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EU JOINT TRANSFER PRICING FORUM

**DRAFT TABLE ON SERIOUS PENALTIES RELATED TO
TRANSFER PRICING ADJUSTMENTS**

Meeting of 23rd October 2007

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1. Introduction and context

This table provides information about whether access to the Arbitration Convention was ever denied to a taxpayer because of the existence of a serious penalty (Article 8 of the Convention) as defined by the relevant Member States.

2. Summary table:

This table derived by Secretariat from Member States replies and describes the actual situation (at the end of June 2007).

Member State	Access to the AC was denied	Access to the AC was not denied	comments
Austria		X	
Belgium		X	No request received so far where a taxpayer has faced a serious penalty.
Bulgaria	NR	NR	
Cyprus			
Czech Republic	NR	NR	
Denmark		X	
Estonia	NR	NR	
Finland		X	
France	X		MAP under AC suspended until serious penalty is final. Two cases so far.
Germany		X	
Greece		X	No request received so far where a taxpayer has faced a serious penalty.
Hungary	NR	NR	
Italy		X	
Ireland		X	
Latvia	NR	NR	
Lithuania			
Luxembourg		X	
Malta	NR	NR	
Netherlands		X	
Poland			
Portugal		X	
Romania	NR	NR	
Slovak Republic	NR	NR	
Slovenia	NR	NR	
Spain	X		

Sweden		X	No request received so far where a taxpayer has faced a serious penalty.
United Kingdom		X	No request received so far where a taxpayer has faced a serious penalty.

NR= not relevant so far because the new MS has had no cases under the AC.