

NETHERLANDS – MLI ARBITRATION PROFILE

AS OF 10-11-2023

This document contains information on the Netherlands' 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 the Netherlands' 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-ml-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 the Netherlands' 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 the Netherlands 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	Australia		
2	Austria		
3	Barbados		
4	Canada		
5	Finland		
6	France		
7	Greece		
8	Hungary		
9	Italy		
10	Luxembourg	https://zoek.officielebekendmakingen.nl/stcrt-2022-27480.html , concluded on 25 October 2022.	

¹ Dates and hyperlinks will be added once notified.

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11	Malta		
12	New Zealand	https://zoek.officielebekendmakingen.nl/stcrt-2023-27297.html , concluded on 18 September 2023.	
13	Portugal		
14	Singapore		
15	Slovenia		
16	Sweden		

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.

Additional note