

**UNDERSTANDING ON THE APPLICATION OF CERTAINTY
FOR AMOUNT A OF PILLAR ONE**

**TWO-PILLAR SOLUTION TO ADDRESS THE TAX CHALLENGES ARISING FROM THE
DIGITALISATION OF THE ECONOMY**

Cover Note

The Inclusive Framework's Task Force on the Digital Economy (TFDE) has approved the publication of a text of the Multilateral Convention (MLC) to implement Amount A, together with its Explanatory Statement (ES) and the Understanding on the Application of Certainty for Amount A of Pillar One (UAC). This text reflects the consensus achieved so far among members on the technical architecture of Amount A, with different views on a handful of specific items noted in footnotes by a small number of jurisdictions who are constructively engaging to resolve differences.

In view of the significance of this reform for the international tax system, and guided by the 11 July 2023 Outcome Statement approved by 138 members of the Inclusive Framework, the publication of this document is intended to: ensure transparency; facilitate the ability of some members of the Inclusive Framework to engage in internal processes necessary to enable swift adoption by the TFDE; facilitate resolution of remaining differences by the Inclusive Framework; and prepare the MLC for signature.

Part 1. Introduction

Section 1. Understanding on the Application of Part V (Administration and certainty)

1. The Parties to the Multilateral Convention to Implement Amount A of Pillar One on the Tax Challenges Arising from the Digitalisation of the Economy¹ (Convention) have reached the following understanding on the mode of application of Part V (Administration and certainty) of the Convention, in connection with the adoption of the text of the Convention. This understanding may be modified or supplemented in the future by a decision of the Conference of the Parties.
2. Throughout this understanding, references to Articles and Annexes are to Articles and Annexes of the Convention. References to a Group include a Disclosed Segment and references to a Covered Group include a *covered segment*, except where the context requires otherwise.

Part 2. Scope certainty and follow-up scope certainty

Section 2. A scope certainty review or follow-up scope certainty review by a scope review panel or lead tax administration

1. Where a review is to be undertaken by a *scope review panel* in circumstances in which the criteria in the following provisions of the Convention apply:

- a. Article 24(1)(d);
- b. Article 24(1)(e);
- c. Article 24(1)(f); or
- d. both Article 24(1)(g)(i) and (ii)(A);

the exchange in Article 22(3) will also include an invitation for the Competent Authorities of *listed parties* to submit within 60 days of that exchange an expression of interest for the tax administration of that *listed party* to participate on the *scope review panel*. Where under Article 22(4), a Party is added to the list of *listed parties*, the deadline for that Party to submit an expression of interest will be 15 days after the exchange with the Competent Authority of that Party of information previously exchanged with *listed parties* under Article 22(3).

2. Where:

- a. paragraph 1 does not apply; and
- b. the criteria in Article 24(1)(g)(i) and any of the criteria in Article 24(1)(a), (b) or (c) are met;

the exchange in Article 22(3) will also include a notification that a proposal by a *listed party* that the review be undertaken by a *scope review panel* should be submitted to the *lead tax administration* within 30 days. Where under Article 22(4), a Party is added to the list of *listed parties*, the deadline for that Party to submit a proposal that the review be undertaken by a *scope review panel* will be 15 days after the exchange with the Competent Authority of that Party of information previously exchanged with *listed parties* under Article 22(3).

3. Where, by the applicable deadline in paragraph 2, a proposal that a review be undertaken by a *scope review panel* is submitted by the Competent Authority of a *listed party*, the Competent Authority of the

¹ The footnotes in the Multilateral Convention (MLC) contain objections that have been raised by some countries to certain provisions of the MLC. These objections also apply to the relevant parts of this Understanding on the Application of Certainty for Amount A of Pillar One.

Party of the *lead tax administration* will within 30 days of that deadline exchange with the Competent Authorities of *listed parties* a notification that the review will be undertaken by a *scope review panel* and an invitation to submit within 60 days of that exchange an expression of interest for the tax administration of that *listed party* to participate on the *scope review panel*. Where a Party is added to the list of *listed parties* under Article 22(4) after this notification is given, the exchange with the Competent Authority of that Party of any information previously exchanged with *listed parties* will also include notification that the review will be undertaken by a *scope review panel* and an invitation to submit an expression of interest for the tax administration of that Party to participate on the *scope review panel* by the later of:

- a. 15 days after this exchange; and
- b. the deadline for expressions of interest under this paragraph generally.

Where no proposal that a review be undertaken by a *scope review panel* is submitted by the applicable deadline in paragraph 2, the Competent Authority of the Party of the *lead tax administration* will within 30 days of this deadline exchange with the Competent Authorities of *listed parties* a notification that the review will be undertaken by the *lead tax administration*.

4. Where:

- a. a *scope review panel* is established under Article 25(2); and
- b. places on that *scope review panel* in any of the categories in Article 25(2)(a) or (b) remain unfilled following expressions of interest received by the latest deadline in paragraph 1 or paragraph 3 as applicable;

the Competent Authority of the Party of the *lead tax administration* will, within 15 days of that deadline, notify the Competent Authorities of *listed parties* within the relevant category that did not already express interest of the unfilled places and seek a second round of expressions of interest, to be made within 15 days of this notification. Unfilled places on the panel will be filled with tax administrations of *listed parties* of the relevant category that expressed interest during this second round, selected at random. Where after this second round of expressions of interest, places on the *scope review panel* remain unfilled, the remaining places will be filled by tax administrations from other *listed parties* that submitted an expression of interest, selected at random. Where the total number of *listed parties* that expressed interest in participating on the panel after the second round of expressions of interest is lower than six, the remaining places will remain unfilled. The *scope review panel* is established at the end of this process.

Section 3. Commencing a scope certainty review or follow-up scope certainty review

1. A *scope review panel* or *lead tax administration* should begin a *scope certainty review* or *follow-up scope certainty review* by the later of:
 - a. 30 days after the Competent Authority of the Party of the *lead tax administration* exchanged the request for *scope certainty* or *follow-up scope certainty* with the Competent Authorities of *listed parties* under Article 22(3);
 - b. 75 days after the Competent Authority of the Party of the *lead tax administration* notified the Competent Authorities of Parties that are not *listed parties* of the request for *scope certainty* or *follow-up scope certainty* under Article 22(3);
 - c. where under Article 22(4), the Competent Authority of any Party notifies the Competent Authority of the Party of the *lead tax administration* that it considers that it should be included on the list of *listed parties*, 30 days after the end of the process in that Article; and
 - d. 30 days after the establishment of a *scope review panel*.

This deadline may be extended by up to 180 days where the *coordinating entity* indicated in its request for *scope certainty* or *follow-up scope certainty* that financial statements or other documents relied upon in the *scope certainty documentation package* or *follow-up scope certainty documentation package* are likely to be corrected and this would impact the application of the Convention for the Period. The Competent Authority of the Party of the *lead tax administration* will inform the Competent Authorities of all *listed parties* of the planned start date for this review, before the review is due to commence.

2. Where:

- a. a *scope certainty review* or *follow-up scope certainty review* is to be undertaken by a *scope review panel*, and
- b. a request for *scope certainty* or *follow-up scope certainty* has been accepted with respect to one or more earlier Periods of the Group for which a review has not commenced; or
- c. a request for *scope certainty* or *follow-up scope certainty* is accepted with respect to one or more later Periods of the Group before the review in subparagraph (a) has commenced;

all members of the *scope review panel* may agree by *consensus* that the *scope review panel* will undertake the reviews for up to five additional Periods, from those most closely preceding or most closely following the Period for which the *scope review panel* was established, simultaneously with the review for that Period. Where there are more than five earlier Periods of the Group for which a review has not yet commenced, the review by the *scope review panel* will not commence until the reviews for the additional earlier Periods are completed.

3. Where:

- a. a *scope certainty review* or *follow-up scope certainty review* is to be undertaken by a *lead tax administration*; and
- b. a request for *scope certainty* or *follow-up scope certainty* has been accepted with respect to one or more earlier Periods of the Group for which a review will be undertaken by the *lead tax administration*, but the review by the *lead tax administration* for those Periods has not yet commenced; or
- c. a request for *scope certainty* or *follow-up scope certainty* is accepted with respect to one or more later Periods of the Group for which a review will be undertaken by the *lead tax administration*, before the review in subparagraph (a) has commenced;

the *lead tax administration* may undertake the reviews for up to five Periods most closely preceding or most closely following the Period specified in the request for *scope certainty*, simultaneously with the review for that Period. Where there are more than five earlier Periods of the Group for which a review has not yet commenced, the review by the *lead tax administration* will not commence until the reviews for the additional earlier Periods are completed.

Section 4. Concluding a *scope certainty review* or *follow-up scope certainty review*

1. If, at the end of a *scope certainty review* or *follow-up scope certainty review*:

- a. either,
 - i. a *scope review panel* reached agreement including all members; or
 - ii. a *scope certainty review* or *follow-up scope certainty review* was undertaken by the *lead tax administration*; and

- b. no Competent Authorities submitted written comments that disagreed with the recommendation of the *scope review panel* or *lead tax administration* by the deadline in Annex F Section 1(30), or if all such written comments are withdrawn following consultation;

the *lead tax administration* will within 30 days notify the *coordinating entity* that the review has concluded with an agreed *scope certainty outcome* in accordance with Article 29(1) or (2), as applicable.

2. Where paragraph 1 applies, if the *scope review panel* or *lead tax administration* recommended that the Group is a Covered Group for the Period, the notification provided by the *lead tax administration* in that paragraph will include that the *coordinating entity* is required to file an Amount A Tax Return and Common Documentation Package on the basis that the Group is a Covered Group with the *lead tax administration* by the later of:
 - a. the applicable filing deadline; or
 - b. 180 days after the date the *coordinating entity* is notified of the *scope certainty outcome*.
3. Where paragraph 1 applies, if the *scope review panel* or *lead tax administration* recommended that the conclusion in the Group's *follow-up scope certainty documentation package* cannot be agreed on the basis of the information available, the notification provided by the *lead tax administration* in that paragraph will include that the *coordinating entity*, is required to:
 - a. prepare elements of a *scope certainty documentation package* that were not previously provided and file these with the *lead tax administration* together with an updated request for *scope certainty* under Article 22(7) within 90 days after the *coordinating entity* is notified of the *scope certainty outcome*; or
 - b. file an Amount A Tax Return and Common Documentation Package on the basis that the Group is a Covered Group with the *lead tax administration* by the later of:
 - i. the applicable filing deadline; or
 - ii. 180 days after the date the *coordinating entity* is notified of the *scope certainty outcome*.
4. If:
 - a. the *scope review panel* did not reach agreement including all members; or
 - b. the Competent Authority of one or more *listed parties* submitted written comments by the deadline in Annex F Section 1(30) that were not subsequently withdrawn;

the *lead tax administration* will within 30 days notify the *coordinating entity* that issues where there is disagreement will be submitted to a *determination panel* for a final outcome under Article 27.

Part 3. Scope advance certainty

Section 5. A scope review panel to undertake a scope advance certainty review

1. Where a request for *scope advance certainty* has been accepted under Article 22(3), the exchange in that Article will include an invitation for the Competent Authorities of *listed parties* to submit within 60 days of that exchange an expression of interest for the tax administration of that *listed party* to participate on the *scope review panel*. Where under Article 22(4), a Party is added to the list of *listed parties*, the deadline for that Party to submit an expression of interest will be 15 days after the exchange with the Competent Authority of that Party of information previously exchanged with *listed parties* under Article 22(3).

2. Where places on a *scope review panel* in any of the categories in Article 25(2)(a) or (b) remain unfilled following expressions of interest received by the deadline in paragraph 1, the Competent Authority of the Party of the *lead tax administration* will, within 15 days of that deadline, notify the Competent Authorities of *listed parties* within the relevant category that did not already express interest of the unfilled places and seek a second round of expressions of interest, to be made within 15 days of this notification. Unfilled places on the panel will be filled with tax administrations of *listed parties* of the relevant category that expressed interest during this second round, selected at random. Where after this second round of expressions of interest, places on the *scope review panel* remain unfilled, the remaining places will be filled by tax administrations from other *listed parties* that submitted an expression of interest, selected at random. Where the total number of *listed parties* that expressed interest in participating on the panel after the second round of expressions of interest is lower than six, the remaining places will remain unfilled. The *scope review panel* is established at the end of this process.

Section 6. Commencing a scope advance certainty review

1. A *scope advance certainty review* will commence on a date agreed by the *scope review panel*. The Competent Authority of the Party of the *lead tax administration* will inform the Competent Authorities of all *listed parties* not on the *scope review panel* of the agreed start date for its review before the review is due to commence.

Section 7. Concluding a scope advance certainty review

1. If:
 - a. the *scope review panel* recommended that *listed parties* agree one or more of the proposed approaches reflected in the *advance certainty documentation package* as filed by the *coordinating entity*; and
 - b. no Competent Authorities submitted written comments that disagreed with this recommendation by the deadline in Annex F Section 1(31), or if all such written comments are withdrawn following consultation;

the *lead tax administration* will within 30 days notify the *coordinating entity* that the review has concluded with an agreed *advance certainty outcome* in accordance with Article 29(5).

2. If:
 - a. the *scope review panel* recommended that *listed parties* agree specified changes to one or more of the proposed approaches reflected in the *advance certainty documentation package*; and
 - b. no Competent Authorities submitted written comments that disagreed with this recommendation by the deadline in Annex F Section 1(31), or if all such written comments are withdrawn following consultation;

the *lead tax administration* will within 30 days notify the *coordinating entity* that it is required to prepare and file a revised *advance certainty documentation package* within 90 days of that notification, reflecting these changes.

3. Where paragraph 2 applies and a revised *advance certainty documentation package* is filed by the *coordinating entity*, this will be reviewed by the *scope review panel* within 60 days of being filed to ensure the required changes to the proposed approaches have been correctly reflected. No new changes will be proposed by the *scope review panel*. If the *scope review panel* concludes that certain required changes to the revised *advance certainty documentation package* have not been made, the *lead tax administration* will inform the *coordinating entity*, and the *coordinating entity* will be required

to further revise the *advance certainty documentation package*. Once the *scope review panel* is satisfied that all required changes to the *advance certainty documentation package* have been made, the *lead tax administration* will within 30 days notify the *coordinating entity* that the review has concluded with an agreed *advance certainty outcome* in accordance with Article 29(5). By the same deadline, the Competent Authority of the Party of the *lead tax administration* will exchange the revised *advance documentation package* with the Competent Authorities of the *listed parties*.

4. If:
- a. the *scope review panel* did not reach agreement including all members; or
 - b. the Competent Authority of one or more *listed parties* submitted written comments by the deadline in Annex F Section 1(31) that were not subsequently withdrawn;

the *lead tax administration* will within 30 days notify the *coordinating entity* that issues where there is disagreement will be submitted to a *determination panel* for a final outcome under Article 27.

5. Where the *coordinating entity* of a Group anticipates or becomes aware that one or more agreed *critical assumptions* are no longer met, it will be required to inform the *lead tax administration* of this fact. The Competent Authority of the Party of the *lead tax administration* will then exchange this information with the Competent Authorities of *listed parties*.

Part 4. Comprehensive certainty

Section 8. A comprehensive certainty review by a review panel or lead tax administration

1. Where a request for *comprehensive certainty* is accepted before the Amount A Tax Return and Common Documentation Package for the Period is exchanged, the Competent Authority of the Party of the *lead tax administration* will include with that exchange:

- a. notification that the request is accepted and a review will be undertaken; and
- b. one of the following:
 - i. where a review is to be undertaken by a *review panel* in circumstances where the criteria in one or more of the following provisions of the Convention apply:
 - (a) Article 24(3)(a);
 - (b) Article 24(3)(b);
 - (c) Article 24(3)(c); or
 - (d) both:
 - (1) at least one of Article 24(3)(d)(i) through (iii), and
 - (2) Article 24(3)(d)(iv),

notification that the review will be undertaken by a *review panel* and an invitation for the Competent Authorities of *affected parties* to submit within 60 days of this exchange an expression of interest for the tax administration of that *affected party* to participate on the *review panel*. Where under Article 23(4), a Party is added to the *affected parties*, the deadline for that Party to submit an expression of interest will be 15 days after the exchange with the Competent Authority of that Party of information previously exchanged with *affected parties* under Article 23(3);

- ii. Where:

- (a) subparagraph (i) does not apply; and
 - (b) at least one of Article 24(3)(d)(i) through (iii) applies,
 - notification that a proposal by an *affected party* that the review be undertaken by a *review panel* should be submitted to the *lead tax administration* within 30 days of this exchange. Where under Article 23(4), a Party is added to the *affected parties*, the deadline applicable to that Party is 15 days after the exchange with the Competent Authority of that Party of information previously exchanged with *affected parties* under Article 23(3); or
 - iii. notification that the review will be undertaken by the *lead tax administration*.
2. Where a request for *comprehensive certainty* has not been accepted by the deadline for the exchange of the Amount A Tax Return and Common Documentation Package, the Competent Authority of the Party of the *lead tax administration* will include with that exchange an explanation that the request has not yet been accepted and a description of any content that was missing from the application. Within 30 days after the deadline for the submission of a corrected request or missing documentation in Article 23(3), the Competent Authority of the Party of the *lead tax administration* will:
 - a. if the *coordinating entity* submits a corrected request or provides the missing content to the *lead tax administration* by the applicable deadline, notify the *coordinating entity* that the request is accepted and exchange this content with the Competent Authorities of *affected parties*, together with the information mentioned in paragraph 1; or
 - b. notify the Competent Authorities of *affected parties* that the *coordinating entity* is considered to have withdrawn its request for *comprehensive certainty*.
 3. Within 30 days after the deadline for proposals that a review be undertaken by a *review panel* in paragraph 1(b)(ii), the Competent Authority of the Party of the *lead tax administration* will exchange with the Competent Authorities of all *affected parties*:
 - a. where the Competent Authority of an *affected party* submitted a proposal that a review be undertaken by a *review panel* by the deadline in paragraph 1(b)(ii), notification that a review will be undertaken by a *review panel* and an invitation for the Competent Authorities of *affected parties* to submit within 60 days of this exchange an expression of interest for the tax administration of that *affected party* to participate on that panel. Where a Party is added to the *affected parties* under Article 23(4) after this notification is given, the exchange with the Competent Authority of that Party of any information previously exchanged with *affected parties* will also include notification that the review will be undertaken by a *review panel* and an invitation to submit an expression of interest for the tax administration of that Party to participate on that panel by the later of,
 - i. 15 days after this exchange, and
 - ii. the deadline for expressions of interest under this paragraph generally; or
 - b. where subparagraph (a) does not apply, notification that a review will be undertaken by the *lead tax administration*.
 4. Where:
 - a. a *review panel* is established under Article 25(5); and
 - b. places on that *review panel* in any of the categories in Article 25(5)(a) or any of the subdivisions of Article 25(5)(b) remain unfilled following expressions of interest received by the deadline in paragraph 1(b)(i) or 3(a);

the Competent Authority of the Party of the *lead tax administration* will, within 15 days of that deadline, notify the Competent Authorities of *affected parties* within the relevant category that did not already express interest of the unfilled places and seek a second round of expressions of interest, to be made

within 15 days of this notification. Unfilled places on the Panel will be filled by tax administrations of *affected parties* of the relevant category that expressed interest during this second round, selected at random. Where after this second round of expressions of interest, places on the *review panel* remain unfilled, the remaining places will be filled by tax administrations from other *affected parties* that submitted an expression of interest, selected at random. In this case, an unfilled place in any of the subdivisions of Article 25(5)(b) will be filled by tax administrations of *affected parties* from other subdivisions of that Article before tax administrations of *affected parties* from Article 25(5)(a). Where the total number of *affected parties* that expressed interest in participating on the panel after the second round of expressions of interest is lower than six, the remaining places will remain unfilled. The *review panel* is established at the end of this process.

Section 9. Commencing a comprehensive certainty review

1. A *comprehensive certainty review* will commence on a date agreed by the *review panel*. The Competent Authority of the Party of the *lead tax administration* will inform the Competent Authorities of all *affected parties*, or all *affected parties* not on the *review panel*, of the agreed start date for its review before the review is due to commence. In general, a review should commence by the later of:
 - a. 90 days after the Competent Authority of the Party of the *lead tax administration* notifies the Competent Authorities of Parties that a request for certainty was accepted under Article 23(3); and
 - b. where relevant, 30 days after the establishment of a *review panel*.

This deadline may be extended by up to 180 days where the *coordinating entity* included in its request for *comprehensive certainty* a statement that financial statements or other documents relied upon in the Amount A Tax Return and Common Documentation Package are likely to be corrected and this would impact the application of the Convention for the Period. In any case, a review should not commence until any review by a *review panel* or *lead tax administration* that has already commenced for an earlier Period of the Group is completed. This does not delay the exchange of the Group's Amount A Tax Return and Common Documentation Package with the Competent Authorities of *affected parties*.

2. Where:
 - a. a *comprehensive certainty review* is to be undertaken by a *review panel*; and
 - b. a request for *comprehensive certainty* has been accepted with respect to one or more earlier Periods of the Group for which a review has not commenced; or
 - c. a request for *comprehensive certainty* is accepted with respect to one or more later Periods of the Group before the review in subparagraph (a) has commenced;

all members of the *review panel* may agree by *consensus* that the *review panel* will undertake the reviews for up to five additional Periods, from those most closely preceding or most closely following the Period for which the *review panel* was established, simultaneously with the review for that Period. Where there are more than five earlier Periods of the Group for which a review has not yet commenced, the review by the *review panel* will not commence until the reviews for the additional earlier Periods are completed.

3. Where:
 - a. a *comprehensive certainty review* is to be undertaken by a *lead tax administration*; and
 - b. a request for *comprehensive certainty* has been accepted with respect to one or more earlier Periods of the Group for which a review will be undertaken by the *lead tax administration*, but the review by the *lead tax administration* for those Periods has not yet commenced; or

- c. a request for *comprehensive certainty* is accepted with respect to one or more later Periods of the Group for which a review will be undertaken by the *lead tax administration*, before the review in subparagraph (a) has commenced;

the *lead tax administration* may undertake the reviews for up to five Periods most closely preceding or most closely following the Period specified in the request for *comprehensive certainty*, simultaneously with the review for that Period. Where there are more than five earlier Periods of the Group for which a review has not yet commenced, the review by the *lead tax administration* will not commence until the reviews for the additional earlier Periods are completed.

4. A review by a *review panel* or *lead tax administration* will begin with a first phase considering issues with respect to whether a Group is a Covered Group, and those concerning elements of the Group's application of the Convention that form the basis upon which revenues will be sourced to *affected parties* under Article 6, an allocation of Adjusted Profit Before Tax under Article 5 and the Elimination of Double Taxation under Part IV will be made. These include:
 - a. the definition of a Group;
 - b. whether a Group is a Covered Group for the Period;
 - c. the treatment of *disclosed segments*;
 - d. the determination and treatment of revenues and costs for purposes of Annex C Section 2 or Section 3;
 - e. the calculation of Adjusted Profit Before Tax;
 - f. application of the *autonomous domestic business exemption*;
 - g. application of the *defence groups adjustment*;
 - h. the categorisation of transactions and choice of *reliable method* for purposes of *revenue sourcing*;
 - i. jurisdiction-level financial statements for the purpose of applying rules on the *marketing and distribution profits safe harbour adjustment* and the Elimination of Double Taxation, and
 - j. whether any of the *critical assumptions* agreed as part of an *advance certainty outcome* of the Group are no longer met.
5. The first phase of a review described in paragraph 4 will be followed by a second phase, considering all other elements of the Group's application of the Convention for the Period, including:
 - a. the identification of Parties in which the Group meets the applicable nexus threshold;
 - b. the allocation of Amount A Profit to *affected parties*;
 - c. the application of the *marketing and distribution profits safe harbour adjustment*; and
 - d. the Elimination of Double Taxation.
6. At the end of the first phase of a review under paragraph 4, members of the *review panel* will agree among themselves, or where a *review panel* is not established the *lead tax administration* will decide, whether to progress directly to the second phase under paragraph 5, or to seek comments from *affected parties* on the outcomes of the first phase and resolution of any disagreements before progressing to the second phase. Factors the *review panel* or *lead tax administration* should take into account in reaching this decision include:
 - a. whether the *review panel* or *lead tax administration* agrees the approach taken by the Group in its Amount A Tax Return and Common Documentation Package with respect to the elements covered in the first phase of its review;

- b. where there is disagreement between members of the *review panel* as to one or more of the elements covered in the first phase, the nature of these disagreements and the likely impact on the Panel's ability to undertake the second phase of its review without these disagreements having been resolved;
- c. where concerns have been raised by *affected parties* with respect to elements covered in the first phase which the *review panel* or *lead tax administration* has not been able to address, the nature of these concerns and the likely impact on the Panel or *lead tax administration's* ability to undertake the second phase of its review without any potential disagreements having been identified and resolved; and
- d. the impact of the extension of the *comprehensive certainty review* and the delay to an agreed *comprehensive certainty outcome* for the Group if comments are sought from *affected parties* and disagreements resolved before progressing to the second phase.

In general, a review should progress directly to a second phase unless, in the view of the *review panel* or *lead tax administration*, the delay in subparagraph (d) can be justified in light of the other factors above and any other factors considered relevant.

- 7. Where a review progresses directly to the second phase, the *review panel* or *lead tax administration* will ensure that its review of the matters described in paragraph 4 includes the computations undertaken by the Group in its Amount A Tax Return and Common Documentation Package. This will ensure that, where numerical changes are subsequently required to the Group's Amount A Tax Return and Common Documentation Package as a result of disagreements over matters considered in the first phase of the review, the impact of these changes on matters considered in the second phase can be agreed quickly.
- 8. The first phase of a *comprehensive certainty review* will be completed within 240 days of the review commencing and the second phase will be completed within 125 days after that phase commences, unless additional time is needed to compensate for delays in the provision of information by the *coordinating entity* or for the resolution of issues where a Group has acted in an uncooperative or non-transparent manner, including by providing inaccurate or incomplete information, in which case the relevant period will be extended by the same number of days as that delay. The first time the *coordinating entity* of a Group submits a request for *comprehensive certainty*, the first phase of a review under this Section will be completed within 300 days of the review commencing and the second phase will be completed within 155 days after that phase commences, unless additional time is needed to compensate for delays in the provision of information by the *coordinating entity* or for the resolution of issues where a Group has acted in an uncooperative or non-transparent manner, including by providing inaccurate or incomplete information. Where during the course of a review it is determined that one or more *critical assumptions* related to an *advance certainty outcome* no longer applies, and the overall timeframe for a review in this paragraph is increased by 90 days, the *review panel* or *lead tax administration* may determine the allocation of this additional time between the two phases.

Section 10. Concluding a comprehensive certainty review

- 1. If:
 - a. both of the following conditions are met:
 - i. the *review panel* or *lead tax administration* recommended that *affected parties* agree the application of the Convention to issues reflected in the Amount A Tax Return and Common Documentation Package as filed by the *coordinating entity*, and

- ii. no Competent Authorities submitted written comments that disagreed with this recommendation by the deadline in Annex F Section 1(30), or if all such written comments are withdrawn following consultation,
 - b. then either:
 - i. the review will move to a second phase in accordance with Section 9(5), or
 - ii. the *lead tax administration* will within 30 days notify the *coordinating entity* that the review has ended with an agreed *comprehensive certainty outcome* in accordance with Article 29(3), as applicable.
- 2. If:
 - a. the *review panel* or *lead tax administration* recommended that *affected parties* agree specified changes to the application of the Convention to issues reflected in the Amount A Tax Return and Common Documentation Package, and
 - b. no Competent Authorities submitted written comments that disagreed with this recommendation by the deadline in Annex F Section 1(30), or if all such written comments are withdrawn following consultation,

the *lead tax administration* will within 30 days notify the *coordinating entity* that it is required to prepare and file a revised Amount A Tax Return and Common Documentation Package within 90 days of this notification, reflecting these changes.
- 3. Where paragraph 2 applies and a revised Amount A Tax Return and Common Documentation Package is filed by the *coordinating entity*, this will be reviewed by the *review panel* or, where no *review panel* is established, the *lead tax administration* within 60 days of being filed to ensure the required changes to the application of the Convention have been correctly reflected. No new changes will be proposed. If the *review panel* or *lead tax administration* conclude that certain required changes to the revised Amount A Tax Return and Common Documentation Package have not been made, the *lead tax administration* will inform the *coordinating entity*, and the *coordinating entity* will be required to further revise the Amount A Tax Return and Common Documentation Package. Once the *review panel* or *lead tax administration* is satisfied that all required changes to the Amount A Tax Return and Common Documentation Package have been made, the Competent Authority of the Party of the *lead tax administration* will within 30 days exchange the revised Amount A Tax Return and Common Documentation Package with the Competent Authorities of the *affected parties*, and the review will move to a second phase or the *lead tax administration* will by the same deadline notify the *coordinating entity* that the review has concluded with an agreed *comprehensive certainty outcome* in accordance with Article 29(3), as applicable.
- 4. Notwithstanding paragraph 3, where a *comprehensive certainty review* is undertaken in phases and the recommendation mentioned in paragraph 2 is with respect to the first phase of a review, the *review panel*, or *lead tax administration* where a *review panel* is not established, may agree that a revised Amount A Tax Return and Common Documentation Package will only be required at the end of the second phase of the review, reflecting changes required in both phases.
- 5. If:
 - a. the *review panel* did not reach agreement including all members with respect to the application of the Convention to issues reflected in the Amount A Tax Return and Common Documentation Package, or
 - b. the Competent Authority of one or more *affected parties* submitted written comments by the deadline in Annex F Section 1(30) that were not subsequently withdrawn,

the *lead tax administration* will within 30 days notify the *coordinating entity* that issues where there is disagreement will be submitted to a *determination panel* for a final outcome under Article 27.

6. Where the *review panel* or *lead tax administration* sought comments from *affected parties* separately at the end of the first phase and at the end of the second phase of its review:
 - a. where there is disagreement over matters considered in the first phase, these will be referred to the *determination panel* for resolution before the review progresses to the second phase; and
 - b. where there is disagreement over matters considered in the second phase, these will be referred to the *determination panel* for resolution before the review progresses to an agreed *comprehensive certainty outcome*.
7. Where the *review panel* or *lead tax administration* sought comments from *affected parties* only at the end of the second phase of its review, and there are disagreements over matters considered in both phases, the *review panel* or *lead tax administration* may consider referring disagreements over matters considered in the first phase to the *determination panel* first. If this *determination panel* process requires any changes to the Group's Amount A Tax Return and Common Documentation Package which have a corresponding impact on matters considered in the second phase of the review, *affected parties* which submitted written comments on these matters that were not subsequently withdrawn will be given 30 days to update their written comments and in particular the specific changes they propose to deal with their concerns. This is not an opportunity to raise new issues, but is intended to ensure that the alternative outcomes presented to the *determination panel* concerning matters in the second phase of the review reflect the impact of the *determination panel's* decisions on the first phase. Disagreements over matters considered in the second phase will then be referred to the *determination panel* for resolution.

Part 5. Advance certainty

Section 11. A review panel to undertake an advance certainty review

1. Where an *advance certainty review* is to be undertaken, the exchange in Article 23(3) will also include an invitation for the Competent Authorities of *affected parties* to submit within 60 days of that exchange an expression of interest for the tax administration of that *affected party* to participate on the *review panel*.
2. Where:
 - a. a *review panel* is established under Article 25(5); and
 - b. places on that *review panel* in any of the categories in Article 25(5)(a) or any of the subdivisions of Article 25(5)(b) remain unfilled following expressions of interest received by the deadline in paragraph 1;

the Competent Authority of the Party of the *lead tax administration* will, within 15 days of that deadline, notify the Competent Authorities of *affected parties* within the relevant category that did not already express interest of the unfilled places and seek a second round of expressions of interest, to be made within 15 days of this notification. Unfilled places on the Panel will be filled with tax administrations of *affected parties* of the relevant category that expressed interest during this second round, selected at random. Where after this second round of expressions of interest, places on the *review panel* remain unfilled, the remaining places will be filled by tax administrations from other *affected parties* that submitted an expression of interest, selected at random. In this case, an unfilled place in any of the subdivisions of Article 25(5)(b) will be filled by tax administrations of *affected parties* from other subdivisions of that Article before tax administrations of *affected parties* from Article 25(5)(a). Where

the total number of *affected parties* that expressed interest in participating on the panel after the second round of expressions of interest is lower than six, the remaining places will remain unfilled. The *review panel* is established at the end of this process.

Section 12. Commencing an advance certainty review

1. An *advance certainty review* will commence on a date agreed by the *review panel*. The Competent Authority of the Party of the *lead tax administration* will inform the Competent Authorities of all *affected parties* not on the *review panel* of the agreed start date for its review before the review is due to commence. Where a *comprehensive certainty review* is delayed, for example where a review for a previous Period of the Group is not yet complete, this will not delay commencement of an *advance certainty review*.

Section 13. Concluding an advance certainty review

1. If:
 - a. the *review panel* recommended that *affected parties* agree one or more of the proposed approaches reflected in the *advance certainty documentation package* as filed by the *coordinating entity*; and
 - b. no Competent Authorities submitted written comments that disagreed with this recommendation by the deadline in Annex F Section 1(31), or if all such written comments are withdrawn following consultation;

the *lead tax administration* will within 30 days notify the *coordinating entity* that the review has concluded with an agreed *advance certainty outcome* in accordance with Article 29(5).

2. If:
 - a. the *review panel* recommended that *affected parties* agree specified changes to one or more of the proposed approaches reflected in the *advance certainty documentation package*; and
 - b. no Competent Authorities submitted written comments that disagreed with the recommendation of the *review panel* by the deadline in Annex F Section 1(31), or if all such written comments are withdrawn following consultation;

the *lead tax administration* will within 30 days notify the *coordinating entity* that it is required to prepare and file a revised *advance certainty documentation package* within 90 days of this notification, reflecting these changes.

3. Where paragraph 2 applies and a revised *advance certainty documentation package* is filed by the *coordinating entity*, this will be reviewed by the *review panel* within 60 days of being filed to ensure the required changes to the proposed approaches have been correctly reflected. No new changes will be proposed by the *review panel*. If the *review panel* concludes that certain required changes to the revised *advance certainty documentation package* have not been made, the *lead tax administration* will inform the *coordinating entity*, and the *coordinating entity* will be required to further revise the *advance certainty documentation package*. Once the *review panel* is satisfied that all required changes to the *advance certainty documentation package* have been made, the *lead tax administration* will within 30 days notify the *coordinating entity* that the review has concluded with an agreed *advance certainty outcome* in accordance with Article 29(5). By the same deadline, the Competent Authority of the Party of the *lead tax administration* will exchange the revised *advance documentation package* with the Competent Authorities of the *affected parties*.
4. If:

- a. the *review panel* did not reach agreement including all members; or
- b. the Competent Authority of one or more *affected parties* submitted written comments by the deadline in Annex F Section 1(31) that were not subsequently withdrawn;

the *lead tax administration* will within 30 days notify the *coordinating entity* that issues where there is disagreement will be submitted to a *determination panel* for a final outcome under Article 27.

5. Where the *coordinating entity* of a Group anticipates or becomes aware that one or more agreed *critical assumptions* are no longer met, it will be required to inform the *lead tax administration* of this fact. The Competent Authority of the Party of the *lead tax administration* will then exchange this information with the Competent Authorities of *affected parties*.

Part 6. A pool of internal control systems specialists

Section 14. Establishing a pool of internal control systems specialists

1. A pool of tax officials from Parties will be established to support members of a *scope review panel*, a *review panel* or a *lead tax administration* in undertaking a review of aspects of a Group's *internal control framework* relevant to a review under Article 26.
2. Each Party may nominate tax officials to the pool but is not required to do so.
3. Members of the pool should have experience in undertaking reviews of the *internal control framework* of groups. Guidance may be agreed by Parties which describe different criteria which may be met by members of the pool, recognising the range of skills and experience that may be beneficial in undertaking a review.
4. One or more members of a *scope review panel*, *review panel* or a *lead tax administration* may request that a member of the pool that is a tax official from a *listed party* or *affected party* as relevant provides advice to its officials or works alongside its officials to provide support in undertaking a review of matters related to the Group's *internal control framework*. Members of a *scope review panel* or *review panel* may agree between themselves whether they request advice or support from the same member of the pool or from different members, which may depend upon whether each member of a panel considers that it requires advice or support with respect to the same aspects of a review. In all cases, members of a *scope review panel* or *review panel* and members of the pool from which advice is sought should engage with each other with the aim of avoiding disagreement wherever possible. Any member of the pool will undertake this work as an official of the tax administration in its Jurisdiction and provisions of the Convention and domestic law concerning the use and confidentiality of information obtained for purposes of a review in accordance with the Convention will apply.
5. It is for each member of a *scope review panel*, *review panel* or the *lead tax administration* to reach its own conclusions with respect to the outcomes of any review, including the extent to which it will rely on any advice or support provided by a member of the pool under this Section.

Part 7. Providing Information to a determination panel and implementing the outcomes of a determination panel decision

Section 15. Preparation of information to be provided to a determination panel

1. Where one or more issues considered as part of a *scope certainty review* or *follow-up scope certainty review* will be submitted to a *determination panel* for a final outcome, the Competent Authority of the

Party of the *lead tax administration* will by the applicable deadline exchange with the Competent Authorities of all *listed parties*:

- a. with respect to issues that had been agreed by the *scope review panel* or in cases where a review was undertaken by a *lead tax administration*;
 - i. a list of the specific items in a Group's *scope certainty documentation package* or *follow-up scope certainty documentation package* with respect to which written comments were submitted and not withdrawn; and
 - ii. for each of these items, alternative outcomes comprising:
 - A. the outcome recommended by the *scope review panel* or *lead tax administration* to *listed parties*, with an explanation of its basis for this recommendation; and
 - B. each alternative outcome proposed by a Competent Authority of a *listed party* together with the papers prepared by each Competent Authority explaining its position as to why this would reflect a more correct application of the Convention; and
 - iii. any written explanation provided by the *coordinating entity* with respect to these issues.
 - b. with respect to issues that had not been agreed by the *scope review panel*:
 - i. a list of the specific items in a Group's *scope certainty documentation package* or *follow-up scope certainty documentation package* with respect to which the *review panel* did not reach agreement;
 - ii. for each of these items, alternative outcomes comprising:
 - A. if the outcome in the Group's *scope certainty documentation package* or *follow-up scope certainty documentation package* is supported by one or more members of the *scope review panel*, this outcome with an explanation of their basis for supporting this approach;
 - B. each alternative outcome not covered by paragraph 1(b)(ii)(A) proposed by one or more members of the *scope review panel*, together with papers prepared by Panel members explaining their position as to why in their view this would reflect a more correct application of the Convention; and
 - C. each alternative outcome proposed by a Competent Authority of a *listed party* together with the papers prepared by each Competent Authority explaining its position as to why this would reflect a more correct application of the Convention; and
 - iii. any written explanation provided by the *coordinating entity* with respect to these issues.
2. Where one or more issues considered as part of a *scope advance certainty review* will be submitted to a *determination panel* for a final outcome, the Competent Authority of the Party of the *lead tax administration* will by the applicable deadline exchange with the Competent Authorities of all *listed parties*:
- a. with respect to issues that had been agreed by the *scope review panel*:
 - i. a list of the specific items in a Group's *advance certainty documentation package* with respect to which written comments were submitted and not withdrawn; and
 - ii. for each of these items, alternative outcomes comprising:
 - A. the approach recommended by the *scope review panel* to *listed parties*, with an explanation of its basis for this recommendation; and

- B. each alternative approach proposed by a Competent Authority of a *listed party* together with the papers prepared by each Competent Authority explaining its position as to why this would reflect a more correct application of the Convention; and
 - iii. any written explanation provided by the *coordinating entity* with respect to these issues.
 - b. with respect to issues that had not been agreed by the *scope review panel*:
 - i. a list of the specific items in a Group's *advance certainty documentation package* with respect to which the *scope review panel* did not reach agreement; and
 - ii. for each of these items, alternative outcomes comprising:
 - A. if the proposed approach in the Group's *advance certainty documentation package* is supported by one or more members of the *scope review panel*, this approach with an explanation of their basis for supporting the approach;
 - B. each alternative approach not covered by paragraph 2(b)(ii)(A) proposed by one or more members of the *scope review panel*, together with papers prepared by panel members explaining their position as to why in their view this would reflect a more correct application of the Convention; and
 - C. each alternative approach proposed by a Competent Authority of a *listed party* together with the papers prepared by each Competent Authority explaining its position as to why this would reflect a more correct application of the Convention; and
 - iii. any written explanation provided by the *coordinating entity* with respect to these issues.
- 3. Where one or more issues considered as part of a *comprehensive certainty review* will be submitted to a *determination panel* for a final outcome, the Competent Authority of the Party of the *lead tax administration* will by the applicable deadline exchange with the Competent Authorities of all *affected parties*:
 - a. with respect to issues that had been agreed by the *review panel* or where a review was undertaken by the *lead tax administration*:
 - i. a list of the specific items in a Group's Amount A Tax Return and Common Documentation Package with respect to which written comments were submitted and not withdrawn; and
 - ii. for each of these items, alternative outcomes comprising:
 - A. the outcome recommended by the *review panel* or *lead tax administration* to *affected parties*, with an explanation of its basis for this recommendation; and
 - B. each alternative outcome proposed by a Competent Authority of an *affected party* together with the papers prepared by each Competent Authority explaining its position as to why this would reflect a more correct application of the Convention; and
 - iii. any written explanation provided by the *coordinating entity* with respect to these issues.
 - b. with respect to issues that had not been agreed by the *review panel*:
 - i. a list of the specific items in a Group's Amount A Tax Return and Common Documentation Package with respect to which the *review panel* did not reach agreement; and
 - ii. for each of these items, alternative outcomes comprising:
 - A. if the outcome in the Group's Amount A Tax Return and Common Documentation Package is supported by one or more members of the *review panel*, this outcome with an explanation of their basis for supporting this approach;

- B. each alternative outcome not covered by paragraph 3(b)(ii)(A) proposed by one or more members of the *review panel*, together with papers prepared by panel members explaining their position as to why in their view this would reflect a more correct application of the Convention; and
 - C. each alternative outcome proposed by a Competent Authority of an *affected party* together with the papers prepared by each Competent Authority explaining its position as to why this would reflect a more correct application of the Convention; and
- iii. any written explanation provided by the *coordinating entity* with respect to these issues.
4. Where one or more issues considered as part of an *advance certainty review* will be submitted to a *determination panel* for a final outcome, the Competent Authority of the Party of the *lead tax administration* will by the applicable deadline exchange with the Competent Authorities of all *affected parties*:
- a. with respect to issues that had been agreed by the *review panel*:
 - i. a list of the specific items in a Group's *advance certainty documentation package* with respect to which written comments were submitted and not withdrawn; and
 - ii. for each of these items, alternative outcomes comprising:
 - A. the approach recommended by the *review panel* to *affected parties*, with an explanation of its basis for this recommendation; and
 - B. each alternative approach proposed by a Competent Authority of an *affected party* together with the papers prepared by each Competent Authority explaining its position as to why this would reflect a more correct application of the Convention; and
 - iii. any written explanation provided by the *coordinating entity* with respect to these issues.
 - b. with respect to issues that had not been agreed by the *review panel*,
 - i. a list of the specific items in a Group's *advance certainty documentation package* with respect to which the *review panel* did not reach agreement; and
 - ii. for each of these items, alternative outcomes comprising:
 - A. if the proposed approach in the Group's *advance certainty documentation package* is supported by one or more members of the *review panel*, this approach with an explanation of their basis for supporting the approach;
 - B. each alternative approach not covered by paragraph 4(b)(ii)(A) proposed by one or more members of the *review panel*, together with papers prepared by panel members explaining their position as to why in their view this would reflect a more correct application of the Convention; and
 - C. each alternative approach proposed by a Competent Authority of an *affected party* together with the papers prepared by each Competent Authority explaining its position as to why this would reflect a more correct application of the Convention; and
 - iii. any written explanation provided by the *coordinating entity* with respect to these issues.
5. Within 90 days of an exchange under paragraphs 1 through 4, Competent Authorities of *listed parties* or *affected parties* may submit written comments to the Competent Authority of the Party of the *lead tax administration* supporting or disagreeing with any of the alternative outcomes for each issue, which may be accompanied by a paper explaining the Competent Authority's position:

- a. as to why in its view an alternative outcome reflects a correct or incorrect application of the Convention; and
- b. with respect to any written explanation as to its approach provided by the *coordinating entity* of a Group.

Within 30 days of this deadline the Competent Authority of the Party of the *lead tax administration* will exchange these comments and papers with the Competent Authorities of all *listed parties* or *affected parties*.

6. For purposes of paragraphs 1 through 4, the applicable deadline is the later of:
 - a. 30 days after the deadline for written comments in Annex F Section 1(30) or (31), as applicable, or
 - b. 30 days after the end of the process in Annex F Section 1(35), if that process is used.

Section 16. Implementing the decisions of a determination panel

1. Where the decisions of the *determination panel* require no further changes to the *scope certainty documentation package*, *follow-up scope certainty documentation package*, Amount A Tax Return and Common Documentation Package or *advance certainty documentation package*, then, as applicable:
 - a. a *comprehensive certainty review* will progress to a second phase; or
 - b. the *lead tax administration* will within 30 days notify the *coordinating entity* that the review has concluded with an agreed *scope certainty outcome*, *advance certainty outcome* or *comprehensive certainty outcome* as applicable in accordance with Article 29, including any changes previously agreed by *listed parties* or *affected parties*.
2. Where the *coordinating entity* submitted a request for *scope certainty* under Article 22(1) as to whether the Group is a Covered Group, a *scope certainty review* was undertaken under Part 2, and a decision of the *determination panel* concludes that the Group is a Covered Group, the *lead tax administration* will within 30 days notify the *coordinating entity* that it is required to prepare an Amount A Tax Return and Common Documentation Package on the basis the Group is a Covered Group and file this with the *lead tax administration* within 180 days of that notification, which may include a request for *comprehensive certainty* under Article 23(1).
3. Where the *coordinating entity* submitted a request for certainty under Article 22(1) as to whether the Group is a Covered Group, a *follow-up scope certainty review* was undertaken under Part 2, and a decision of the *determination panel* concludes that it is not possible to find that the Group continues not to be a Covered Group, the *lead tax administration* will within 30 days notify the *coordinating entity* that it is required either:
 - a. to prepare elements of a *scope certainty documentation package* that were not previously provided and file these with the *lead tax administration* together with an updated request for *scope certainty* under Article 22(7) within 90 days of this notification; or
 - b. to prepare an Amount A Tax Return and Common Documentation Package on the basis that the Group is a Covered Group and file this with the *lead tax administration* within 180 days of this notification, which may include a request for *comprehensive certainty* under Article 23(1).
4. Where the *coordinating entity* submitted a request for *comprehensive certainty* under Article 23(1), and the decisions of the *determination panel* with respect to issues referred to it require changes to the Group's Amount A Tax Return and Common Documentation Package, the *lead tax administration* will within 30 days notify the *coordinating entity* that it is required to prepare a revised Amount A Tax Return and Common Documentation Package reflecting these decisions as well as changes previously

agreed by *affected parties*, and to file this with the *lead tax administration* within 90 days of that notification. Notwithstanding this paragraph, where a *comprehensive certainty review* is undertaken in phases and the relevant decisions of the *determination panel* are with respect to the first phase of a review, the *review panel* may agree, or *lead tax administration* where a *review panel* is not established may decide that a revised Amount A Tax Return and Common Documentation Package will only be required at the end of the second phase of the review, reflecting changes required in both phases.

5. Where the *coordinating entity* submitted a request for *scope advance certainty* under Article 22(2) or *advance certainty* under Article 23(2), and the decisions of the *determination panel* with respect to issues referred to it require changes to the Group's *advance certainty documentation package*, the *lead tax administration* will within 30 days notify the *coordinating entity* that it is required to prepare a revised *advance certainty documentation package* reflecting these decisions as well as changes previously agreed by *affected parties* or *listed parties*, and to file this with the *lead tax administration* within 90 days of that notification.
6. Where paragraph 4 or paragraph 5 applies and a revised Amount A Tax Return and Common Documentation Package or *advance certainty documentation package* is filed by the *coordinating entity* with the *lead tax administration*, the Competent Authority of the Party of the *lead tax administration* will within 30 days exchange this revised documentation package with the Competent Authorities of all *affected parties* or *listed parties*. Within 30 days of this exchange the Competent Authority of an *affected party* or *listed party* may submit written comments to the Competent Authority of the Party of the *lead tax administration* that it disagrees with how the *determination panel's* decisions have been taken into account by the *coordinating entity* in the revised documentation package. This is not an opportunity for a Competent Authority to question any decision of the *determination panel*, but only how those decisions have been taken into account. Where the Competent Authority of an *affected party* or *listed party* does not submit written comments by this deadline it will be taken for purposes of this paragraph as agreeing to how the *determination panel's* decisions have been taken into account in the revised documentation package. Any disagreements as to whether or not the *determination panel's* decisions have been correctly taken into account will be exchanged with the Competent Authorities of all *affected parties* or *listed parties* for information. The *lead tax administration* may discuss these issues with the *coordinating entity* and the Competent Authorities of *affected parties* or *listed parties* to resolve any disagreement. Where a disagreement is not resolved it will be referred to the *determination panel* for a final decision. Once it is agreed that the *determination panel's* decisions have been correctly taken into account, a *comprehensive certainty review* will progress to the second phase or the *lead tax administration* will within 30 days notify the *coordinating entity* that the review will have concluded with an agreed *advance certainty outcome* or *comprehensive certainty outcome* as applicable in accordance with Article 29.

Part 8. Certainty outcomes

Section 17. Certainty outcomes

1. Where a *scope certainty review* or *follow-up scope certainty review* concludes with an agreed *scope certainty outcome*, the Competent Authority of the Party of the *lead tax administration* will within 30 days exchange with Competent Authorities of *listed parties* details of the agreed *scope certainty outcome*. By the same deadline, the Competent Authority of the Party of the *lead tax administration* will also exchange with Competent Authorities of Parties that are not *listed parties* a notification that the review has concluded and whether this process determined that the Group was not a Covered Group for the Period or it continued not to be a Covered Group.
2. Where a *scope advance certainty review* or *advance certainty review* concludes with an agreed *advance certainty outcome*, including where it is agreed under Section 16 that a *determination panel's*

decisions have been correctly taken into account, the Competent Authority of the Party of the *lead tax administration* will within 30 days exchange with Competent Authorities of *listed parties* or *affected parties* details of the agreed *advance certainty outcome*.

3. Where a *comprehensive certainty review* concludes with an agreed *comprehensive certainty outcome*, including where it is agreed under Section 16 that a *determination panel's* decisions have been correctly taken into account, the Competent Authority of the Party of the *lead tax administration* will within 30 days exchange:
 - a. with Competent Authorities of *affected parties*, details of the agreed *comprehensive certainty outcome*; and
 - b. with Competent Authorities of Parties that are not *affected parties*, a notification that the *comprehensive certainty review* has concluded with an agreed *comprehensive certainty outcome*.
4. Where the Competent Authority of an *affected party* is aware that a Group Entity has submitted a revised tax return in its Jurisdiction, which:
 - a. reduces the amount of Amount A Profit allocated to an *affected party* under Article 5; or
 - b. increases the relief for the Elimination of Double Taxation required under Part IV;

for a Period for which a *comprehensive certainty outcome* applies, the Competent Authority may contact the Group Entity, directly or via the *lead tax administration*, to explain the consequences of this for the *comprehensive certainty outcome*, and give the Group Entity an opportunity to withdraw the revised tax return or to submit a further revised tax return that is consistent with the agreed *comprehensive certainty outcome*. Otherwise, or if the Group Entity declines to withdraw this revised tax return or to file a further revised tax return consistent with the agreed *comprehensive certainty outcome*, the Competent Authority will promptly notify the Competent Authority of the Party of the *lead tax administration*, which will exchange the notification with the Competent Authorities of all Parties. Alternatively, the Competent Authority may notify the Competent Authorities of the *lead tax administration* and all Parties directly.

5. Noting the benefits to Parties and Groups of a consistent application of the Convention, where paragraph 4 applies, nothing in the Convention or this Understanding prevents any *affected party* from continuing to apply an agreed *comprehensive certainty outcome* for a Period.

Part 9. Other topics

Section 18. Notifications of tax examinations where a request for certainty is not made

1. Where:
 - a. the *coordinating entity* of a Group has not submitted an Amount A Tax Return and Common Documentation Package for a Period;
 - b. the *coordinating entity* has not submitted a request for *scope certainty* under Article 22(1); and
 - c. a Party intends to undertake a tax examination to determine whether the Group is a Covered Group for that Period;

the tax administration of that Party will notify an appropriate Group Entity determined by that tax administration using a standard template to be agreed. This notification may be provided together with any other information or notifications required or customary under domestic law or practice.

2. If the Ultimate Parent Entity of the Group is a resident of a Party, the notification in paragraph 1 may also be exchanged by the Competent Authority mentioned in that paragraph with the

Competent Authority of the Party in which the Ultimate Parent Entity of the Group is resident. Where this exchange takes place, the tax administration in that Party will within 30 days provide a copy of the notification to the Ultimate Parent Entity of the Group.

3. Where:
 - a. the *coordinating entity* of a Covered Group has submitted an Amount A Tax Return and Common Documentation Package for a Period;
 - b. the *coordinating entity* has not submitted a request for *comprehensive certainty* under Article 23(1); and
 - c. the tax administrations of two or more Parties determine that they will cooperate in undertaking a tax examination of the Amount A Tax Return and Common Documentation Package in accordance with Article 31;

the tax administrations of these Parties will notify appropriate Group Entities determined by those tax administrations using a standard template to be agreed. This notification may be provided together with any other information or notifications required or customary under domestic law or practice. The tax administrations in this paragraph may agree to provide a single notification to an appropriate Group Entity determined by them.

4. A copy of the notification or notifications in paragraph 3 may be exchanged by the Competent Authorities of the Parties mentioned in that paragraph with the Competent Authority of the Party of the *lead tax administration*. Alternatively, these Competent Authorities may agree that one Competent Authority may make this exchange. Where this exchange takes place, the *lead tax administration* will within 30 days provide a copy of the notification or notifications to the *coordinating entity* of the Group.