

LUXEMBOURG – MLI ARBITRATION PROFILE

AS OF 21-02-2023

This document contains information on Luxembourg's arbitration position under Part VI of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI). It also contains hyperlinks to Luxembourg's competent authority agreements concluded to settle the mode of application of the provisions contained in Part VI of the MLI.

References

- MLI Position (<https://www.oecd.org/tax/treaties/beps-mli-signatories-and-parties.pdf>)
- MAP Profile (<https://www.oecd.org/tax/dispute/country-map-profiles.htm>)
- Synthesised text (the hyperlinks to the synthesised texts obtainable from the MLI Matching Database <https://www.oecd.org/tax/treaties/mli-matching-database.htm>)

Type of arbitration process

The “final offer” arbitration process (otherwise known as “last best offer” arbitration) will apply as the default type of arbitration process to Luxembourg’s Covered Tax Agreements except to the extent that competent authorities mutually agree on different rules or except where other Contracting Jurisdictions have reserved their right to adopt the “independent opinion” approach as the default type of arbitration process pursuant to Article 23(2) of the MLI.

Competent authority agreements and entry into effect of Part VI

Competent authority agreements:

The competent authority of Luxembourg has, by mutual agreement, settled the mode of application of the provisions contained in Part VI of the MLI with the competent authority of the jurisdictions as indicated below:

No	Treaty partner	Hyperlinks to competent authority agreements	Date on which both Contracting Jurisdictions have notified that they reached mutual agreement ¹
1	Andorra		
2	Austria		
3	Barbados		
4	Belgium	https://impotsdirects.public.lu/dam-assets/fr/conventions/mli/accord-amiable.pdf	
5	Canada		
6	Denmark		
7	Finland		
8	France		
9	Greece		
10	Hungary		

¹ Dates and hyperlinks will be added once notified.

No	Treaty partner	Hyperlinks to competent authority agreements	Date on which both Contracting Jurisdictions have notified that they reached mutual agreement ¹
11	Ireland		
12	Italy		
13	Japan		
14	Malta		
15	Mauritius		
16	Netherlands	https://impotsdirects.public.lu/dam-assets/fr/conventions/conv/competent-authority-agreement-lux-nl.pdf	
17	Portugal		
18	Singapore		
19	Slovenia		
20	Spain		
21	Sweden		
22	United Kingdom	https://impotsdirects.public.lu/dam-assets/fr/conventions/conv/mou-arbitrage-lux-uk.pdf	

Entry into effect of Part VI of the MLI:

Article 36 of the MLI governs the entry into effect of the provisions of Part VI of the MLI with respect to:

- cases presented to the competent authority of a Contracting Jurisdiction on or after the later of the dates on which the MLI enters into force for each of the Contracting Jurisdictions; and,
- cases presented to the competent authority of a Contracting Jurisdiction prior to the later of the dates on which the MLI enters into force for each of the Contracting Jurisdictions.

Reservations on the entry into effect of Part VI

Pursuant to Article 36(2) of the MLI, Luxembourg has reserved the right for Part VI to apply to a case presented to the competent authority of a Contracting Jurisdiction prior to the later of the dates on which the MLI enters into force for each of the Contracting Jurisdictions to the Covered Tax Agreement only to the extent that the competent authorities of both Contracting Jurisdictions agree that it will apply to that specific case.

Additional note