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EU JOINT TRANSFER PRICING FORUM

Report on Transfer Pricing Risk Management

Meeting of 6 June 2013

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Background

1. The Joint Transfer Pricing Forum (JTPF) considered risk assessment as an important aspect of transfer pricing and included it in the work programme of the JTPF for 2011-2015¹. Work on this topic started with presentations by three Member States² (MS) and by Non-government Members (NGM)³ about their approaches to risk management. A subgroup was then created to prepare the discussion. From the start, it was felt that limiting the scope of the project to the assessment of risk would not be optimal. Therefore the scope was broadened to "risk management in transfer pricing" in general, to cover the whole process of ensuring that transfer prices are finally set in accordance with the arm's length principle. The JTPF was informed on the progress of the work of the subgroup at the meetings in October 2012 and February 2013.
2. Given the comprehensive material on risk management that is already publicly available (e.g. from the OECD⁴) and to avoid duplication of work, the report will refer to appropriate conclusions in this material and put a stronger emphasis on the specific situation in the EU.
3. Given the different economic situations, the variety of transactions within a multinational enterprise, the different legal and administrative environment as well as the differences in resources available in MS, it is not possible to develop a universal approach on how to concretely manage transfer pricing risk effectively. Therefore, this report is intended to provide best practices on effective risk management in transfer pricing with a focus on aspects specific for MS and business in the EU. Member States and taxpayers are encouraged to use this guidance within their abilities and laws to deal with transfer pricing risks effectively.

1. Preamble

4. Enforcement of and compliance with transfer pricing rules as embodying the arm's length principle under Article 9 of the OECD Model Tax Convention (OECD MTC) can be resource intensive for tax administrations and taxpayers respectively. The JTPF recognises that available resources for transfer pricing are limited and should therefore be deployed effectively. Accordingly, the term '**transfer pricing risk**' as used in this report not only covers the risk that transfer prices are not set in accordance with the

¹ See document JTPF/016/2011/EN.

² The Netherlands (JTPF meeting of 26 October 2011, Agenda Item 6), Austria and the United Kingdom (JTPF meeting of 8 March 2012, Agenda item 6 (ii)).

³ JTPF meeting of 26 October 2011, Agenda Item 6.

⁴ OECD FTA study "How to deal effectively with the Challenges of Transfer Pricing" (2012); OECD Handbook on Transfer Pricing Risk Assessment (2013).

arm's length principle⁵, but also the risk that resources are not allocated efficiently towards ensuring that transfer prices are set in accordance with the arm's length principle.

5. The JTPF seeks to find practical solutions for the proper functioning of the arm's length principle in the EU. In line with this task, the role of the JTPF in the context of transfer pricing risk management is seen as assisting MS and taxpayers in coordinating actions, ensuring transparency and working on the basis of aligned approaches.

R 1: It is recommended to respect the following general principles when managing transfer pricing risk:

- It is preferable to take a **cooperative approach** based on dialogue and trust. A cooperative approach is *inter alia* characterised by communication between tax administration and taxpayer at an early stage, i.e. already when considering an audit, preparing an audit or actually beginning an audit. Early communication can prevent misunderstandings and inefficient allocation of resources by helping to focus on the most critical aspects which contribute to effective risk management. A cooperative approach implies the disclosure and understanding of facts and circumstances of the case under consideration by the taxpayer.
 - It is worthwhile to put efforts in **identifying aspects which involve a higher transfer pricing risk** than others and to take the specific belongings of SMEs into account⁶.
 - Effective risk management also implies **allocating resources to areas with a high transfer pricing risk**.
 - Legal tools should be available to effectively address situations with high transfer pricing risk.
 - To avoid unnecessary deployment of resources it is important to ensure that all actions envisaged are **well-targeted and appropriate** to the circumstances of the case, taking into account the resources available and the burden these actions create.
6. It should, however, be stressed that the cooperative approach is only valid when dealing with a **cooperative taxpayer**. Whether a taxpayer can be regarded as cooperative may be indicated, for example by experience with past administrative

⁵ The OECD has identified transfer pricing, in particular in relation to the shifting of risks and intangibles as one of the key pressure areas in the context of its project 'Base Erosion and Profit Shifting' (BEPS).

⁶ See document JTPF/001/FINAL/2011/EN.

procedures (e.g. audits)⁷, transparency or the fact that documentation consistent with the Code of Conduct on Transfer Pricing Documentation for Associated Enterprises (EU TPD)⁸ is maintained and can be made available to the tax administration.

2. The different phases in transfer pricing

7. This part is structured according to the three phases a transfer pricing file normally follows:
- Initial phase – period prior to an audit of the transfer pricing issue;
 - Audit phase – period from start to end of an audit;
 - Resolution phase – period during which the tax authority and the tax-payer seek to resolve any disagreements.

2.1 The initial phase

8. It is recognised that MS have different practices on how they organise their administrative procedures and especially their audits. In some MS taxpayers are selected for an audit based on general criteria like size, location, or industry sector. The concrete focus of the audit, e.g. transfer pricing, is then determined at a later stage. Other MS have a procedure where taxpayers are specifically selected for a transfer pricing audit. It is not the purpose of this report to strictly and universally distinguish between the different steps. Therefore the term 'initial phase' in the context of this report should be understood as covering the time before a serious commitment of a tax administration's resources is made to concretely investigate whether transfer prices are set in accordance with the arm's length principle, regardless of whether this is already considered as audit or pre-audit in the administrative practice of the MS.
9. The objective of the initial phase is to enable the tax administration to make a well-founded judgement on whether it is, in the light of the risk identified and the resources available, appropriate to pursue with a further investigation (the audit phase) and if so, where to put the focus. Accordingly, a tax administration should also be prepared not to start/continue addressing transfer pricing issues in an audit if the initial phase reveals no or a low transfer pricing risk.
10. The following aspects should generally be taken into account for effectively structuring the initial phase:

⁷ See paragraph 19 and Recommendation 10 below.

⁸ Commission Communication (COM(2005)543) from 10 November 2005.

- A certain **amount of information** is needed to assess whether there is a transfer pricing risk that requires further action. This information may be available to the tax administration from various sources such as public sources, findings in past audits, information requested automatically (e.g. in the context of the tax return) or specifically (e.g. by issuing specific questionnaires on transfer pricing)⁹.

R 2: Requests for additional information should be balanced between the needs of the tax administrations, taking into account their different approaches, on one side and the burden imposed on the taxpayer on the other side. The following aspects should be taken into account in particular:

- what information is actually needed for the initial phase,
- what is the most appropriate point in time to request this information,
- what is the appropriate form for requesting the information, and
- what burden is imposed on the taxpayer by the request.

More generally, understanding the facts and circumstances is often regarded as more helpful than pure numbers.

- The information obtained needs to be evaluated with respect to the question whether it **reveals transfer pricing risks** to which it is worth allocating more resources. It is therefore necessary to know what factors create transfer pricing risk, which are the typical scenarios triggering risk and how to evaluate the information available with respect to these risk factors¹⁰. For this purpose it would be helpful to have an **organisational framework** that enables a decision on whether (in light of the risk and the resources available) it is worth taking further steps¹¹. Some MS have, for example made good experience with setting up a group of TP experts (TP board) who decide how to proceed with specific TP issues and cases.

R 3a: When considering the application of risk-based approaches it is recommended to develop specific criteria that indicate transfer pricing risk.

⁹ See e.g. Chapter 3 of the OECD FTA Study "Dealing Effectively with the Challenges of Transfer Pricing" and Chapter 4 of the OECD Draft Handbook on Transfer Pricing Risk Assessment.

¹⁰ See e.g. Chapter 2 of the OECD FTA Study "Dealing Effectively with the Challenges of Transfer Pricing" and Chapter 4 of the OECD Draft Handbook on Transfer Pricing Risk Assessment.

¹¹ See e.g. European Commission: Risk Management Guide for Tax Administrations (2006) ("2006 EC guide") http://ec.europa.eu/taxation_customs/resources/documents/taxation/tax_cooperation/gen_overview/risk_management_guide_for_tax_administrations_en.pdf and Chapter 5 of the OECD Draft Handbook on Transfer Pricing Risk Assessment.

R 3b: It is recommended to establish an appropriate administrative organisation that enables a tax administration to make a well-founded decision on whether further resources should be deployed to a certain case/audit field.

- Some MS have good experience with establishing a so-called **cooperative compliance arrangement**¹² with taxpayers, i.e. maintaining communication on transfer pricing issues between the taxpayer and tax administrations before the tax return is made or even the transaction takes place. From their experience taxpayers also welcome such an approach.

R 4: While it is recognised that an approach of cooperative compliance arrangement may - due to their respective administrative framework and practice - not be considered appropriate in all MS, it is recommended to at least implement measures that allow communication between taxpayers and tax administrations at an early point in time. This would be especially useful when the taxpayer identifies transfer pricing aspects where problems in substance or administration are foreseeable.

11. There are also situations where it would make sense that a transfer pricing risk which was identified by one tax administration is communicated to the other tax administration(s) involved. The EU Directive on Administrative Cooperation¹³ provides a practicable framework for **exchanging such information from risk assessment** in an effective manner and at an early point in time. In this initial phase, the detail of information submitted should, however, be rather limited as the aim of the exchange would be to prevent problems resulting from early and late audits or to envisage a simultaneous or joint audit.

R 5: It is recommended that MS exchange information on transfer pricing risks based on the EU Directive on Administrative Cooperation (2011/16/EU) when problems in substance or administration are foreseeable between the MS involved or joint action of Tax Administrations could be considered as an appropriate reaction.

2.2 The audit phase:

12. For the purposes of this report the 'audit phase' starts with the decision to make a serious commitment of a tax administration's resources to concretely investigate whether transfer prices were set in accordance with the arm's length principle. During the audit phase it is important that the procedure is structured as effectively as possible and the available resources are deployed to complete the audit as quickly as possible.

¹² Such approaches are for example followed in the Netherlands and the United Kingdom. Guidance is provided by the European Commission in the Compliance Risk Management Guide for Tax Administrations (2010) ("2010 EC Guide"): http://ec.europa.eu/taxation_customs/resources/documents/common/publications/info_docs/taxation/risk_management_guide_en.pdf and Chapter 6 of the OECD Handbook on Transfer Pricing Risk Assessment.

¹³ Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC, OJ L 64, 11.3.2011.

13. The foundation for an effective audit process is a well-founded result of the initial phase, i.e. the identification of areas involving a transfer pricing risk that is worth being investigated further. In addition, it is important to establish a **work plan** which includes the steps that will probably be taken and the timelines envisaged on both sides - the tax administration and the taxpayer. Setting up such a work plan can help ensure an effective process which is characterised by mutual understanding.

R 6: It is recommended to set up a work plan for the audit. The work plan should cover both the perspective and actions on the side of the tax administration and those on the side of the taxpayer.

The Annex to this report contains one example for such a work plan.

R 7: It is recommended to take the following aspects into account during the audit phase¹⁴:

- **The importance of first establishing mutual understanding of the facts and circumstances underlying the transactions that were chosen for further review in the context of the business and the industry in which the taxpayer is operating before applying transfer pricing rules. For this purpose the involvement of sector or industry experts may be useful.**
- **A high degree of cooperation between taxpayer and tax administration, e.g. by establishing an early and ongoing dialogue is regarded as beneficial for the whole process. Further, well-prepared face to face meetings are helpful. Generally, keeping the time difference between the transaction and audit as short as possible or even envisage discussing on a real time basis is regarded as beneficial.**
- **As already mentioned in the preamble, all actions and requests should be well targeted and a reasonable balance should be kept between the usefulness of the information requested for the issue under consideration and the burden the request creates for both the taxpayers and the tax administration.**

14. Safe harbours and other simplification measures may in certain circumstances contribute to effective management of transfer pricing risks¹⁵.

15. Another aspect that should be highlighted is that a taxpayer should be able to demonstrate to the tax administration with appropriate documentation that his transfer prices are set in accordance with the arm's length principle. Although the extent to which MS implemented specific documentation requirements varies, it can be

¹⁴ For further guidance see Chapter 5 of the OECD FTA study: „Dealing effectively with the Challenges of Transfer Pricing”.

¹⁵ See OECD Transfer Pricing Guidelines (OECD TPG), item 4.125 in the new section on safe harbours (<http://www.oecd.org/ctp/transfer-pricing/Revised-Section-E-Safe-Harbours-TP-Guidelines.pdf>).

concluded that - given the bi-/or multilateral nature of transfer pricing - establishing common key features of documentation is beneficial. While on the side of the taxpayer such key features could help to reduce the compliance burden, the benefit for the tax administration lies in the fact that availability of standardised information would assist in international cooperation and the development of common rules. In the EU, the EU TPD which was developed in 2006 already provides such an agreed framework for transfer pricing documentation. Keeping documentation consistent with the EU TPD and making it available can also be regarded as an indication for a cooperative taxpayer. The EU TPD consists of a masterfile, containing general information about the enterprise and its transfer pricing system that would be relevant and available to all MS concerned and, as a supplement to the masterfile, country specific documentation which would be available to those tax administrations with a legitimate interest in the appropriate tax treatment of the transactions covered by this documentation. With respect to the country specific documentation a balance needs to be kept between the need for information and the administrative burden the requirements create. Therefore it is important that also documentation should focus on those areas with higher risks and be less intensive in areas with lower risk.

R 8: When considering risk-based approaches in the context of documentation it is recommended to take the following aspects into account:

- **Quantitative aspects**, e.g. lower documentation requirements for low amount transactions,
- **Qualitative aspects**, e.g. lower documentation requirements for certain low risk transactions,
- **Time aspects**, e.g. not imposing annual documentation requirements for continuous transactions where the facts and circumstances stay the same and
- **simplification** for certain transactions and in accordance with the conclusions of the OECD on safe harbours in revised paragraphs 4.93 – 4.131 of the OECD TPG. In this context it is also useful to refer to the JTPF guidance on low value adding intra-group services¹⁶ and CCAs on service not creating intangible property¹⁷.

16. A further and important aspect of transfer pricing is its bi- or even multilateral nature. A well-founded primary adjustment by one State results in the need for a corresponding adjustment in the other State to avoid economic double taxation. If one State decided to invest resources in auditing a particular taxpayer/a particular audit field and this results in a primary adjustment, the result is that also the other State or States involved need to invest resources to determine whether this adjustment is justified in principle and as regards the amount. The other State or States involved will

¹⁶ Commission Communication (COM(2011) 16 final) from 25 January 2011.

¹⁷ Commission Communication (COM(2012) 516 final) from 19 September 2012.

also need to decide whether a corresponding adjustment should be made or eventual economic double taxation will have to be removed under a Mutual Agreement Procedure (MAP). Managing transfer pricing risk is therefore not only relevant for the State considering the primary adjustment, but also for the other States affected by this primary adjustment. There is a risk that more resources than necessary are invested by States, e.g. because of timing mismatches or different levels of information. The problem is multiplied in multilateral situations, where the adjustments concern more than one State. A coordinated action at an early point in time between the MS involved may help to address these issues. The EU Directive on Administrative Cooperation (2011/16/EU) provides for **simultaneous audits**¹⁸. Simultaneous audits or even **joint audits**¹⁹ may – given the bi- and multilateral nature of transfer pricing – be especially useful in the context of transfer pricing. It may also be helpful if there is a possibility for taxpayers to propose such simultaneous audits in situations where issues are foreseeable. Such a possibility may be regarded as closing the gap between Advance Pricing Agreements (APAs), which generally only apply before the assessment and the MAPs, which are in practice in most cases applied after an assessment, even though simultaneous audits are an instrument for exchange of information and the auditors may not have the authority to negotiate agreements. A common documentation package consistent with the EU TPD is especially useful for simultaneous or joint audits.

17. The benefit of simultaneous controls is not limited to the audit phase but may also influence the resolution phase. For example, if a simultaneous audit is performed, information can be requested in the context of the simultaneous audit, so that both tax administrations have an early opportunity to point to the information they may need as minimum information for a later MAP request. Consequently, delays regarding the start of the 2-year period under Article 7 of the Arbitration Convention (AC) can be avoided.

18. It is acknowledged that at the beginning the actual performance of simultaneous and joint audits provides legal and practical challenges. Therefore developing or

¹⁸ Article 12 of the Directive on administrative cooperation in the field of taxation of 15 February 2011 (2011/16/EU) provides for simultaneous controls. In a **simultaneous control**, two or more Member States agree to conduct a control simultaneously **in their own territory**, of one or more persons of common or complementary interest to them, with a view to exchanging the information thus obtained. As in the context of direct taxes and transfer pricing the term "audit" is more common, this report uses the term simultaneous audit which should be understood as simultaneous control in the meaning of the directive.

¹⁹ Following paragraph 7 of the OECD Forum on Tax Administration's 2010 report, "a **joint audit** can be described as two or more countries joining together to form a **single audit team** to examine an issue(s) / transaction(s) of one or more related taxable persons (both legal entities and individuals) with cross-border business activities, perhaps including cross-border transactions involving related affiliated companies organized in the participating countries, and in which the countries have a common or complementary interest; where the taxpayer jointly makes presentations and shares information with the countries, and the team includes Competent Authority representatives from each country."

improving existing legal frameworks and practical guidance on bi- or multilateral TP controls would be useful. It is suggested that the JTPF considers taking up this work in the future.

R 9a: Given the bi- or multilateral nature of transfer pricing, it is recommended to take in appropriate cases simultaneous audits on the basis of the Directive on Administrative Cooperation (2011/16/EU) or joint audits into consideration but to take into account that especially at the beginning of this practice the capacity and experience of one or both of the tax administrations involved may be limited.

R 9b: In cases where the taxpayer already foresees significant transfer pricing issues between MS and/or serious timing mismatches, it is recommended to apply for an APA or to have the possibility to inform the tax administrations involved and propose simultaneous or joint audits.

19. It is beneficial for the tax administration to know whether it is dealing with a taxpayer that can be regarded as cooperative. An indicator of a cooperative taxpayer may be the experience made in past audits. That experience may not only benefit the tax administrations with respect to future proceedings, but also the taxpayer who would be aware of a feedback and may have an incentive to improve the situation if necessary.

R 10: As already highlighted in the Preamble, it is beneficial for the tax payer and tax administration to communicate effectively. It is therefore helpful if both parties during the various phases of the audit not only discuss content but also the audit process. This is especially true at the beginning and the end of the audit.

2.3 The resolution phase

20. Even if all parties involved act in the best manner, there will be cases in which it will not be possible to come to an agreement. The disagreement may be between the taxpayer and the tax administration or, e.g. in case of simultaneous or joint audits, the tax administrations involved may come to different conclusions. In these situations it is important to decide whether the issue can be resolved within the audit phase or whether the so called **resolution phase** should be started.²⁰ In this report 'resolution phase' means further proceedings (litigation or MAP) if the taxpayer claims for these proceedings.. The decision to enter the resolution phase should not be postponed unnecessarily.

21. While MAP and litigation start following a taxpayer's request, dispute resolution requires an explicit decision in case unilateral relief cannot be provided. Some MS have positive experiences with having a **third person review** the case and the areas of

²⁰ See Chapter 6 of the OECD FTA Study "Dealing Effectively with the Challenges of Transfer Pricing".

conflict to evaluate whether the case is worth to go to litigation/MAP. Such a process may be established purely internally or may involve external persons²¹.

22. If it is not possible to resolve the case by a common agreement, it is important to have an efficient mechanism for the resolution of disputes in place. In the EU the Arbitration Convention (AC) and the Code of Conduct for the effective implementation of the AC provide for such a mechanism. Although this mechanism already works well, the JTPF has identified various areas where further improvements could be made²².

R 11: It is recommended to establish an administrative framework which ensures that the decision to enter the resolution phase is made in a timely and efficient manner. MS and taxpayers should ensure the proper functioning of the AC by following the guidance in the Code of Conduct. Given the high workload on MAP, MS may also consider the implementation of Alternative Dispute Resolution Mechanisms.

3. Evaluation

23. The challenges with respect to risk management in transfer pricing vary and change over time. Taxpayers and tax administrations may be confronted with new issues and structures. The JTPF therefore agrees to evaluate after a certain period of time the experience from applying risk-based approaches. The experiences will then be exchanged at the level of the JTPF.

4. Conclusion

24. The application of the arm's length principle involves the risk that transfer prices are not set in accordance with it and that resources are not deployed efficiently to ensure compliance. One component for addressing this is the availability of clear guidance appropriate for today's economy and the complexity of multinationals' global operations. Risk-based approaches are aimed at targeting the higher risk cases including uncooperative taxpayers. For this purpose it is important to assess risks, address them effectively by audits and have mechanisms in place which solve disputes in an effective and timely manner. This report highlights that in addition to the tools generally available, the situation for tax administrations and taxpayers in the EU is improved by providing special tools for effectively exchanging information, common working procedures for audits in general as well as for coordinated approaches, a common documentation standard and an effective dispute resolution mechanism. The combination and actual application of these tools contributes to effectively dealing with the risks arising from transfer pricing.

²¹ See Chapter 6, section on Alternative Dispute Resolution of the OECD FTA Study "Dealing Effectively with the Challenges of Transfer Pricing".

²² See document JTPF/020/REV1/2012/EN.

ANNEX 1: TP audit work plan

Explanatory note to the TP audit work plan

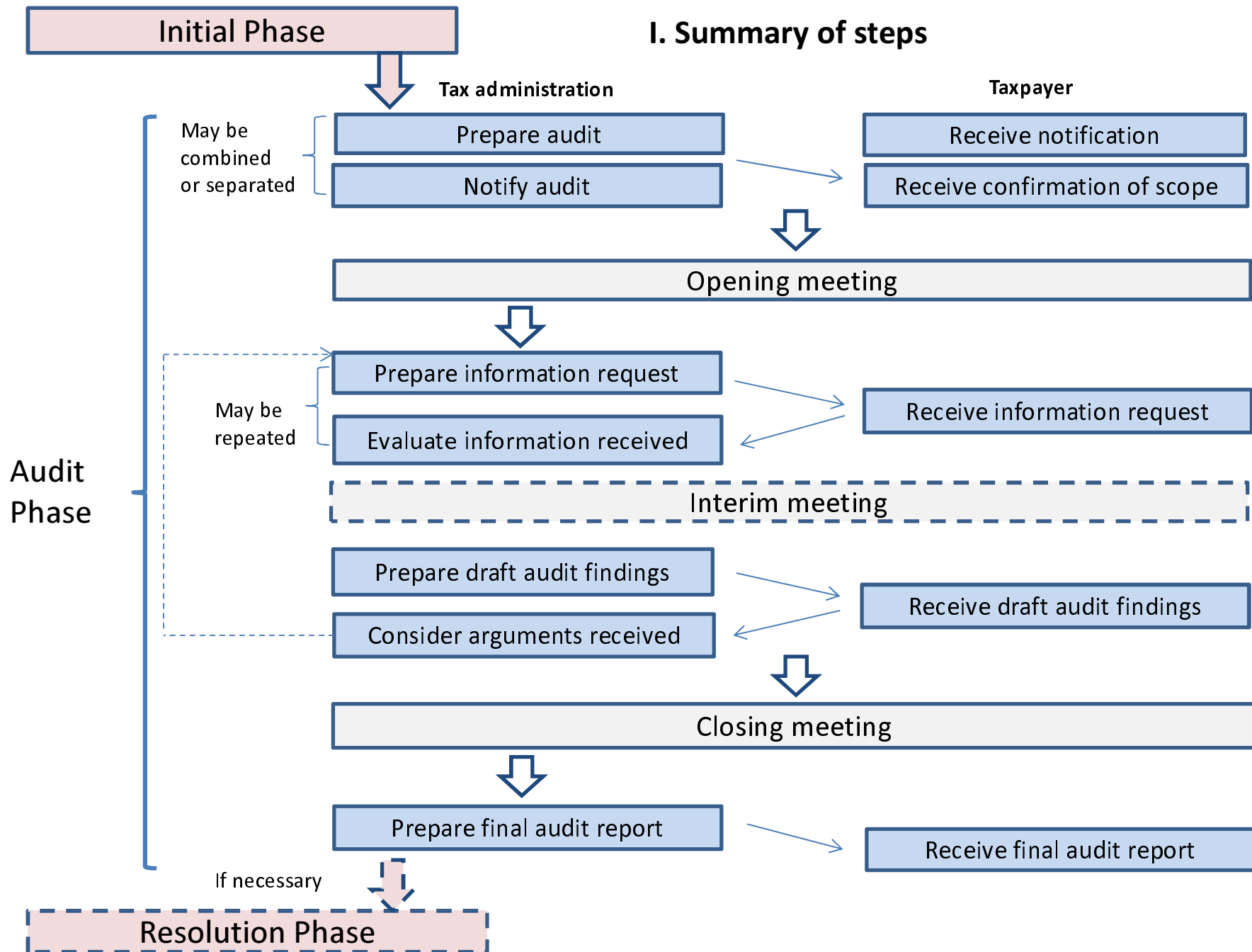
This TP audit work plan is an example of the various steps that are typically performed during a TP audit (not a comprehensive audit) on the side of the taxpayer and on the side of the tax administration, respectively. It should be understood as an informative guide rather than as prescriptive rules. It is recognised that the structure suggested may not fit into all MSs' and taxpayers' legal framework and administrative practice. An underlying assumption of the work plan is that properly prepared documentation - as requested by local tax authorities - is available and well-trained staff act on both sides.

The summary of steps on the first slide presents an overview of the various steps that are typically performed and their sequence. The following slides elaborate on these steps in more detail.

In particular, the first steps on notification and preparation of the audit may be different in some MS or in situations where transfer pricing is only part of the audit rather than the purpose of the audit. As far as possible the preparation should already be part of the initial phase. Furthermore, not every step which is suggested in the work plan needs to be performed in each and every case and certain steps, such as, e.g. information request, may, if necessary, be repeated. It may make sense to have further interim meetings also held regularly during the audit.

The timing of the various steps will have to be tailored to the facts and circumstances of the case and the various steps should be agreed in advance as far as possible. Also, the respective people in charge of the different steps may vary in accordance with the organisational structure of the taxpayer and the tax administration.

Generally, the TP audit of a cooperative taxpayer should be characterised by mutual understanding, transparency, timeliness and targeted action on both sides.

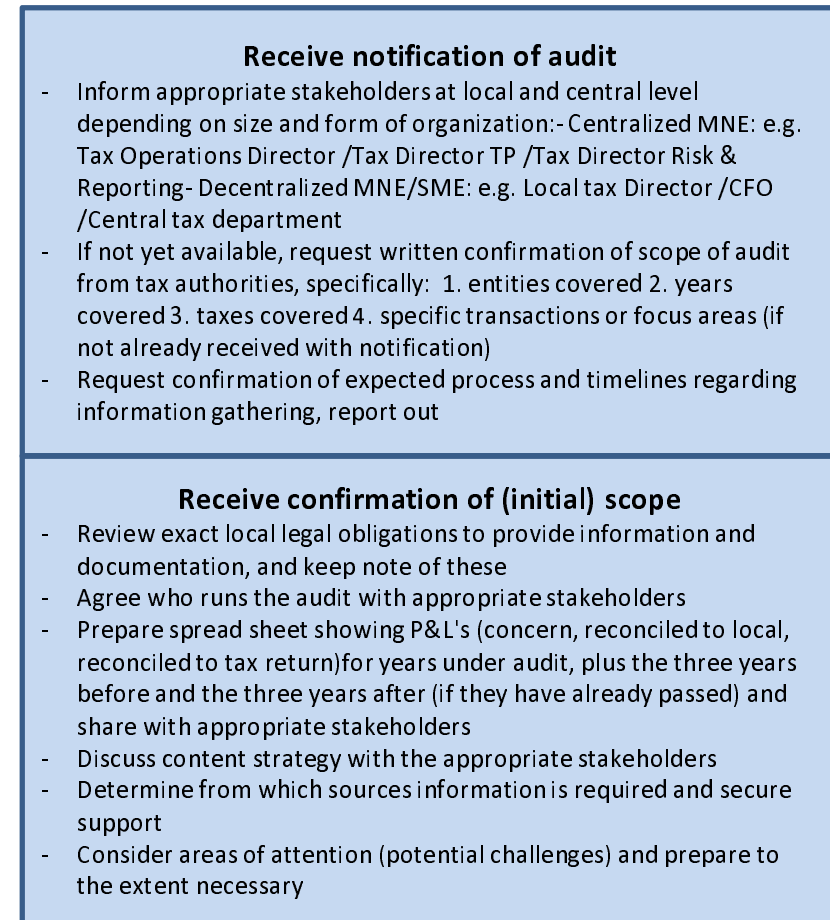
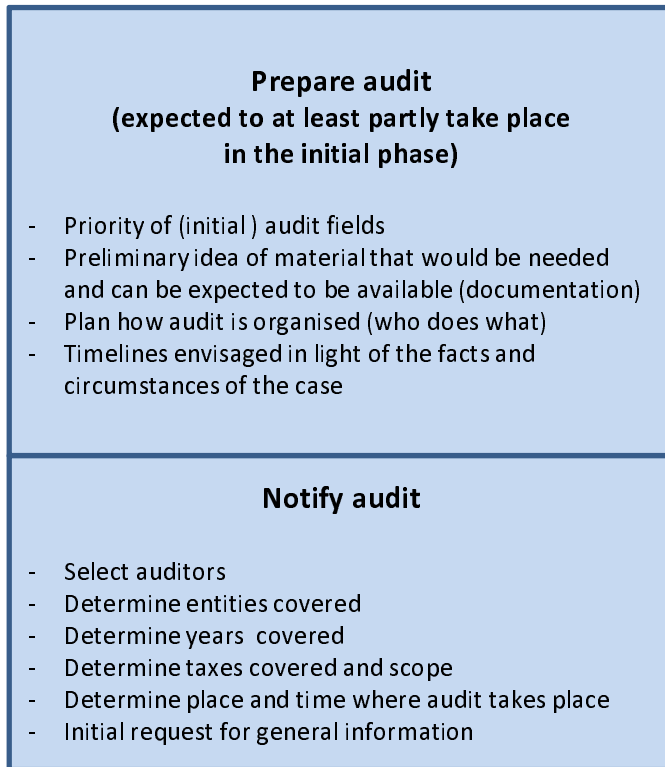


II. Audit phase: Steps in detail

Tax administration

Taxpayer

May be
Combined
or
separated



Opening meeting

- Determine time, place and participants of the meeting
- Agree on organisation of the audit, i.e. contact points, way and manner of requesting, giving information
- Outline the audit process (what comes first, piece by piece submission or all at once)
- Exchange views on what information is expected to be available and can be provided
- Agree on timelines that should be kept
- Presentation by taxpayer on company, recent changes; explanation of results and functions performed



Prepare information request

- Review information from taxpayer on company, recent changes explanation of results and functions performed
- Evaluate whether and what additional information can and should be requested
- Consider deadlines for submission of information and take availability of the taxpayer (e.g. holiday period or other busy times of the year) into account



Receive information request

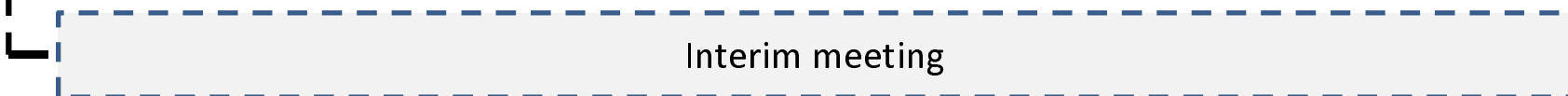
- Review whether information requested is within legal obligations. If not, discuss with appropriate stakeholders whether or not this can be provided
- Agree (if applicable) on concrete deadline for submission of information with tax authorities
- Collect information
- Agree on presentation of information with appropriate stakeholders
- Submit / present information to tax authorities



Evaluate the information received

- Check completeness of information received
- Consider further requests
- Ask for explanation of technical industry information, i.e. non tax information
- Consider on-site visits
- Consider discussing views and findings with other colleagues or specialists
- Agree on the facts with the taxpayer

Repeat if necessary



Interim meeting

Tax administration



Prepare draft audit findings

- Consider different legal provisions on the findings (domestic law, DTA, guidelines and other soft law instruments)

Interim meeting

Consider arguments of taxpayer

- discussions consequences of the audit findings for other taxes and / or jurisdictions
- Consider taxpayer position in previous years , rulings
- Consider whether arguments going beyond legal arguments should be taken into account
- Prepare position for closing meeting
- Consider risks and chances (litigation risk, strength of case at MAP)
- Put case through any internal governance necessary



Closing meeting

- Determine time, place and participants
- Discuss findings
- If audit conclusion is accepted -> inform tax authorities of acceptance
- Discuss way forward
- Evaluation of audit process



Taxpayer

a) Receive draft audit findings

- Inform appropriate stakeholders
- Prepare scenarios of possible outcomes, taking into account the possible impact on other taxes or (future) tax positions, and the accounting impact of each scenario in consultation with appropriate stakeholders

b) Scenarios are completed

- Discuss ways to proceed and determine remit of negotiations with appropriate stakeholders

c) Agree on a way forward

- Discuss / negotiate with tax authorities and include in the discussions consequences of the audit findings for other taxes and / or jurisdictions

Tax administration



Prepare final audit report

- Put case through any internal governance necessary



Taxpayer

Receive final audit report

- Inform appropriate stakeholders
- Analyse and document in consultation with appropriate stakeholders impact of audit report and alternatives available if not agreeable to audit report
- Share impact of audit report and recommendation regarding decision to accept or reject with appropriate stakeholders
- Prepare and document decision whether to accept or reject (by appropriate decision makers)