

OECD/G20 BASE EROSION AND PROFIT SHIFTING PROJECT

Tax Challenges Arising from the Digitalisation of the Economy – Multilateral Competent Authority Agreement on the Exchange of GloBE Information (January 2025)

Inclusive Framework on BEPS



OECD/G20 Base Erosion and Profit Shifting Project

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Digitalisation of the Economy –
Multilateral Competent Authority Agreement
on the Exchange of GloBE Information
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Introduction

The Global Anti-Base Erosion (GloBE) Model Rules require each Constituent Entity of an MNE Group to annually file a GloBE Information Return (GIR) with the tax administration of the jurisdiction where it is located to support the administration of the GloBE Rules (Article 8.1.1).

The GIR is a standardised return and consists of two parts, namely a General Section that provides general information about the MNE Group as a whole, including its corporate structure and a high-level overview of the application of the GloBE Rules to the MNE Group, as well as one or more Jurisdictional Sections reflecting the detailed application of the GloBE Rules and the QDMTT, where applicable, in respect of each jurisdiction where the MNE Group operates. The portions of the GIR to be provided to each jurisdiction where the MNE Group is operating are multilaterally agreed as part of the Dissemination Approach and depend on the MNE Group's structure and the rule order under the GloBE Rules.

Pursuant to article 8.1.2, the GloBE Model Rules discharge a Constituent Entity from the requirement to file a GIR with the tax administration of the Implementing Jurisdiction where it is located if a GIR conforming to the requirements of the GloBE Rules is filed by the filing deadline by the Ultimate Parent Entity or Designated Filing Entity located in a jurisdiction that has a Qualifying Competent Authority Agreement with such jurisdiction.

While the default mechanism provided under the GloBE Model Rules is local filing, central filing reduces the compliance burden on MNE Groups, as it limits the number of jurisdictions where Constituent Entities are required to file the GIR. If all Implementing Jurisdictions and QDMTT-only Jurisdictions where Constituent Entities of an MNE Group are located have a Qualifying Competent Authority Agreement in effect with the jurisdiction of the Ultimate Parent Entity or Designated Filing Entity, central filing would enable the MNE Group to file the GIR with a single tax administration that would then exchange the relevant information with the other relevant jurisdictions.

This document contains the Multilateral Competent Authority Agreement on the Exchange of GloBE Information (GIR MCAA), which is based on Article 6 of the Convention on Mutual Administrative Assistance in Tax Matters (Convention), is a Qualifying Competent Authority Agreement as defined in the GloBE Model Rules and sets out the detailed modalities of the exchanges taking place on an automatic basis. It also contains Commentary on the GIR MCAA.

Multilateral Competent Authority Agreement on the Exchange of GloBE Information

DECLARATION

I, [NAME and TITLE], [on behalf of] the Competent Authority of [JURISDICTION], declare that it hereby agrees to comply with the provisions of the

Multilateral Competent Authority Agreement on the Exchange of GloBE Information

hereafter referred to as the “Agreement” and attached to this Declaration.

By means of the present Declaration, the Competent Authority of [JURISDICTION] is to be considered a signatory of the Agreement as from [DATE]. The Agreement will come into effect between the Competent Authority of [JURISDICTION] and another Competent Authority in accordance with subparagraph 1(k) of Section 1 thereof.

Signed in [PLACE] on [DATE]

MULTILATERAL COMPETENT AUTHORITY AGREEMENT ON THE EXCHANGE OF GLOBE INFORMATION

Whereas, the Jurisdictions of the signatories to the Multilateral Competent Authority Agreement on the Exchange of GloBE Information (the “Agreement”) are Parties to, or territories covered by, the Convention on Mutual Administrative Assistance in Tax Matters or the Convention on Mutual Administrative Assistance in Tax Matters as amended by the Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters (collectively the “Convention”, individually the “original Convention” or the “amended Convention”, respectively);

Whereas, the Global anti-Base Erosion (GloBE) Rules were developed by the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting (Inclusive Framework) to ensure that certain large MNE Groups pay a minimum level of tax on the income arising in each jurisdiction where they operate;

Whereas, the Qualified Domestic Minimum Top-up Taxes (QDMTTs) also contribute to achieving the same objective;

Whereas, the GloBE Rules require each Constituent Entity located in an Implementing Jurisdiction to file a GloBE Information Return with the tax administration of such Implementing Jurisdiction to support the administration of the GloBE Rules;

Whereas, the GloBE Information Return consists of two parts, namely a General Section that provides general information about the MNE Group as a whole, including its corporate structure and a high-level summary of GloBE information, as well as one or more Jurisdictional Sections reflecting the detailed application of the GloBE Rules and the QDMTT, where applicable, in respect of each jurisdiction where the MNE Group operates;

Whereas, the Dissemination Approach determining the sections of the GloBE Information Return to be provided to each Implementing Jurisdiction and QDMTT-only Jurisdiction where the MNE Group is operating is multilaterally agreed and depends on the MNE Group’s structure and the rule order under the GloBE Rules;

Whereas, it is expected that the laws of the Jurisdictions would be amended from time to time to reflect updates to the GloBE Rules and that once such changes are enacted by a Jurisdiction the definition of GloBE Rules for the purposes of this Agreement would be deemed to refer to the updated version in respect of that Jurisdiction;

Whereas, the GloBE Rules discharge a Constituent Entity from the requirement to file a GloBE Information Return with the tax administration of the Implementing Jurisdiction where it is located if the return is filed by the filing deadline by the Ultimate Parent Entity or Designated Filing Entity located in a jurisdiction that has a Qualifying Competent Authority Agreement with such Implementing Jurisdiction;

Whereas, pursuant to the Qualifying Competent Authority Agreement, the competent authority of an Implementing Jurisdiction or a QDMTT-only Jurisdiction is expected to receive the relevant sections of the GloBE Information Return on an automatic basis from the competent authority of the jurisdiction where the Ultimate Parent Entity or Designated Filing Entity is located, in accordance with the Dissemination Approach;

Whereas, Chapter III of the Convention authorises the exchange of information for tax purposes, including the exchange of information on an automatic basis, and allows the competent authorities of the jurisdictions to agree on the scope and modalities of such automatic exchanges;

Whereas, Article 6 of the Convention provides that two or more Parties can mutually agree to exchange information automatically, albeit that the actual exchange of the information will take place on a bilateral basis between the competent authorities;

Whereas, in order to facilitate the streamlined and efficient implementation of the GloBE Rules, the Competent Authorities intend to rely on this Agreement for the automatic exchange of information included within GloBE Information Returns with Implementing Jurisdictions and QDMTT-only Jurisdictions;

Whereas, this Agreement is a Qualifying Competent Authority Agreement, as defined in the GloBE Rules;

Whereas, the Jurisdictions that intend to send information under this Agreement have or are expected to have in place by the time the first exchange of information included within a GloBE Information Return takes place the legal and operational framework to allow for domestic filings of GloBE Information Returns and to permit international exchanges of information included within such GloBE Information Returns (including established processes for ensuring timely, accurate, secure and confidential information exchanges, effective and reliable communications, and capabilities to promptly resolve questions and concerns about exchanges or requests for exchanges and to administer the provisions of this Agreement);

Whereas the Implementing Jurisdictions or QDMTT-only Jurisdictions that intend to receive information under this Agreement have or are expected to have in place by the time the first exchange of information included within a GloBE Information Return takes place, appropriate safeguards to ensure that the information received pursuant to this Agreement remains confidential and is used solely for the purposes set out in the Convention;

Whereas, the Competent Authorities of the Jurisdictions intend to conclude this Agreement, without prejudice to national legislative procedures (if any), and subject to the confidentiality, data safeguards and other protections provided for in the Convention, including the provisions limiting the use of the information exchanged thereunder;

Whereas, recognising the benefits of a centralised filing approach with subsequent exchange of information included within a GloBE Information Return between Competent Authorities, which can promote streamlined compliance and can reduce burdens on MNE Groups and tax administrations, the Competent Authorities of the Jurisdictions will work towards putting in place exchange relationships between signatories of this Agreement, wherever feasible;

Whereas this Agreement further facilitates the exchange of information included within a GloBE Information Return pursuant to the Dissemination Approach with QDMTT-only Jurisdictions;

Now, therefore, the Competent Authorities have agreed as follows:

SECTION 1

Definitions

1. For the purposes of this Agreement, the following terms have the following meanings:
 - a. the term “**Jurisdiction**” means a country or a territory in respect of which the Convention is in force or in effect under the original or amended Convention, respectively, either through signature and ratification in accordance with Article 28, or through territorial extension in accordance with Article 29, and which is a signatory to this Agreement;
 - b. the term “**Competent Authority**” means, for each respective Jurisdiction, the persons and authorities listed in Annex B of the Convention;
 - c. the term “**GloBE Information Return**” means the information return filed by an Ultimate Parent Entity, Designated Filing Entity, Designated Local Entity or Constituent Entity in accordance with the domestic law, rules and/or procedures of the jurisdiction where such

- entity is located, such return reflecting the format and content of the standardised GloBE Information Return as approved by the OECD/G20 Inclusive Framework on BEPS;
- d. the term “**General Section**” means the section of the GloBE Information Return that contains general information on the MNE Group as a whole, including its corporate structure and a high-level summary of GloBE information, such section being consistent with Section 1 of the GloBE Information Return as approved by the OECD/G20 Inclusive Framework on BEPS;
 - e. the term “**Jurisdictional Sections**” means the sections of the GloBE Information Return that contain information on the detailed application of the GloBE Rules and the QDMTT in respect of each jurisdiction where the MNE Group is operating, such sections being consistent with Sections 2 and 3 of the GloBE Information Return as approved by the OECD/G20 Inclusive Framework on BEPS;
 - f. the term “**Dissemination Approach**” means the approach approved by the OECD/G20 Inclusive Framework on BEPS to determine in which circumstances and to which extent a General Section or one or more Jurisdictional Sections of the GloBE Information Return are relevant for the administration of domestic taxes of the jurisdiction and pursuant to which:
 - i. the General Section is to be provided to Implementing Jurisdictions where the Ultimate Parent Entity or Constituent Entities of the MNE Group are located;
 - ii. the General Section, with the exception of the high-level summary of GloBE information in Section 1.4 of the GloBE Information Return, is to be provided to QDMTT-only Jurisdictions a) where Constituent Entities of the MNE Group are located; b) where a Joint Venture or a member of a JV Group of the MNE Group is located if the QDMTT is imposed in respect of Joint Ventures in the jurisdiction; or c) in situations where the QDMTT is imposed in the jurisdiction in respect of a Stateless Constituent Entity or a Stateless Joint Venture of the MNE Group;
 - iii. one or more Jurisdictional Section(s) are to be provided to the jurisdiction(s) that have taxing rights under the GloBE Rules or the QDMTT in respect of the jurisdiction(s) to which such Jurisdictional Section(s) relate. Notwithstanding the foregoing, a) UTPR Jurisdictions with a UTPR Percentage of zero are only to be provided with the portion of the GloBE Information Return that contains information on the attribution of Top-up Tax under the UTPR in respect of that jurisdiction, such information being consistent with an excerpt of Section 3.4.3 of the GloBE Information Return; and b) the Implementing Jurisdiction in which the Ultimate Parent Entity is located is provided with all Jurisdictional Sections;
 - g. the term “**Implementing Jurisdiction**” means a jurisdiction that has implemented either the IIR, the UTPR or both;
 - h. the term “**GloBE Rules**” means the GloBE Model Rules, the Commentary to the GloBE Model Rules, and any Agreed Administrative Guidance as developed by the OECD/G20 Inclusive Framework on BEPS, (including the GloBE Information Return, the Dissemination Approach and any other guidance, conditions, or requirements agreed as part of the GloBE Implementation Framework);
 - i. the term “**Co-ordinating Body**” means the co-ordinating body of the Convention that, pursuant to paragraph 3 of Article 24 of the Convention, is composed of representatives of the competent authorities of the Parties to the Convention;
 - j. the term “**Co-ordinating Body Secretariat**” means the OECD Secretariat that provides support to the Co-ordinating Body;
 - k. the term “**Agreement in effect**” means, in respect of any two Competent Authorities, that both Competent Authorities have signed this Agreement and the first Competent Authority has provided notification to the Co-ordinating Body Secretariat under subparagraph 1(a) of Section 8, including listing the other Competent Authority’s Jurisdiction, and the other Competent Authority has provided notification to the Co-ordinating Body Secretariat under

subparagraph 1(b) of Section 8, including listing the first Competent Authority's Jurisdiction; and

- I. The term **“QDMTT-only Jurisdiction”** means a jurisdiction that has only implemented a Qualified Domestic Minimum Top-up Tax (QDMTT).

2. Any capitalised term not otherwise defined in this Agreement will have the meaning it has at that time under the law of the Jurisdiction applying this Agreement, such meaning being consistent with the meaning set forth in the GloBE Rules. Any term not otherwise defined in this Agreement or in the GloBE Rules will, unless the context otherwise requires or the Competent Authorities agree to a common meaning (as permitted by domestic law), have the meaning that it has at that time under the law of the Jurisdiction applying this Agreement, any meaning under the applicable tax laws of that Jurisdiction prevailing over a meaning given to the term under other laws of that Jurisdiction.

SECTION 2

Exchange of Information Included Within GloBE Information Returns

Pursuant to the provisions of Article 6 of the Convention and based on the designations of the Ultimate Parent Entity or Designated Filing Entity, each Competent Authority will exchange on an automatic basis with all other Competent Authorities of Jurisdictions with which it has an active exchange relationship pursuant to paragraph 2 of Section 8 the information included within the GloBE Information Return of the MNE Group received from a Ultimate Parent Entity or Designated Filing Entity located in its Jurisdiction that is relevant for such Jurisdictions pursuant to the Dissemination Approach.

SECTION 3

Time and Manner of Exchange of Information

1. With respect to Section 2, information included within a GloBE Information Return is to be exchanged no later than three months after the filing deadline in the sending Jurisdiction for the Reporting Fiscal Year to which the information relates.
2. Notwithstanding paragraph 1, information included within a GloBE Information Return is to be exchanged, with respect to the first Reporting Fiscal Year indicated by the Competent Authority in the notification pursuant to subparagraph 1a) of Section 8, no later than six months after the filing deadline in the sending Jurisdiction for that Reporting Fiscal Year.
3. Notwithstanding paragraph 1, Competent Authorities will exchange information included within a GloBE Information Return received after the filing deadline in the sending Jurisdiction within three months following the date on which it is received.
4. The Competent Authorities will automatically exchange the information included within GloBE Information Returns through a common schema in Extensible Markup Language.
5. The Competent Authorities will transmit the information through the OECD Common Transmission System and in compliance with the related encryption and file preparation standards.

SECTION 4

Collaboration on Corrections, Compliance and Enforcement

1. A Competent Authority may notify another Competent Authority when the first-mentioned Competent Authority has reason to believe, with respect to an Ultimate Parent Entity or Designated Filing Entity that is located in the Jurisdiction of the other Competent Authority, that information included within

a GloBE Information Return requires corrections. In case the notified Competent Authority agrees that information included within a GloBE Information Return requires corrections, it will, without undue delay, take appropriate measures to obtain such corrected information from the concerned Ultimate Parent Entity or Designated Filing Entity and will exchange the corrected information, without undue delay, with all Competent Authorities for which such information is subject to exchange pursuant to Section 2.

2. A Competent Authority may notify another Competent Authority when the first-mentioned Competent Authority received a notification from one or more Constituent Entities located in its Jurisdiction that the GloBE Information Return for such Constituent Entities is filed by the Ultimate Parent Entity or Designated Filing Entity located in the Jurisdiction of the other Competent Authority, but the information included within the GloBE Information Return relevant to the Jurisdiction of the first-mentioned Competent Authority pursuant to the Dissemination Approach was not exchanged by the deadline specified in paragraph 1 or 2 of Section 3. The other Competent Authority will promptly determine the reason for not exchanging such information and will inform the first-mentioned Competent Authority of such reason within one month of the receipt of the notification, including the expected exchange date for the information included within the GloBE Information Return, where relevant.

SECTION 5

Confidentiality and Data Safeguards

1. All information exchanged is subject to the confidentiality rules and other safeguards provided for in the Convention, including the provisions limiting the use of the information exchanged.

2. A Competent Authority will notify the Co-ordinating Body Secretariat immediately of any breach of confidentiality or failure of safeguards and any sanctions and remedial actions consequently imposed. The Co-ordinating Body Secretariat will notify all other Competent Authorities with respect to which this is an Agreement in effect with the first-mentioned Competent Authority.

SECTION 6

Consultations

1. If any difficulties in the implementation or interpretation of this Agreement arise, a Competent Authority may request consultations with one or more Competent Authorities to develop appropriate measures to ensure that this Agreement is fulfilled. To the extent permitted by applicable law, any Competent Authority may, and if it so wishes through the Co-ordinating Body Secretariat, involve other Competent Authorities that have this Agreement in effect with a view to finding an acceptable resolution to the issue.

2. The Competent Authority that requested the consultations pursuant to paragraph 1 shall ensure, as appropriate, that the Co-ordinating Body Secretariat is notified of any conclusions that were reached and measures that were developed, including the absence of such conclusions or measures, and the Co-ordinating Body Secretariat will notify all Competent Authorities with respect to which this is an Agreement in effect with the first mentioned Competent Authority, even those that did not participate in the consultations, of any such conclusions or measures. Taxpayer-specific information, including information that would reveal the identity of the taxpayer involved, is not to be furnished.

3. Information included within a GloBE Information Return provided by a Competent Authority to another Competent Authority under this Agreement may be discussed by the latter with a third Competent Authority provided the third Competent Authority has been provided with the same information by the first-mentioned Competent Authority under this Agreement.

SECTION 7

Amendments

This Agreement may be amended by consensus by written agreement of all of the Competent Authorities that have this Agreement in effect. Unless otherwise agreed upon, such an amendment is effective on the first day of the month following the expiration of a period of one month after the date of the last signature of such written agreement.

SECTION 8

General Terms

1. A Competent Authority must provide, at the time of signature of this Agreement or as soon as possible thereafter, a notification to the Co-ordinating Body Secretariat:
 - a. specifying whether it intends to send the information pursuant to this Agreement and, if so:
 - i. confirming that its Jurisdiction has the legal and operational framework in place to allow for domestic filings of GloBE Information Returns and international exchanges of information included within such GloBE Information Returns with respect to Reporting Fiscal Years commencing on or after the date set out in the notification or specifying any period of provisional application of this Agreement due to pending national legislative procedures (if any); and
 - ii. including a list of the Jurisdictions of the Competent Authorities to which it wishes to send such information; and
 - b. specifying whether it wishes to receive information pursuant to this Agreement, and if so,
 - i. indicating whether its Jurisdiction has implemented an IIR, UTPR or QDMTT;
 - ii. confirming that it has in place adequate measures to ensure that the required confidentiality and data safeguards are met; and
 - iii. including a list of the Jurisdictions of the Competent Authorities from which it wishes to receive such information.

Competent Authorities must notify the Co-ordinating Body Secretariat, promptly, of any subsequent change to be made to any of the above-mentioned contents of the notification.

2. For purposes of Section 2, there is an active exchange relationship pursuant to this Agreement, as of the date on which (i) the sending Competent Authority has provided a notification to the Co-ordinating Body Secretariat under subparagraph 1a) of this Section, including listing the receiving Competent Authority's Jurisdiction and (ii) the receiving Competent Authority has provided a notification to the Co-ordinating Body Secretariat under subparagraph 1b) of this Section, including listing the sending Competent Authority's Jurisdiction.
3. The Co-ordinating Body Secretariat will maintain a list that will be published on the OECD website of the Competent Authorities that have signed this Agreement and between which Competent Authorities there is an active exchange relationship pursuant to paragraph 2 of this Section.
4. The Co-ordinating Body Secretariat will make available the information provided pursuant to subparagraphs 1a) and b) to other signatories through appropriate means.
5. A Competent Authority may deactivate an exchange relationship under this Agreement by giving notice of deactivation in writing to the Co-ordinating Body Secretariat. The Co-ordinating Body Secretariat will promptly notify the other Competent Authority of such notice. The deactivation will have effect for Reporting Fiscal Years commencing after such notice. Notwithstanding the above, the deactivation will have immediate effect in case it is due to a breach of confidentiality or failure of safeguards.

6. A Competent Authority may terminate its participation in this Agreement, by giving notice of termination in writing to the Co-ordinating Body Secretariat. Unless specified otherwise by the Competent Authority, such termination will become effective on the first day of the month following the expiration of a period of 30 months after the date of the notice of termination. In the event of termination, all information previously received under this Agreement will remain confidential and subject to the terms of the Convention.

SECTION 9

Co-ordinating Body Secretariat

Unless otherwise provided for in this Agreement, the Co-ordinating Body Secretariat will notify all Competent Authorities of any notifications that it has received under this Agreement and will provide a notice to all signatories of this Agreement when a new Competent Authority signs this Agreement.

Done in English and French, both texts being equally authentic.

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Commentary to the Multilateral Competent Authority Agreement on the Exchange of GloBE Information

Introduction

1. Article 8.1.1. of the Global Anti-Base Erosion (GloBE) Model Rules requires each Constituent Entity of an MNE Group to annually file a GloBE Information Return (GIR) with the tax administration of the jurisdiction where it is located to support the administration of the GloBE Rules.
2. The GIR is a standardised return and consists of two parts, namely a General Section that provides general information about the MNE Group as a whole, including its corporate structure and a high-level overview of the application of the GloBE Rules to the MNE Group, as well as one or more Jurisdictional Sections reflecting the detailed application of the GloBE Rules and the QDMTT, where applicable, in respect of each jurisdiction where the MNE Group operates.
3. The portions of the GIR to be provided to each jurisdiction where the MNE Group is operating are multilaterally agreed as part of the Dissemination Approach and depend on the MNE Group's structure and the rule order under the GloBE Rules.
4. Article 8.1.2 of the GloBE Model Rules discharges a Constituent Entity from the requirement to file a GIR with the tax administration of the Implementing Jurisdiction where it is located if a GIR conforming to the requirements of the GloBE Rules is filed by the filing deadline by the Ultimate Parent Entity or Designated Filing Entity located in a jurisdiction that has a Qualifying Competent Authority Agreement with such jurisdiction.
5. While the default mechanism provided under the GloBE Model Rules is local filing, central filing reduces the compliance burden on MNE Groups, as it limits the number of jurisdictions where Constituent Entities are required to file the GIR. If all Implementing Jurisdictions and QDMTT-only Jurisdictions where Constituent Entities of an MNE Group are located have a Qualifying Competent Authority Agreement in effect with the jurisdiction of the Ultimate Parent Entity or Designated Filing Entity, central filing would enable the MNE Group to file the GIR with a single tax administration that would then exchange the relevant information with the other relevant jurisdictions.
6. The Multilateral Competent Authority Agreement on the Exchange of GloBE Information (GIR MCAA), which is based on Article 6 of the Convention on Mutual Administrative Assistance in Tax Matters (Convention), is a Qualifying Competent Authority Agreement as defined in the GloBE Model Rules and sets out the detailed modalities of the exchanges taking place on an automatic basis.
7. The GIR MCAA consists of:
 - a declaration to be signed by the Competent Authority of the Jurisdiction or its designated representative to become a signatory of the GIR MCAA;

- a preamble which explains the purpose of the GIR MCAA as a Qualifying Competent Authority Agreement and sets out representations on confidentiality, data protection safeguards and the existence of the necessary infrastructure;
- nine sections containing the agreed provisions of the GIR MCAA: Section 1 deals with definitions, Section 2 covers the items of information to be exchanged, Section 3 the time and manner of the exchange, Section 4 corrections and collaboration on compliance and enforcement and Section 5 the confidentiality and data safeguards that must be respected. Consultations between the Competent Authorities, amendments to the GIR MCAA and the general terms of the GIR MCAA, including the activation of exchange relationships through the submission of notifications, the deactivation and termination, as well as the role of the Co-ordinating Body Secretariat are dealt with in Sections 6, 7, 8 and 9, respectively.

8. The GIR MCAA is a multilateral agreement based on the principle that information exchanges will be done on a bilateral basis. Recognising the benefits of centralised filing of the GIR, the GIR MCAA is designed to facilitate exchange of information to the widest extent possible. The GIR MCAA therefore does not prevent jurisdictions from exchanging information on a non-reciprocal basis, if and to the extent they are willing to do so.

9. As a general matter, the language of the GIR MCAA does not explicitly require jurisdictions to be Implementing Jurisdictions or to implement a QDMTT to activate an exchange relationship pursuant to Section 8. However, the GIR MCAA does require a jurisdiction to have the legal and operational framework in place to allow for filing and exchange of GloBE Information Returns. The existence of and compliance with the framework will be the object of a peer review, as approved by the Inclusive Framework. Jurisdictions may participate in the exchange framework under the GIR MCAA pending the outcome of the peer review. This GIR MCAA peer review is expected to be of particular importance for those jurisdictions that are not subject to the full legislative review and on-going monitoring process for the global minimum tax. Exchanges under the GIR MCAA would be discontinued for as long as a jurisdiction is found to have material weaknesses in its legal or operational framework under the GIR MCAA peer review. After a period of five years from the first exchanges made under the GIR MCAA, the Inclusive Framework will undertake a review of the exchange framework, including on the participation, in the exchange framework, of jurisdictions that are not Implementing Jurisdictions and that have not implemented a QDMTT by such time.

10. As an alternative to the GIR MCAA, jurisdictions can also establish automatic exchange relationships to exchange GIR information through other Qualifying Competent Authority Agreements, including bilateral competent authority agreements or arrangements based on bilateral double tax treaties or tax information exchange agreements that permit the automatic exchange of information, or the Convention on Mutual Administrative Assistance in Tax Matters. Jurisdictions could also enter into a self-standing intergovernmental agreement or rely on regional legislation for the exchange of GIR information.

Commentary on Section 1

Paragraph 1 – Definitions

11. Paragraph 1 sets out defined terms for purposes of the GIR MCAA.

12. Subparagraph 1(a) defines the Jurisdictions of the Competent Authorities that have signed the GIR MCAA and refers to a country or a territory in respect of which the Convention is in force (in case of the original Convention) or in effect (in case of the amended Convention) either through ratification or territorial extension.

13. The definition of the term “Competent Authority” contained in subparagraph 1(b) refers to the persons and authorities listed in Annex B of the Convention

14. The term “GloBE Information Return” in subparagraph 1(c) refers to the information return to be filed by an Ultimate Parent Entity, Designated Filing Entity, Designated Local Entity or Constituent Entity in accordance with the domestic law, rules and/or procedures of the jurisdiction where such entity is located, such return reflecting the format and content of the standardised GIR as approved by the OECD/G20 Inclusive Framework on BEPS.

15. The term “General Section” in subparagraph 1(d) means the section of the GIR that contains general information on the MNE Group as a whole, including its corporate structure and a high-level summary of GloBE information, whereas the term “Jurisdictional Sections” in subparagraph 1(e) refers to the sections of the GIR that contain information on the detailed application of the GloBE Rules or the QDMTT, where applicable, in respect of each jurisdiction where the MNE Group operates. Several subgroups may be located in the same jurisdiction, for which an ETR and Top-up Tax calculation or allocation is prepared separately. When that is the case, the term “Jurisdictional Section” refers to each separate section that relates to a relevant subgroup.

16. The Jurisdictional Section to be provided in respect of a jurisdiction (or subgroup, where relevant), generally consists of either the information provided in Section 2 of the GIR (Jurisdictional Safe Harbours and Exclusions) or the information provided in Section 3 of the GIR (GloBE Computations). In some cases identified in the GIR, some information needs to be provided in both sections. The information provided in those sections is prepared per jurisdiction or subgroup, with the exception of Section 3.4.3 which relates to multiple jurisdictions, as it provides for the attribution of the Total UTPR Top-up Tax Amount computed on an aggregated basis for all jurisdictions (or subgroup, where relevant) in respect of which Top-up Tax arises under the UTPR. When Top-up Tax arises under the UTPR in respect of a given jurisdiction (or subgroup, where relevant), the Jurisdictional Section to be exchanged for that jurisdiction also includes Section 3.4.3. The Jurisdictional Sections can include both jurisdictional and Constituent Entity-by-Entity information. Section 3 of the GIR can generally be completed on a jurisdictional basis under the transitional simplified reporting framework, if applicable. If the MNE Group elects to apply such simplified reporting framework, such MNE Group during the transitional period can complete Section 3 of the GIR on a jurisdictional basis except in certain cases where Constituent Entity-level reporting is required. For example, an MNE Group is required to complete Section 3 for a jurisdiction on a Constituent Entity-by-Entity basis if Top-up Tax liability arising in such jurisdictions is required under the GloBE Rules to be allocated on a Constituent Entity-by-Entity basis.

17. Subparagraph 1(f) defines the term “Dissemination Approach” as the approach approved by the OECD/G20 Inclusive Framework on BEPS to determine in which circumstances and to which extent a General Section or one or more Jurisdictional Sections of the GIR are relevant for the administration of domestic taxes of the jurisdiction of a Competent Authority.

18. Pursuant to the Dissemination Approach all Implementing Jurisdictions where the Ultimate Parent Entity or Constituent Entities of the MNE Group are located are to be provided with the General Section. This will provide these jurisdictions with all the data points necessary to verify whether they have taxing rights with respect to other jurisdictions.

19. QDMTT-only Jurisdictions where Constituent Entities of the MNE Group are located are to be provided with the General Section, with the exception of the high-level summary of GloBE Information in Section 1.4 of the GIR, as such information on other jurisdictions is not relevant for the application of the QDMTT. QDMTT-only Jurisdictions where Joint Ventures or members of a JV Group of the MNE Group are located are to be provided with the same information if the QDMTT is imposed in respect of on Joint Ventures in the jurisdiction. Equally, the same information is to be provided to QDMTT-only Jurisdictions where the QDMTT is imposed in respect of on a Stateless Constituent Entity or a Stateless Joint Venture of the MNE Group in the jurisdiction.

20. Jurisdictions are to be provided with the Jurisdictional Sections in connection with the relevant jurisdictions in respect of which they have taxing rights under the GloBE Rules. For this purpose, an

Implementing Jurisdiction has taxing rights in respect of another jurisdiction where, under the rule order provided in the GloBE Rules, the Jurisdictional Top-up Tax computed in respect of the latter jurisdiction could result in a Top-up Tax liability due under the charging provisions in the former jurisdiction, even if no Top-up Tax liability actually arises (e.g., because the Effective Tax Rate of the latter jurisdiction is above the Minimum Rate). A jurisdiction with a QDMTT is considered having taxing rights in respect of its own jurisdiction and is therefore to be provided with the Jurisdictional Section in respect of its own jurisdiction when the QDMTT can be imposed in respect of Constituent Entities or Joint Ventures or members of JV Group of the MNE Group.

21. As an exception to the Dissemination Approach in connection with Jurisdictional Sections, UTPR Jurisdictions with a UTPR percentage of zero are only to be provided with the section of the GIR that contains information on the attribution of Top-up Tax under the UTPR in respect of that jurisdiction. Furthermore, the Dissemination Approach foresees that the Implementing Jurisdiction in which the Ultimate Parent Entity is located is to be provided with all Jurisdictional Sections.

22. The definition of the term “Implementing Jurisdiction” in subparagraph 1(g) refers to a jurisdiction that has implemented either the IIR, the UTPR or both. An Implementing Jurisdiction may or may not have implemented a QDMTT. For purposes of the GIR MCAA, however, a jurisdiction is not considered an Implementing Jurisdiction when it has only implemented a QDMTT. A jurisdiction is considered an Implementing Jurisdiction as from the date the IIR, the UTPR or both are in effect in the jurisdiction.

23. The definition of the term “GloBE Rules” in subparagraph 1(h) includes the GloBE Model Rules, the Commentary to the GloBE Model Rules, and any Agreed Administrative Guidance as developed by the OECD/G20 Inclusive Framework on BEPS. This includes the GIR, the Dissemination Approach and any other guidance, conditions, or requirements agreed as part of the GloBE Implementation Framework. It is acknowledged that, in light of the experience gained with the implementation of the GloBE Rules, the OECD/G20 Inclusive Framework on BEPS may agree to update (parts of) the GloBE Rules. In such case, and provided such changes are adopted in the domestic rules of the jurisdictions, the definition of the GloBE Rules (or of other defined terms, such as the GloBE Information Return, the General Section, the Jurisdictional Sections or the Dissemination Approach) is deemed to refer to the updated version in respect of these jurisdictions.

24. The definition of the term “Co-ordinating Body” subparagraph 1(i) refers to the co-ordinating body of the Convention that, pursuant to paragraph 3 of Article 24 of the Convention, is composed of representatives of the competent authorities of the Parties to the Convention. The definition of the term “Co-ordinating Body Secretariat” in subparagraph 1(j) refers to the OECD Secretariat that pursuant to paragraph 3 of Article 24 of the Convention provides support to the Co-ordinating Body.

25. In accordance with subparagraph 1(k) the GIR MCAA is an “Agreement in effect” in respect of any two Competent Authorities, if they have signed the GIR MCAA, provided notification to the Co-ordinating Body Secretariat under paragraph 1 of Section 8, and one Competent Authority has listed the other Competent Authority as an intended recipient of GIR information, and the other Competent Authority has listed the first Competent Authority as intended sender of GIR information.

26. The definition of the term “QDMTT-only Jurisdiction” in subparagraph 1(l) refers to a jurisdiction that has only implemented a QDMTT.

Paragraph 2 – Undefined terms

27. Paragraph 2 sets out the general rule of interpretation for terms not defined in the GIR MCAA. The first sentence of paragraph 2 makes clear that any capitalised term used in the GIR MCAA but not defined therein will have the meaning it has at that time under the law of the Jurisdiction applying this Agreement, such meaning being consistent with the meaning set forth in the GloBE Rules. Where the laws of the Jurisdiction applying this Agreement is amended to reflect updates to the GloBE Rules, such capitalised

term would have the meaning it has under the updated version of the laws in respect of that Jurisdiction. The second sentence of paragraph 2 provides that, unless the context otherwise requires or the Competent Authorities agree to a common meaning, any term not otherwise defined in the GIR MCAA or the GloBE Rules has the meaning that it has at that time under the law of the Jurisdiction applying the GIR MCAA. In this respect, unless the context requires otherwise, any meaning under the applicable tax laws of that Jurisdiction will prevail over a meaning given to that term under other laws of that Jurisdiction. For instance, in accordance with the Commentary to Art. 10.1 of the GloBE Rules (paragraph 2), the context could require financial accounting terminology or concepts undefined under the GloBE Rules to be interpreted consistent with the meaning given to them under the financial accounting standards and guidance applicable in the Jurisdiction applying the GIR MCAA, irrespective of whether such terms are defined under the domestic tax laws of the same Jurisdiction.

Commentary on Section 2

28. Section 2 provides the legal basis for the exchange and sets out the information that will be exchanged. In general, exchanges will take place on an annual basis. However, information may also be exchanged more frequently than once a year, where appropriate. For example, when a Competent Authority receives corrected GIR information, that information would generally be sent to the other Competent Authority as soon as possible after it has been received, as reflected in paragraph 3 of Section 3.

29. Section 2 further provides that the exchanges of GIR information should be based on the designations of the Ultimate Parent Entity or Designated Filing Entity in its GIR. As such, and in order to ensure an efficient interaction with other GIR exchanges and local filing obligations, exchanges should only take place, if a Jurisdiction is identified as an intended receiving Jurisdiction by the Ultimate Parent Entity or Designated Filing Entity in its GIR.

30. Exchanges with the designated Jurisdictions can of course only take place under the GIR MCAA when there is an active exchange relationship for the Reporting Fiscal Year in place pursuant to paragraph 2 of Section 8 between the Competent Authority of the Jurisdiction where the Ultimate Parent Entity or Designated Filing Entity filed the GIR and the Competent Authority of the designated receiving Jurisdiction.

31. In terms of the scope of the GIR information to be exchanged, the information received by a Competent Authority under the GIR should be in line with the information that is considered relevant for the Jurisdiction of such Competent Authority pursuant to the Dissemination Approach, as defined in Section 1.

Commentary on Section 3

32. Section 3 sets the deadlines for the exchange of the GIR information, in accordance with the Dissemination Approach. The GIR information must be exchanged at the very latest by the agreed deadlines, but Competent Authorities must endeavour nonetheless to exchange the information as early as possible following its receipt.

Paragraph 1 – Standard exchange of information deadline

33. Paragraph 1 requires the GIR information to be exchanged within three months after the filing deadline of the sending Jurisdiction for the Reporting Fiscal Year to which the information relates.

34. As an example, in case the filing deadline for the GIR information in the sending Jurisdiction is 15 months following the end of the Reporting Fiscal Year (in line with Article 8.1.6. of the GloBE Model Rules), then the information would need to be exchanged no later than 18 months following the end of the

Reporting Fiscal Year. As another example, in case the filing deadline for the GIR information in the sending Jurisdiction is 18 months following the end of the Reporting Fiscal Year (in line with Article 9.4.1. of the GloBE Model Rules), then the information would need to be exchanged no later than 21 months following the end of the Reporting Fiscal Year.

Paragraph 2 – Deadline for the first information exchange

35. Paragraph 2 provides transitional relief from the exchange obligations for the first Reporting Fiscal Year in respect of which the legal and operational framework that allows the filing of GloBE information is in effect in the sending Jurisdiction. For that first Reporting Fiscal Year, the GIR information must be exchanged within six months after the filing deadline of the sending Jurisdiction for that year.

36. As an example, in case the filing deadline for the GIR information is 18 months following the end of the Reporting Fiscal Year (in line with Article 9.4.1. of the GloBE Model Rules), then for the first Reporting Fiscal Year in respect of which the legal and operational framework that allows the filing of GloBE information is in effect in the sending Jurisdiction, the information would need to be exchanged no later than 24 months following the end of such Reporting Fiscal Year.

Paragraph 3 – Late filing and exchange of information

37. Paragraph 3 addresses cases where GIR information is filed later than the prescribed deadlines and requires Competent Authorities to exchange the GIR information within three months of the date on which the GIR information was received. This rule also applies to GIR information that was amended or corrected following an initial filing of the GIR information.

Paragraph 4 – XML Schema

38. Paragraph 4 provides for the GIR information to be exchanged through a a common schema in Extensible Markup Language (XML). In this respect, the common schema is the latest GIR XML Schema and User Guide, as agreed by the OECD/G20 Inclusive Framework on BEPS.

Paragraph 5 – OECD Common Transmission System

39. Paragraph 5 provides for the GIR information to be transmitted through the OECD Common Transmission System.

Commentary on Section 4

40. Section 4 deals with collaboration between the Competent Authorities on corrections, compliance and enforcement. In addition to the instances foreseen in Section 4, Competent Authorities may also consider to multilaterally negotiate and enter into administrative cooperation agreements to further enhance compliance or enforcement. Such administrative cooperation could be undertaken in various areas, such as coordinated risk assessment and assurance and simultaneous tax examinations. Competent Authorities could require further information from MNE Groups in respect of risks identified based on the information in the GIR in a coordinated manner. For instance, where a QDMTT is not treated as a safe harbour and the Jurisdiction allows for the use of a local accounting standard that differs from the one used in the Consolidated Financial Statements to calculate its QDMTT tax liability, the MNE Group may file a GIR based on the Consolidated Financial Statements in the central filing Jurisdiction, but may locally file a QDMTT return based on the local accounting standard in the QDMTT Jurisdiction. Administrative cooperation agreements could foresee that the QDMTT Jurisdiction and the central filing

Jurisdiction could exchange the relevant GIR information or the local QDMTT return filed in their respective Jurisdictions with a view to conducting joint compliance activities in respect of an MNE Group.

Paragraph 1 – Correction of errors

41. Paragraph 1 provides that if one Competent Authority has reason to believe that information included in the GIR requires corrections, that Competent Authority may, if it wishes to do so, notify the other Competent Authority. In case the notified Competent Authority agrees, it will take appropriate measures available to obtain an amended GIR information and exchange the relevant amended information with all Competent Authorities pursuant to Section 2 without undue delay.

42. The notice under this paragraph must be in writing and must clearly set out the errors and the reasons for the belief that such errors have occurred. The notified Competent Authority should provide a response or an update as soon as possible. If, however, after reviewing and considering the notice in good faith, the notified Competent Authority does not agree that there is, or has been, an error as described in the notice it should as soon as possible advise the other Competent Authority in writing of such determination and explain the reasons for it.

43. Paragraph 1 is only intended to deal with manifest errors that may have led to incorrect or incomplete information reporting with respect to GIR information so that the information included in the GIR is robust and accurate to allow tax administrations to perform an appropriate risk assessment and to evaluate the correctness of a Constituent Entity's tax liability under the GloBE Rules. Therefore, errors that are covered by this paragraph do not include errors identified through a more thorough risk assessment or tax examination at a later stage. In addition, any dispute upon differences in the interpretation or the application of the GloBE Rules between jurisdictions would not be covered under paragraph 1.

Paragraph 2 – Information not exchanged by the agreed deadline

44. Paragraph 2 sets out the procedures for notification in cases where a Constituent Entity notified its tax administration that its GIR is to be filed by an Ultimate Parent Entity or Designated Filing Entity in another Jurisdiction, but the relevant information was not exchanged by the agreed deadline. In this case, the Competent Authority may, if it wishes to do so, notify the other Competent Authority that the GIR was to be filed by the Ultimate Parent Entity or Designated Filing Entity located in the Jurisdiction of the other Competent Authority. The other Competent Authority will then promptly determine the reason for not exchanging the concerned GIR information (i.e., the non-receipt of the GIR information, the Jurisdiction of the notifying Competent Authority was not designated as an intended recipient Jurisdictions or technical issues at the level of the tax administration) and update the first-mentioned Competent Authority within one month of the receipt of the notification, including the expected exchange date for the GIR information, where relevant.

Commentary on Section 5

45. Confidentiality of taxpayer information has always been a fundamental cornerstone of tax systems, as well as for the international exchange of tax information. Both taxpayers and tax administrations have a legal right to expect that information exchanged remains confidential and is used only in accordance with the terms of the agreement under which it was exchanged. In order to have confidence in their tax systems and comply with their obligations under the law, taxpayers need to know that the often-sensitive information is not disclosed inappropriately, whether intentionally or by accident. Citizens and governments will only trust international exchange if the information exchanged is used and disclosed only in accordance with the instrument on the basis of which it was exchanged. This is a matter of both the legal framework and of having systems and procedures in place to ensure that the legal framework is respected in practice and

that there is no unauthorised disclosure or use of information.¹ The ability to protect the confidentiality of tax information is also the result of a “culture of care” within a tax administration which includes the entire spectrum of systems, procedures and processes to ensure that the legal framework is respected in practice and information security and integrity is also maintained in the handling of information. As the sophistication of a tax administration increases, the confidentiality processes and practices must keep pace to ensure that information exchanged remains confidential and is used appropriately.²

46. Section 5, together with Section 8 and the preamble to the GIR MCAA explicitly recognise the importance of confidentiality and data safeguards in connection with the automatic exchange of information included within the GIR.

Paragraph 1 – Confidentiality

47. All information exchanged under the GIR MCAA is subject to the confidentiality rules and other safeguards provided for in the Convention. This includes the limitations based on the purposes for which the information may be used and limits to whom the information may be disclosed. In particular, Article 22 of the Convention states that the information exchanged with a Party should only be disclosed to persons or authorities concerned with the assessment, collection or recovery of, the enforcement or prosecution in respect of, or the determination of appeals in relation to taxes of that Party and that the Party may use the information only for such purposes.

48. Exchange of information instruments, including Article 21 of the Convention, generally provide that information does not have to be supplied to another Jurisdiction if the disclosure of the information would be contrary to the *ordre public* (public policy) of the Jurisdiction supplying the information. While it is rare for this to apply in the context of information exchanges between Competent Authorities, certain Jurisdictions may, for instance, require their Competent Authorities to specify that information they supply may not be used or disclosed in proceedings that could result in the imposition and execution of the death penalty or torture or other severe violations of human rights (such as for example when tax investigations are motivated by political, racial, or religious persecution) if such exchange would contravene the public policy of the supplying Jurisdiction.

Paragraph 2 – Breach of confidentiality

49. Ensuring the confidentiality of information received under the applicable legal instrument is critical. Paragraph 2 of Section 5 provides that in the event of any breach of confidentiality or failure of safeguards, the Competent Authority must immediately notify the Co-ordinating Body Secretariat of such breach or failure including any sanctions or remedial actions consequently imposed. The content of any such notice must itself respect the confidentiality rules of the GIR MCAA and the Convention. The Co-ordinating Body Secretariat will notify all other Competent Authorities with respect to which this is an Agreement in effect with the first mentioned Competent Authority.

¹ Further details on the expectations in this respect can be found in paragraphs 8 through 21 of the Commentary on Section 5 of the Multilateral Competent Authority Agreement on Automatic Exchange of Information pursuant to the Crypto-Asset Reporting Framework, available on <https://www.oecd.org/tax/international-standards-for-automatic-exchange-of-information-in-tax-matters-896d79d1-en.htm>.

² OECD (2012), *Keeping it Safe: The OECD Guide on the Protection of Confidentiality of Information Exchanged for Tax Purposes*, OECD, Paris, available on www.oecd.org/ctp/exchange-of-tax-information/keeping-it-safe-report.pdf.

Commentary on Sections 6 and 7

50. These Sections deal with consultations between the Competent Authorities and amendments to the GIR MCAA.

Section 6 – Consultations

51. Section 6 provides that if any difficulties in the implementation or interpretation of this Agreement arise, either Competent Authority may request consultations to develop measures to ensure that this Agreement is fulfilled. To the extent permitted by applicable law, a Competent Authority may, and if it so wishes through the Co-ordinating Body Secretariat, involve other Competent Authorities that have the GIR MCAA in effect with a view to finding an acceptable resolution to the issue.

52. The Competent Authority that requested the consultations shall ensure, as appropriate, that the Co-ordinating Body Secretariat is notified of any conclusions that were reached and measures that were developed, including the absence of such conclusions or measures. The Co-ordinating Body Secretariat will then notify all Competent Authorities with respect to which the GIR MCAA is in effect with the first mentioned Competent Authority, even those that did not participate in the consultations, of any such conclusions or measures.

53. For the avoidance of doubt, the Co-ordinating Body Secretariat should not receive any taxpayer-specific information, including information that would reveal the identity of the taxpayer involved, as part of the notifications under Section 6.

54. Paragraph 3 of Section 6 provides that information included within a GIR provided by a Competent Authority to another Competent Authority under the GIR MCAA may be discussed by the latter with a third Competent Authority provided the third Competent Authority has been provided with the same information by the first-mentioned Competent Authority under the GIR MCAA.

Section 7 – Amendments

55. This paragraph clarifies that this Agreement may be amended by written agreement of the Competent Authorities. Unless the Competent Authorities otherwise agree, such an amendment is effective on the first day of the month following the expiration of a period of one month after the date of the last signature of such written agreement.

Commentary on Section 8

Paragraph 1 – Notifications

56. Paragraph 1 describes the notifications that, at the time of signing the GIR MCAA or as soon as possible thereafter, a Competent Authority must provide to the Co-ordinating Body Secretariat before the GIR MCAA can take effect with respect to another Competent Authority:

- the notification under subparagraph 1(a) allows a Competent Authority to specify whether it intends to send GIR information to other Competent Authorities under the GIR MCAA. If a Competent Authority intends to send GIR information, it should then confirm that its Jurisdiction has the legal and operational framework in place to allow for the domestic filings of GIRs and the international exchanges of such information under the GIR MCAA. Such framework should ensure the reliable, complete, timely and enforceable filing of GIR information. In doing so, the Competent Authority should also specify the start date of the first Reporting Fiscal Year for which it intends to send GIR information. In case the GIR MCAA is temporarily to be applied on a provisional basis due to

pending national legislative procedures, this should also be indicated. When specifying such provisional application, the notification should set out the state of advancement of the national legislative procedures, the reasons for the provisional application, and the time period. Finally, the Competent Authority should list the Jurisdictions of the other Competent Authorities to which it intends to send GIR information under the GIR MCAA;

- the notification under subparagraph 1(b) allows a Competent Authority to specify whether it wishes to receive GIR information from other Competent Authorities under the GIR MCAA. If a Competent Authority wishes to receive GIR information, it should indicate whether its Jurisdiction has implemented the IIR, the UTPR and/or a QDMTT. The Competent Authority should further confirm that its Jurisdiction has in place adequate measures to ensure the required confidentiality and data safeguards standards, as discussed in Section 5, are met. This can be confirmed by referring to the relevant Confidentiality and Data Safeguards Report for the Jurisdiction, as adopted by the Global Forum on Transparency and Exchange of Information for Tax Purposes. Finally, the Competent Authority should list the Jurisdictions of the other Competent Authorities from which it wishes to receive GIR information under the GIR MCAA.

57. In addition to providing these notifications set out above, paragraph 1 clarifies that Competent Authorities must notify the Co-ordinating Body Secretariat, promptly, of any subsequent changes to be made to the above-mentioned notifications, once they have been lodged. This would include cases where the notification pursuant to subparagraph 1(a) would need to be amended due to legislative changes in relation to the GloBE Rules.

Paragraph 2 – Activation of exchange relationships

58. Paragraph 2 provides that there is an active exchange relationship pursuant to the GIR MCAA, as of the date on which (i) the sending Competent Authority has provided a notification to the Co-ordinating Body Secretariat under subparagraph 1(a) of Section 8, including listing the receiving Competent Authority's Jurisdiction and (ii) the receiving Competent Authority has provided notifications to the Co-ordinating Body Secretariat under subparagraph 1(b) of Section 8, including listing the sending Competent Authority's Jurisdiction. As such, and in order to facilitate the exchange of GIR information under the GIR MCAA to the largest possible extent, exchange relationships under the GIR MCAA between two Competent Authorities are established whenever the conditions set out in paragraph 1 of Section 8 are met and one Competent Authority is willing to send and the other Competent Authority wishes to receive GIR information, without the necessity that information must be correspondingly flowing in the opposite direction.

Paragraphs 3 and 4 – Role of Co-ordinating Body Secretariat

59. Paragraph 3 clarifies that the Co-ordinating Body Secretariat will maintain a list of the Competent Authorities that have signed the GIR MCAA, and between which Competent Authorities there is an active exchange relationship pursuant to paragraph 2 of Section 8. This information will be published on the OECD website.

60. Paragraph 4 stipulates that the Co-ordinating Body Secretariat will maintain the information provided by Competent Authorities pursuant to subparagraphs 1(a) and 1(b) of Section 8. This information will not be published on the OECD website and will only be made available to the signatories of the GIR MCAA.

Paragraph 5 – Deactivation of exchange relationships

61. Paragraph 5 provides that a Competent Authority may deactivate an exchange relationship under this Agreement by giving notice of deactivation in writing to the Co-ordinating Body Secretariat. The Co-ordinating Body Secretariat will promptly notify the other Competent Authority of such notice.

62. In general, the deactivation will have effect for Reporting Fiscal Years commencing after such notice. This is to ensure that a full collection and exchange cycle of GIR information can still take place before the exchange relationship ceases to exist. As an exception to that general rule, the deactivation will have immediate effect in case it is due to a breach of confidentiality or failure of safeguards.

63. Following a deactivation, all information previously received under the GIR MCAA will remain confidential and subject to the terms of Section 5 of the GIR MCAA and the Convention.

Paragraph 6 – Termination

64. Pursuant to paragraph 6, a Competent Authority may terminate its participation in the GIR MCAA. In such case, the Competent Authority must notify the Co-ordinating Body Secretariat in writing. As a general rule, a termination will become effective on the first day of the month following the expiration of a period of 30 months after the date of the notification. This is to ensure that any collection and exchange cycle of GIR information that is commenced by another Competent Authority would still be fully covered the GIR MCAA before the termination becomes effective, in order to ensure legal certainty for both Competent Authorities and MNE Groups. In circumstances where this is necessary (e.g., due to national legislative procedures or a court judgement), the Competent Authority terminating its participation in the GIR MCAA may deviate from the default 30-month period and specify another period.

65. The termination of the participation of a Jurisdiction in the Convention would lead to the automatic termination of the GIR MCAA in respect of such Jurisdiction. Accordingly in such circumstances the GIR MCAA would not separately need to be terminated.

66. Paragraph 6 further clarifies that in the event of a termination, all information previously received under the GIR MCAA will remain confidential and subject to the terms of Section 5 of the GIR MCAA and the Convention.

Commentary on Section 9

67. Section 9 clarifies that, unless otherwise provided for in the GIR MCAA, the Co-ordinating Body Secretariat will notify all Competent Authorities of any notifications that it has received under the GIR MCAA. Section 9 also clarifies that the Co-ordinating Body will notify all signatories of the GIR MCAA when a new Competent Authority signs the GIR MCAA.

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Tax Challenges Arising from the Digitalisation of the Economy – Multilateral Competent Authority Agreement on the Exchange of GloBE Information (January 2025)

Inclusive Framework on BEPS

The Global Anti-Base Erosion (GloBE) Model Rules require each Constituent Entity of an MNE Group to annually file a GloBE Information Return (GIR) with the tax administration of the jurisdiction where it is located to support the administration of the GloBE Rules. Under the GloBE Model Rules, a Constituent Entity is discharged from the requirement to file a GIR with the tax administration of the Implementing Jurisdiction where it is located if a GIR conforming to the requirements of the GloBE Rules is filed by the filing deadline by the Ultimate Parent Entity or Designated Filing Entity located in a jurisdiction that has a Qualifying Competent Authority Agreement with such jurisdiction. This document contains the Multilateral Competent Authority Agreement on the Exchange of GloBE Information (GIR MCAA), which is based on Article 6 of the Convention on Mutual Administrative Assistance in Tax Matters (Convention), is a Qualifying Competent Authority Agreement as defined in the GloBE Model Rules and sets out the detailed modalities of the exchanges taking place on an automatic basis. The portions of the GIR to be exchanged with each jurisdiction where the MNE Group is operating are multilaterally agreed as part of the Dissemination Approach and depend on the MNE Group's structure and the rule order under the GloBE Rules. The document also contains Commentary on the GIR MCAA.



For more information:



ctp.contact@oecd.org



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