

European Commission

Amsterdam, 4 April 2016

**Subject: Consultation on Improving Double Taxation Dispute Resolution Mechanisms**

Dear Madam/Sir,

We would like to take this opportunity of answering your questionnaire, to provide you with some additional information regarding our organization the IBFD (International Bureau of Fiscal Documentation) and in particular our academic research in the field of dispute resolution in international taxation, which latter part provides the further information as requested in some of the questions in the questionnaire. Due to our mutual interest in Dispute Resolution in cross-border tax disputes, we would appreciate if you could further involve the IBFD in your activities on this topic.

The IBFD is a fully independent non-profit organization that aims at promoting the development of (applied) tax science and at disseminating the knowledge about (international) tax law. Academic research is therefore one of the cornerstones of the IBFD. The IBFD performs at the highest scientific level and aims to address fundamental issues, as well as current challenges and upcoming trends in the fields of international, European or comparative taxation. We have agreements and cooperate, besides with our sister organization the International Fiscal Association (IFA), on a regular basis with international organizations like the United Nations and the OECD, regional governmental organizations like the Intra-European Organization of Tax Administrations (IOTA), The Inter-American Center of Tax Administrations (CIAT) and Centre de Rencontres et d'Études des Dirigeants des Administrations Fiscales (CREDAF), as well as with the International Chamber of Commerce (ICC), the European Association of Tax Law Professors and the International Association of Tax Judges. The value of the scientific contribution of IBFD is furthermore demonstrated by several objective indicators, including a high visibility at top international conferences, the significant number of events in which IBFD researchers participate and the volume and quality of our (peer reviewed) publications. The IBFD has four offices in four countries spread across three continents and employs over 70 research specialists from over 30 countries. Against this background the IBFD is seen by many as one of the world's foremost authorities on knowledge about cross-border taxation.

One of the topics of our research is improving dispute resolution procedures regarding cross-border tax disputes and in this context we have already published some doctoral theses on dispute resolution like:

- K. Perrou, *Taxpayers Participation in Tax Treaty Dispute Resolution*, Amsterdam: IBFD 2014 (University of London);
- Z.D. Altman, *Dispute Resolution under Tax Treaties*, Amsterdam: IBFD 2005 (Harvard University);
- M. Züger, *Arbitration under Tax Treaties, Improving Legal Protection in International Tax Law*, Amsterdam: IBFD 2001 (WU Vienna University)

Furthermore, we published a number of books and articles regarding dispute resolution in international taxation. Some of our most recent publications are: M. Lang and J. Owens, *International Tax Arbitration*, Amsterdam: IBFD 2015 and a Special Issue "The Last World in Tax Disputes" of the *Bulletin for International Taxation*, January/February 2016 with contributions of members of the International Association of Tax Judges and a specific article about Dispute Resolution Mechanisms and the Mutual Agreement Procedure by M. Markham.

Our latest initiative is research aimed at developing a Flexible Multi-Tier Dispute Resolution in International Taxation. This is an ambitious collaborative research on improving (alternative) dispute resolution for cross-border tax disputes. The Flexible Multi-Tier Dispute Resolution is divided into several tiers and is appropriate for preventing and dealing with international tax disputes. In this research we are focusing on current systems dealing with preventing or solving international tax disputes like: Bilateral/Multilateral Advanced Price Agreements, Cross Border Rulings and Arbitration. However, we also research whether other instruments may be included to make these more effective. In the current stage of this research which we have just started, we focus on forms of mediation as part of the aforementioned broader system of dispute resolution. The purpose of this research is to research and provide recommendations about the implementation of mediation in order to improve the Mutual Agreement Procedure (MAP) and to design a best practice aiming to improve the efficiency of the MAP. In this framework we also aim to improve the position of taxpayers and provide the opportunity for taxpayers to participate directly in the MAP procedure in order to contribute to legal certainty and confidence in the tax systems and thus to a better investment climate. Accordingly, we are working at transforming the current MAP into the first step (mediation and the involvement of the taxpayer) of the Flexible Multi-Tier Dispute Resolution system.

Our academic research credentials are available at: <http://www.ibfd.org/Academic>.

Giving our previous activities in this field, as well as the currently started research described above, we would be honoured if the European Commission would consult and involve the IBFD in its (follow up of the) research on Improving Double Taxation Dispute Resolution Mechanisms. In case you require additional information about the IBFD, our research or our research team, we kindly refer to our corporate website <http://www.ibfd.org>. Naturally, you can also contact us directly by email:

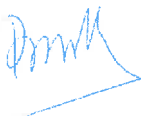
- Prof. Pasquale Pistone: [P.Pistone@ibfd.org](mailto:P.Pistone@ibfd.org); or
- Prof. Jan de Goede: [J.deGoede@ibfd.org](mailto:J.deGoede@ibfd.org); or
- our secretary Ms Olette Manhoudt: [Academic@ibfd.org](mailto:Academic@ibfd.org); or
- by telephone: +31-20-554 0100.

We really look forward to building up a cooperation with you on this topic in the future.

Yours faithfully,

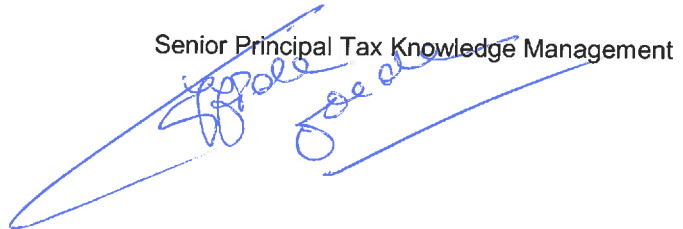
Prof. Pasquale Pistone

Academic Chairman

A blue ink signature of Prof. Pasquale Pistone, consisting of a stylized 'P' followed by 'Pistone'.

Prof. Jan de Goede

Senior Principal Tax Knowledge Management

A blue ink signature of Prof. Jan de Goede, featuring a large, sweeping 'J' and 'G' followed by 'de Goede'.

