or information has come into existence, or if the parties were unable to present it beforehand. The assessment has to be done by the 31st of January in the sixth year after the end of the relevant fiscal year. The new documentation or information must be presented within six months from it coming into existence, or being able to present it.

114. In that regard, Greenland reported that according to section 114 (1) of the Act on Income Tax, the national statute of limitation can be waived in MAP if the relevant tax treaty contains the equivalent of article 25 (2) second sentence of the OECD Model Tax Convention (OECD, 2017), while if the relevant tax treaty does not contain such equivalent a MAP agreement will be implemented according to the statute of limitation under domestic legislation.

115. Furthermore, Greenland reported that on the process for implementing MAP agreements the competent authority will inform the taxpayer of the result of the agreement and the taxpayer has four weeks to respond, noting that taxpayer agreement is not a prerequisite for implementation.

Practical application

116. As Greenland closed no MAP cases during the Review Period, it was not possible to assess the implementation of MAP agreements by Greenland.

117. The peer that provided input reported that it was not aware of any MAP agreement reached on or after 1 January 2019 that was not implemented by Greenland.

Anticipated modifications

118. Greenland indicated that it does not anticipate any modifications in relation to element D.1.

Conclusion

	Areas for Improvement	Recommendations
	As there was no MAP agreement reached during the Review Period, it was not yet possible to assess whether Greenland would have implemented all MAP agreements thus far.	
[D.1]	As will be discussed under element D.3 not all of Greenland's tax treaties contain the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention. Therefore, there is a risk that for those tax treaties that do not contain that provision, not all MAP agreements will be implemented due to time limits in its domestic law.	When, after a MAP case is initiated, the domestic statute of limitation may, in the absence of the second sentence of Article 25(2) of the OECD Model Tax Convention in a Greenland's relevant tax treaty, prevent the implementation of a MAP agreement, Greenland should put appropriate procedures in place to ensure that such an agreement is implemented. In addition, where during the MAP process the domestic statute of limitations may expire and may then affect the possibility to implement a MAP agreement, Greenland should for clarity and transparency purposes notify the treaty partner thereof without delay.

[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.

119. 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

120. Greenland reported that there is no specific timeframe for implementing mutual agreements, but the competent authority will inform the taxpayer the result of the agreement and the taxpayer has four weeks to respond, noting that it is not a prerequisite for implementation whether the taxpayers consents or not to the agreement.

Practical application

121. As Greenland closed no MAP cases during the Review Period, it was not possible to assess the implementation of MAP agreements by Greenland.

122. The peer that provided input reported that it was not aware of any MAP agreement reached on or after 1 January 2019 that was not implemented by Greenland.

Anticipated modifications

123. Greenland indicated that it does not anticipate any modifications in relation to element D.2.

Conclusion

	Areas for Improvement	Recommendations
[D.2]	As there was no MAP agreement reached during the Review Period that needed to be implemented in Greenland, it was not yet possible to assess whether Greenland would have implemented all MAP agreements on a timely basis thus far.	

[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.

124. 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 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 Greenland's tax treaties

125. As discussed under element D.1, Greenland's domestic legislation includes a statute of limitations of five years for implementing MAP agreements, unless overridden by tax treaties.

126. Out of Greenland's ten tax treaties, nine contain a provision equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention that any mutual agreement reached through MAP shall be implemented notwithstanding any time limits in their domestic law. Furthermore, the remaining treaty does not contain such equivalent nor the alternative provisions.

*Anticipated modifications**Bilateral modifications*

127. For the treaty that does not contain a provision equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention, or both alternative provisions in Articles 9(1) and 7(2), Greenland reported it has already started negotiations with the relevant treaty partner to make the treaty compliant with the Action 14 Minimum Standard. In addition, Greenland reported it will seek to include Article 25(2), second sentence, of the OECD Model Tax Convention or both alternatives in all of its future tax treaties.

Peer input

128. For the treaty identified that does not contain the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention, or both alternatives, the relevant peer reported that it is expected to adopt a protocol in which it is intended to include the changes needed to meet the Minimum Standard.

Conclusion

	Areas for Improvement	Recommendations
[D.3]	One out of ten tax treaties contains neither a provision that is equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention nor both alternative provisions provided for in Article 9(1) and Article 7(2).	For the treaty that does not contain the equivalent of Article 25(2), second sentence, of the OECD Model Tax or both alternative provisions, Greenland should continue to negotiate for the inclusion of the required provision via bilateral negotiations or be willing to accept the inclusion of both alternative provisions. In addition, Greenland should maintain its stated intention to include the required provision, or be willing to accept the inclusion of both alternatives provisions, in all future tax treaties.

References

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

Summary

	Areas for Improvement	Recommendations
Part A: Preventing disputes		
[A.1]	-	Greenland should maintain its stated intention to include the required provision in all future tax treaties.
[A.2]	-	-
Part B: Availability and access to MAP		
[B.1]	There is a risk that access to MAP is denied in eligible cases where the issue under dispute has already been decided via the administrative or judicial remedies provided by Greenland's domestic law.	Greenland should follow its stated intention to ensure that taxpayers that meet the requirements of Article 25(1) of the OECD Model Tax Convention can access the MAP.
	For the tax treaty that does not include a time limit for submission of a MAP request, applicable rules under domestic legislation may lead to a filing period of less than three years as from the first notification of the action resulting in taxation not in accordance with the provisions of a tax treaty.	Greenland should ensure that where its domestic time limits apply for filing of MAP requests, in the absence of a provision hereon in its tax treaties, such time limits do not prevent taxpayers from having access to MAP if a request thereto is made within a period of three years as from the first notification of the action resulting in taxation not in accordance with the provisions of a tax treaty.
	-	Greenland should maintain its stated intention to include Article 25(1) of the OECD Model Tax Convention as amended in the Action 14 final report in all future tax treaties.
[B.2]	All of the ten treaties do not contain a provision equivalent to Article 25(1) of the OECD Model Tax Convention as changed by the Action 14 final report, allowing taxpayers to submit a MAP request to the competent authority of either treaty partners. For these treaties no documented bilateral consultation or notification process is in place, which allows the other competent authority concerned to provide its views on the case when the taxpayer's objection raised in the MAP request is considered not to be justified.	Greenland should without further delay follow its stated intention to introduce a documented notification process and provide in that document rules of procedure on how that process should be applied in practice, including the steps to be followed and timing of these steps. Furthermore, Greenland should apply its notification process for future cases in which its competent authority considered the objection raised in a MAP request not to be justified and when the tax treaty concerned does not contain Article 25(1) of the OECD Model Tax Convention as amended by the Action 14 final report.
[B.3]	Greenland reported that it will provide access to MAP in transfer pricing cases. Its competent authority, however did not receive any MAP request for such cases during the Review Period. Greenland is therefore recommended to follow its policy and grant access to MAP in such cases.	
[B.4]	Greenland reported it will give access to MAP in cases concerning whether the conditions for the application of a treaty anti-abuse provision have been met or whether the application of a domestic law anti-abuse provision is in conflict with the provisions of a treaty. Its competent authority, however, did not receive any MAP requests of this kind from taxpayers during the Review Period. Greenland is therefore recommended to follow its policy and grant access to MAP in such cases.	
[B.5]	-	-

	Areas for Improvement	Recommendations
[B.6]	-	As Greenland has thus far not limited access to MAP in eligible cases when taxpayers have complied with Greenland's information and documentation requirements for MAP requests, it should continue this practice.
[B.7]	-	Greenland should maintain its stated intention to include the required provision in all its future comprehensive tax treaties.
[B.8]	There is no published MAP guidance.	Greenland should, without further delay, introduce and publish guidance on access to and use of the MAP, and in particular include the contact information of its competent authority as well as the manner and form in which the taxpayer should submit its MAP request, including the documentation and information that should be included in such a request. Additionally, although not required by the Action 14 Minimum Standard, in order to further improve the level of details of its MAP guidance Greenland could consider to follow its stated intention to include the items identified above. Furthermore, as discussed under element B.6, Greenland's MAP guidance could also provide further details regarding in what timeframe taxpayers are expected to comply with requests for additional information and documentation for a consideration of their MAP request.
[B.9]	The MAP guidance is not publicly available.	Greenland should make its MAP guidance publicly available and easily accessible once it has been introduced. Furthermore, the MAP profile should be updated once Greenland's MAP guidance has been introduced.
[B.10]	-	-
Part C: Resolution of MAP cases		
[C.1]	-	Greenland should maintain its stated intention to include the required provision in all future tax treaties.
[C.2]	As Greenland closed no cases during the Statistics Reporting Period, it was at this stage not possible to evaluate whether Greenland's competent authority seeks to resolve MAP cases within an average time frame of 24 months.	
[C.3]	-	Greenland should continue to monitor whether it has adequate resources in place to ensure that MAP cases are resolved in a timely, efficient and effective manner.
[C.4]	The personnel directly involved in the adjustment at issue may be part of the decision making process of the MAP case, which bears the risk that staff in charge of MAP cannot handle and resolve MAP cases absent any approval/direction by such personnel.	Greenland should ensure that the personnel directly involved in the adjustment at issue does not have any influence in the decision making process of MAP cases, and ensure that staff in charge of MAP can enter into MAP agreements and authorise such agreements without being dependent on such personnel. In addition, Greenland should continue to ensure that its competent authority has the authority, and uses that authority in practice, to resolve MAP cases absent any policy considerations that Greenland would like to see reflected in future amendments to the treaty.
[C.5]	-	Greenland could consider using the examples of performance indicators mentioned in the Action 14 final report to evaluate staff in charge of the MAP processes.
[C.6]	-	-

	Areas for Improvement	Recommendations
Part D: Implementation of MAP agreements		
	As there was no MAP agreement reached during the Review Period, it was not yet possible to assess whether Greenland would have implemented all MAP agreements thus far.	
[D.1]	As will be discussed under element D.3 not all of Greenland's tax treaties contain the equivalent of Article 25(2), second sentence, of the OECD Model Tax Convention. Therefore, there is a risk that for those tax treaties that do not contain that provision, not all MAP agreements will be implemented due to time limits in its domestic law.	When, after a MAP case is initiated, the domestic statute of limitation may, in the absence of the second sentence of Article 25(2) of the OECD Model Tax Convention in a Greenland's relevant tax treaty, prevent the implementation of a MAP agreement, Greenland should put appropriate procedures in place to ensure that such an agreement is implemented. In addition, where during the MAP process the domestic statute of limitations may expire and may then affect the possibility to implement a MAP agreement, Greenland should for clarity and transparency purposes notify the treaty partner thereof without delay.
[D.2]	As there was no MAP agreement reached during the Review Period that needed to be implemented in Greenland, it was not yet possible to assess whether Greenland would have implemented all MAP agreements on a timely basis thus far.	
[D.3]	One out of ten tax treaties contains neither a provision that is equivalent to Article 25(2), second sentence, of the OECD Model Tax Convention nor both alternative provisions provided for in Article 9(1) and Article 7(2).	For the treaty that does not contain the equivalent of Article 25(2), second sentence, of the OECD Model Tax or both alternative provisions, Greenland should continue to negotiate for the inclusion of the required provision via bilateral negotiations or be willing to accept the inclusion of both alternative provisions. In addition, Greenland should maintain its stated intention to include the required provision, or be willing to accept the inclusion of both alternatives provisions, in all future tax treaties.

Annex A
Tax treaty network of Greenland

Treaty partner	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															
	B.1	B.3	B.4	C.1	D.3	A.1	B.7	C.6													
	Inclusion Art. 25(1) first sentence?	Inclusion Art. 25(1) second sentence? (Note 1)	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 2) If no, will your CA provide access to MAP in TP cases?	Inclusion Art. 25(2) second sentence? (Note 3)	Inclusion Art. 25(3) first sentence? (Note 4)	Inclusion Art. 25(3) second sentence? (Note 5)	Inclusion Art. 25(3) third sentence? (Note 6)	Inclusion Art. 25(3) fourth sentence? (Note 7)	Inclusion Art. 25(3) fifth sentence? (Note 8)	Inclusion Art. 25(3) sixth sentence? (Note 9)	Inclusion Art. 25(3) seventh sentence? (Note 10)	Inclusion Art. 25(3) eighth sentence? (Note 11)	Inclusion Art. 25(3) ninth sentence? (Note 12)	Inclusion Art. 25(3) tenth sentence? (Note 13)	Inclusion Art. 25(3) eleventh sentence? (Note 14)	Inclusion Art. 25(3) twelfth sentence? (Note 15)	Inclusion Art. 25(3) thirteenth sentence? (Note 16)	Inclusion Art. 25(3) fourteenth sentence? (Note 17)	Inclusion Art. 25(3) fifteenth sentence? (Note 18)	Inclusion Art. 25(3) sixteenth sentence? (Note 19)
	If yes, submission to either competent authority? (new Art. 25(1), first sentence)	If no, please state reasons	If no, please state reasons	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)	If no, alternative provision in Art. 7 & 9 OECD MTC? (Note 4)	Inclusion Art. 25(3) first sentence? (Note 5)	Inclusion Art. 25(3) second sentence? (Note 6)	Inclusion Art. 25(3) third sentence? (Note 7)	Inclusion Art. 25(3) fourth sentence? (Note 8)	Inclusion Art. 25(3) fifth sentence? (Note 9)	Inclusion Art. 25(3) sixth sentence? (Note 10)	Inclusion Art. 25(3) seventh sentence? (Note 11)	Inclusion Art. 25(3) eighth sentence? (Note 12)	Inclusion Art. 25(3) ninth sentence? (Note 13)	Inclusion Art. 25(3) tenth sentence? (Note 14)	Inclusion Art. 25(3) eleventh sentence? (Note 15)	Inclusion Art. 25(3) twelfth sentence? (Note 16)	Inclusion Art. 25(3) thirteenth sentence? (Note 17)	Inclusion Art. 25(3) fourteenth sentence? (Note 18)	Inclusion Art. 25(3) fifteenth sentence? (Note 19)
	Y = yes N = signed pending ratification	E = yes, either CAs O = yes, only one CA N = No	Y = yes i = no, no such provision ii = no, different period iii = no, starting point for computing the 3 year period is different iv = no, other reasons	Y = yes i = no, but access will be given to TP cases ii = no and access will not be given to TP cases	Y = yes N = no	Y = yes i = no, but have Art. 7 equivalent ii = no, but have Art. 9 equivalent iii = no, but have both Art. 7 & 9 equivalent N = no and no equivalent of Art. 7 and 9	Y = yes N = no	Y = yes N = no	Y = yes N = no	Y = yes N = no	Y = yes N = no	Y = yes N = no	Y = yes N = no	Y = yes N = no	Y = yes N = no	Y = yes N = no	Y = yes N = no	Y = yes N = no	Y = yes N = no	Y = yes N = no	Y = yes N = no
Bermuda	Y	N/A	Y	i	Y	Y = yes i = no, but have Art. 7 equivalent ii = no, but have Art. 9 equivalent iii = no, but have both Art. 7 & 9 equivalent N = no and no equivalent of Art. 7 and 9	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cayman Islands	N	6/17/2009	Y	i	Y	Y = yes i = no, but have Art. 7 equivalent ii = no, but have Art. 9 equivalent iii = no, but have both Art. 7 & 9 equivalent N = no and no equivalent of Art. 7 and 9	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Denmark	Y	N/A	i	i	Y	Y = yes i = no, but have Art. 7 equivalent ii = no, but have Art. 9 equivalent iii = no, but have both Art. 7 & 9 equivalent N = no and no equivalent of Art. 7 and 9	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Faroe Islands	Y	N/A	Y	Y	Y	Y = yes i = no, but have Art. 7 equivalent ii = no, but have Art. 9 equivalent iii = no, but have both Art. 7 & 9 equivalent N = no and no equivalent of Art. 7 and 9	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Guernsey	Y	N/A	Y	Y	Y	Y = yes i = no, but have Art. 7 equivalent ii = no, but have Art. 9 equivalent iii = no, but have both Art. 7 & 9 equivalent N = no and no equivalent of Art. 7 and 9	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Iceland	Y	N/A	Y	Y	Y	Y = yes i = no, but have Art. 7 equivalent ii = no, but have Art. 9 equivalent iii = no, but have both Art. 7 & 9 equivalent N = no and no equivalent of Art. 7 and 9	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

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										
	B.1	B.1	B.3	B.4	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)	Inclusion Art. 25(3) third sentence? (Note 6)											
Isle of Man	Y	N/A	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Jersey	Y	N/A	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Norway	Y	N/A	O	Y	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N

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.
- 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*** 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 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 2019 Reporting Periods
(1 January 2019 to 31 December 2019) for pre-2019 cases

2019 MAP Statistics														
Category of cases	No. of pre-2019 cases in MAP inventory on 1 January 2019	Number of pre-2019 cases closed during the reporting period by outcome										No. of pre-2019 cases remaining in MAP inventory on 31 December 2019	Average time taken (in months) for closing pre-2019 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 tax that there is no agreement to disagree	Any other outcome	Column 10			Column 11
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	0	N/A
Others	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	N/A

Annex C

MAP Statistics Reporting for the 2019 Reporting Periods (1 January 2019 to 31 December 2019) for post-2018 cases

2019 MAP Statistics															
Category of cases	No. of post-2018 cases in MAP inventory on 1 January 2019	No. of post-2018 cases started during the reporting period	Number of post-2018 cases closed during the reporting period by outcome								No. of post-2018 cases remaining in on MAP inventory on 31 December 2019	Average time taken (in months) for closing post-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	Column 15	
Attribution/Allocation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A
Others	0	2	0	0	0	0	0	0	0	0	0	0	0	2	N/A
Total	0	2	0	0	0	0	0	0	0	0	0	0	0	2	N/A

Glossary

Action 14 Minimum Standard	The minimum standard as agreed upon in the final report on Action 14: Making Dispute Resolution Mechanisms More Effective
MAP Statistics Reporting Framework	Rules for reporting of MAP statistics as agreed by the FTA MAP Forum
OECD Model Tax Convention	OECD Model Tax Convention on Income and on Capital as it read on 21 November 2017
OECD Transfer Pricing Guidelines	OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations
Pre-2019 cases	MAP cases in a competent authority’s inventory that are pending resolution on 31 December 2018
Post-2018 cases	MAP cases that are received by a competent authority from the taxpayer on or after 1 January 2019
Review Period	Period for the peer review process that started on 1 January 2019 and ended on 31 December 2019
Statistics Reporting Period	Period for reporting MAP statistics that started on 1 January 2019 and that ended on 31 December 2019
Terms of Reference	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, Greenland (Stage 1)

INCLUSIVE FRAMEWORK ON BEPS: ACTION 14

Under Action 14, countries 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 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 1 peer monitoring of the implementation of the Action 14 Minimum Standard by Greenland.



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