



WHEREAS the *Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting* (the Convention) was ratified by the Government of Australia on 26 September 2018 and ratified by the Kingdom of Denmark on 30 September 2019; and

WHEREAS the Kingdom of Denmark lodged a reservation to the Convention upon ratification;

THE GOVERNMENT OF AUSTRALIA has examined the reservation made by the Kingdom of Denmark to the Convention and now hereby OBJECTS to paragraph 2 of the same for and on behalf of Australia:

The Government of Australia considers that paragraph 2 of the reservation by the Kingdom of Denmark is not permitted by Article 28(2)(a) of the Convention. Article 28(2)(a) permits Parties that choose to apply Part VI (Arbitration) of the Convention to formulate one or more reservations with respect to the scope of cases that shall be eligible for arbitration under the provisions of Part VI.

The Government of Australia considers that paragraph 2 of the reservation made by the Kingdom of Denmark does not relate to the scope of cases that shall be eligible for arbitration; rather it specifies the manner in which an arbitration is conducted. Accordingly, the Government of Australia considers that paragraph 2 of the reservation by the Kingdom of Denmark is not validly made under Article 28(2)(a) of the Convention.

For the above reasons, the Government of Australia objects to paragraph 2 of the aforesaid reservation made by the Kingdom of Denmark to the Convention.

This objection shall not affect the entry into force of the Convention between the Government of Australia and the Kingdom of Denmark. As paragraph 2 of the reservation made by the Kingdom of Denmark is not validly made under Article 28(2)(a) of the Convention, the Government of Australia notes that the entirety of Part VI of the Convention shall apply between Australia and the Kingdom of Denmark, unaffected by paragraph 2 of the reservation made by the Kingdom of Denmark and this objection.

IN WITNESS WHEREOF, I, Marise Ann Payne, have hereunto set my hand and affixed my seal.

DONE at PARRAMATTA, this 30TH day of SEPTEMBER
Two Thousand and Twenty.



Marise Payne

Minister for Foreign Affairs
Minister for Women