

Joint response to OECD public consultation document on the review of Country-by-Country Reporting (BEPS Action 13)

Submission by the following organisations:

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We, the undersigned organisations, welcome the public consultation on the country by country reporting (CBCR), as introduced by BEPS Action 13, and believe that the existing system should evolve to public country by country reporting. Unlike the current system of automatic exchange of country by country reports, public country by country reporting would ensure that all governments have access to the information. Furthermore, it would provide citizens, parliamentarians, journalists and civil society organisations with information which is important when it comes to assessing the effectiveness and fairness of the corporate tax system.

General comments

Threshold

Country by country reporting should apply to all large corporations, rather than be limited to those with a minimum turnover of €750 million, as it states in the current country by country reporting rules of the Organisation for Economic Co-operation and Development (OECD). An estimate from the OECD itself suggests that 85-90 per cent of the world's multinational corporations would not meet this threshold¹. The threshold for "large corporations" should be set to match the European Union (EU) definition of a "large undertaking"², which states that: "*Large undertakings shall be undertakings which on their balance sheet dates exceed at least two of the three following criteria: (a) balance sheet total: EUR 20 000 000; (b) net turnover: EUR 40 000 000; (c) average number of employees during the financial year: 250.*"

Experiences from the European Union

The EU introduced public country by country reporting for the banking sector in 2013 through the Capital Requirements Directive³, which obliged European banks to publish country by country reports annually. This has resulted in positive experiences, which show that public country by country reporting can discourage large-scale corporate tax avoidance by multinational corporations⁴ and has not negatively impacted the competitiveness of reporting corporations.

This transparency measure for banks was widely supported by the public⁵. Since companies began reporting it has enabled stakeholders, journalists, parliamentarians and the general public to see where banks are operating and how much tax they are paying in each jurisdiction. Recent academic research finds that public CbCR provides greater transparency and meaningful data that is otherwise unavailable and can identify profit-shifting to tax havens by European banks.⁶ Data from the public CbCR for the banking sector has already enabled researchers to undertake a detailed analysis of banking activity within tax havens.⁷ In parallel, researchers have shown that the measure has already dis-incentivised profit-shifting to low tax jurisdictions,⁸ and evidence has shown that public CbCR has not negatively impacted on the sector's competitiveness.⁹ Furthermore, civil society researchers have also been able to translate the data into accessible formats in order to enable policy-makers and the general public to interact with it in an easy and meaningful way.¹⁰ Finally, banks themselves have spoken positively about their experience undertaking public country by country reporting.¹¹

The European Union is currently considering a proposal for public country by country reporting for all sectors.¹² This proposal would introduce public country by country reporting to all sectors, by requiring the largest MNCs to publish such reports for all EU countries as well as third country jurisdictions which do not live up to criteria regarding good tax governance. The European Commission tabled the proposal in 2016 and the European Parliament adopted its amendments in 2017, calling for full disaggregation of data for all jurisdictions¹³. The proposal is currently being discussed in the Council, which has yet to adopt its final position.

The EU experience of public country by country reporting demonstrates the potential that public disclosure provides to disincentive profit-shifting and inform public debate, while showing that publishing this information does not threaten the competitiveness of the reporting corporations. We believe the OECD should adopt public country by country reporting immediately.

Relationship with the negotiations to address the tax challenges arising from the digitalisation of the economy

In the context of the ongoing negotiations to address the tax challenges arising from the digitalisation of the economy, we believe that transparency is urgently needed. This applies both in relation to informing the ongoing negotiations under both "Pillar 1" and "Pillar 2", and in order to truly understand how the existing rules are operating.

We welcome the consultation document's recognition that "elements of the framework" or "principles underpinning CbC reporting may be used to support implementation and operation of Pillar 1 and/or Pillar 2" and regret that this important application has not been integrated into the current public consultation. We understand that both the OECD secretariat and the European Commission have sought to utilise CbCR data as part of the impact assessments of the Pillar 1 and Pillar 2 proposals, demonstrating the importance of such data. Equally, the fact that this information

is required but cannot be freely accessed by institutions involved in legislation and standard setting on taxation issues is deeply troubling. This would be remedied with public country by country reporting.

Furthermore, CBCR data is of critical need to inform the discussion about the reform of the global tax system itself, as well as for the impact assessment of the proposals being negotiated. Pillar 1 and Pillar 2 seek to address the shortcomings of the transfer pricing system and the base erosion and profit shifting it enables. However, the current secrecy makes it impossible for states, institutions, civil society and other stakeholders to have a clear picture of where MNCs are doing business and what they're paying in taxes. This information is critical to having a clear understanding of the weaknesses of the existing system and assessing the effectiveness and fairness of the Pillar 1 and Pillar 2 proposals. The negotiations under Pillar 1 also illustrate the importance of ensuring that there are no rules preventing CBCR data from being used in the context of formula-based income allocation. We believe this public country by country reporting is urgently needed.

CBCR exchange system is failing developing countries and policy-makers

One of the most significant failures of the existing secret country by country reporting is that many governments, parliamentarians and other relevant institutions do not have access to country by country reporting data, which is necessary to enable evidence-based policy making and improve tax laws. This is particularly true for developing countries, where many have limited or no access to country by country reports through the existing system. For example, as of January 2020, only three African tax administrations can receive CBC reports.¹⁴ Even when tax administrations have access to CBCR reports, the existing rules prevent them from sharing this information freely with policy-makers, denying those creating and reforming the tax policy the information needed to assess how the system is working and where changes are needed.

We also consider public country by country reporting to be more efficient than the current system of secret reporting and exchange between some tax administrations. By requiring public disclosure, all tax administrations can immediately access CBC reports.

The system of automatic exchange

Under the current OECD country by country reporting system, MNCs send their CBC report to the jurisdiction they are headquartered in, and other jurisdictions receive information about activities in their country through the automatic exchange of CBC reports.¹⁵ The OECD system also allows countries in which the MNC is not headquartered to request that the MNC sends the CBC report directly to the tax administration of that country through local filing. However, there are a number of restrictions applied to this mechanism, and therefore, it is currently not easy for countries to use.

In theory, the automatic exchange of country by country reports can be enabled by a number of frameworks, including the CBC Multilateral Competent Authority Agreement (CBC MCAA)¹⁶, as well as through bilateral agreements under Double Taxation Treaties or Tax Information Exchange Agreements.

The CBC MCAA does not oblige signatories to exchange CBC reports with all other signatories of the MCAA. Instead, signatories must only exchange reports with other signatories with which it has the "Agreement in effect", which means that both jurisdictions have specifically agreed to exchange

information with each other.¹⁷ Therefore, being a party to the CBC MCAA does not guarantee automatic access to country by country reports.

In addition, in order to access CBC reports, countries need to demonstrate their national laws comply with additional OECD requirements for receiving and using CBCR reports¹⁸, including guidelines on “appropriate use” of the information. In practice, this means that some countries have to update their national laws and practices before they can access CBC reports. This also limits the tax authorities’ autonomy to decide how best to use CBCR data.

While the OECD system allows jurisdictions to choose to send CBC reports without receiving such reports from other jurisdictions (so-called non-reciprocal jurisdictions)¹⁹, the design of the system also means that countries that join the system with the wish to access CBC reports might not be able to do so. As explained below, this seems to be the case for a number of developing countries.

Public country by country reporting would ensure that all countries, including developing countries, have equal access to information. In addition, public country by country reporting would enable countries themselves to decide how best to use CBC reports in their context, without the limitations imposed by the ‘appropriate use’ rules.

Institutions and policy-makers

At a national level, even in situations where tax authorities have access to relevant CBCR data through an exchange of information procedures, this same information is not available to those policy-makers responsible for introducing and amending tax legislation. Although the United States Inland Revenue Service published aggregated CBCR data in 2019,²⁰ and there are indications other states will follow this move, disaggregated data for all states and jurisdictions is needed to accurately inform fair and effective decision-making on tax policy. It is also important that such information is available to regional institutions, such as the European Commission.

Public country by country reporting would ensure all relevant stakeholders, including policy-makers and institutions creating corporate tax policy, have equal and timely access to information. In addition, making this information public can ensure a well-informed public debate.

Developing countries

Four years into the implementation of Action 13, many jurisdictions are not part of the CBCR information exchange system, and even where they are participating may have no access to country by country reports through the system. Of the 119 states²¹ participating in the CBC exchange system, only 57 states have such access²². We are concerned that 62 states have joined the system but have no access to country by country reports (see Figure A below). Of this number, **only three African states can currently receive CBC reports** – Mauritius, Seychelles and South Africa. This is a stark contrast to the 38 states in Europe and North America that already have access.

In addition, we are troubled by the fact that jurisdictions committed to sending CBC reports to other jurisdictions are not allowed to receive the same information in return. For example, Nigeria has CBC exchange relationships with 57 jurisdictions that can request CBC reports from Nigeria, but Nigeria is not entitled to receive reports in return. While some states elect to be non-reciprocal, it is deeply

unfair that those wishing to receive reports can end up being required to send reports without receiving information in return.

The Automatic Exchange of Information system for CBC reports has generated a clear imbalance between regions, as well as between developed and developing countries, in terms of access to reports. In addition, the system of exchange itself and associated responsibilities for participating states, including systems to ensure data confidentiality, are capacity-intensive and further exacerbate the bias of the secret CBCR system in favour of wealthy countries. The difficulties faced by developing countries are particularly problematic in light of the fact that developing countries depend on corporate tax revenue to a greater extent than highly developed nations, and are more vulnerable to corporate tax avoidance.²³

These shortcomings and the resulting disadvantage for developing countries would be resolved by introducing public CBCR, thereby ensuring all stakeholders have equal access to information.

States that are part of the CBCR exchange system but are not receiving CBC reports (as of January 2020)		
Albania	Dominican Republic	Panama
Angola	Egypt	Papua New Guinea
Antigua and Barbuda	Eswatini	Paraguay
Armenia	Gabon	Peru
Bahamas	Georgia	Qatar
Bahrain	Grenada	St. Kitts and Nevis
Barbados	Haiti	St. Lucia
Belize	Honduras	St. Vincent and the Grenadines
Benin	Israel	Senegal
Bosnia and Herzegovina	Jamaica	Serbia
Botswana	Jordan	Sierra Leone
Brunei	Kazakhstan	Sri Lanka
Burkina Faso	Kenya	Thailand
Cameroon	Korea, South	Trinidad and Tobago
Cape Verde	Liberia	Tunisia
Congo, Rep. of	Maldives	Turkey
Congo, Dem. Rep. of	Mongolia	Ukraine
Costa Rica	Montenegro	United Arab Emirates
Côte d'Ivoire	Morocco	Vietnam
Djibouti	Namibia	Zambia
Dominica	Nigeria	
Source: OECD, January 2020. ²⁴		

Local filing

We recommend that the country by country reporting system evolve to become public, in order to address the issues with the exchange system and other concerns outlined above. However, as long as country by country reporting remains secret, we recommend that states be more easily permitted

to introduce local filing requirements. The state introducing the local filing requirement should be able to decide if they require local filing consistent with the domestic standard or will accept a CBC report containing information prepared for filing in the Ultimate Parent Entity jurisdiction. Local filing standards should be consistent with BEPS Action 13, but states should be allowed to require additional information.

Improving and aligning standards

It is essential that the CBCR template generates the necessary information for tax authorities and other stakeholders and it is preferable that there is convergence on a single high-quality template, in order to minimise compliance and reporting costs and ensure maximum comparability and effectiveness. It is critical that CBC reports generate data that provides an accurate picture of a MNCs' activities in all countries they are active in. Failure to do so may undermine the objective by incentivising restructuring to avoid taxation or transparency. Reporting MNCs must be obliged to reconcile the revenue, profit and tax reporting to consolidated financial accounts or explain the difference. This will require that Annex III of Chapter V: Transfer Pricing Documentation – country-by-country report is updated.

Significant work has been undertaken by the Global Reporting Initiative to identify and address gaps in the OECD standard, when developing the new voluntary Tax Standard. We recommend that the Inclusive Framework evaluate and integrate the GRI standard²⁵, thereby introducing public country by country reporting that:

- i. Ensures reconciliation with global, consolidated group accounts;
- ii. Deals with intra-group transactions on a consistent basis; and
- iii. Requires entity-level reporting for any 'stateless' entities.

Answers to consultation questions

1. What comments do you have regarding the general status of implementation of CbC reporting by members of the Inclusive Framework?
 - a. As addressed above, the existing system of CBC reporting and exchange of CBC reports is not working for developing countries.²⁶ We are concerned that 62 states, many of which are developing countries, have joined the system but have no access to country by country reports (see Figure A). We recommend the OECD urgently introduce public country by country reporting to address this.
2. What comments do you have with respect to the use of CbC reports by tax administrations? To date, what impact has this had on the number and nature of requests for additional information?
 - a. Country by country reports should not be limited to tax administrations. We recommend they are publicly available to all relevant stakeholders. As addressed in the general comments above, the existing system of secret country by country reporting results in unequal access to CBC reports among tax administrations, prevents policy-makers from having access to relevant data that is needed for evidence-based decision-making on corporate tax, and also denies other relevant stakeholders access. As of January 2020, only three African states can currently

receive CBC reports – Mauritius, Seychelles and South Africa. This is in stark contrast to the 38 states in Europe and North America that already have access. All tax administrations should have equal access to CBC reports and the system should be mindful of the resource constraints faced by developing countries. We believe the most fair and effective way to ensure equal access for all tax administrations to CBCR reports is to introduce public reporting.

3. What comments do you have regarding cases where jurisdictions have implemented master file requirements that differ from or go further than the documents listed in Annex I to Chapter V of the OECD Transfer Pricing Guidelines?
 - a. States should have the freedom to implement additional requirements for both master and local filing, should they wish. Given the limitations of the existing system of exchange of CBC reports and the unequal access experienced by developing countries, we believe it is necessary that they can implement requirements as needed. Master filing standards should be consistent with BEPS Action 13, but states should be allowed to require additional information.

5. Are there any practical challenges to MNE groups resulting from clarifying the definition of a Group to include a single entity that conducts business through one or more permanent establishments in other jurisdictions, in addition to those described in this document?
 - a. We welcome the proposal to ensure a single entity conducting business in more than one jurisdiction that meets the reporting threshold should be within scope of public CBCR. However, it is necessary to update the definition of a Constituent Entity, in order to ensure that it is not possible for entities to avoid reporting by circumventing Permanent Establishment or taxable presence definitions. It should not be necessary for an entity to prepare a separate financial statement in order to be classified as a Constituent Entity²⁷.

10. Are there any benefits from reducing the consolidated group revenue threshold, in addition to those described in this document?
 - a. Country by country reporting should apply to all large corporations, rather than be limited to those with a minimum turnover of €750 million, as is the case for the current country by country reporting rules of the Organisation for Economic Co-operation and Development (OECD). An estimate from the OECD itself suggests that 85-90 per cent of the world's multinational corporations would not meet this threshold²⁸. The threshold for "large corporations" should be set to match the European Union (EU) definition of a "large undertaking"²⁹, which states that: "*Large undertakings shall be undertakings which on their balance sheet dates exceed at least two of the three following criteria: (a) balance sheet total: EUR 20 000 000; (b) net turnover: EUR 40 000 000; (c) average number of employees during the financial year: 250.*"

19. Are there any benefits from including extraordinary income in consolidated group revenue, in addition to those in this document?

- a. We believe extraordinary income should be included in consolidated group revenue and in determining if an MNC reaches the reporting threshold.
30. Are there any practical challenges or other concerns to MNE groups from requiring the use of consolidated data in Table 1, in addition to those in this document?
- a. We recommend that reporting data at jurisdictional level on a consolidated basis should be required and that reporting should be public.
31. For each of the possible new items of information considered in this section, are there any benefits from including an additional column in Table 1 of the CbC report template, in addition to those in this document?
- a. As addressed above, we recommend that the Inclusive Framework evaluate and integrate the GRI standard, thereby introducing public country by country reporting that:
 - i. Ensures reconciliation with global, consolidated group accounts;
 - ii. Deals with intra-group transactions on a consistent basis; and
 - iii. Requires entity-level reporting for any 'stateless' entities.

Table 1 should include deferred taxes and uncertain positions, research and development expenditure, interest, royalty and service fees income and expenses with related parties, total employee expenses. Table 1 should also include withholding taxes shown in the jurisdiction in which they are paid. This should replace the existing treatment of withholding taxes³⁰.

36. Are there any benefits from including additional information required in the CbCR XML schema in the CbC report template, in addition to those in this document?
- a. As addressed above, we recommend that the Inclusive Framework evaluate and integrate the GRI standard, thereby introducing public country by country reporting that:
 - i. Ensures reconciliation with global, consolidated group accounts;
 - ii. Deals with intra-group transactions on a consistent basis; and
 - iii. Requires entity-level reporting for any 'stateless' entities.

References

¹ OECD (2015), 'Action 13: Guidance on the Implementation of Transfer Pricing Documentation and Country-by-Country Reporting', page 4, paragraph 10, <https://www.oecd.org/ctp/beps-action-13-guidance-implementation-tp-documentation-cbc-reporting.pdf>

² The threshold for "large corporations" could be set to match the EU definition of a "large undertaking", as defined in Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0034&from=EN> , Article 3.4.

³ Official Journal of the European Union (2013), Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC, published 27 June 2013, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:176:0338:0436:En:PDF> , Article 89.

⁴ Michael Overesch and Hubertus Wolff (2018), Financial Transparency to the Rescue: Effects of Country-by-Country Reporting in the EU Banking Sector on Tax Avoidance, 1 July 2018, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3075784

⁵ Treanor, Jill (2013), 'Avaaz bank transparency petition attracts more than 200,000 signatures', The Guardian, February 2013, <https://www.theguardian.com/business/2013/feb/27/eu-tax-transparency-avaaz-petition>

⁶ Verena Dutt, Katharina Nicolay, Heiko Vay and Johannes Voget (2019), European Banks' Country-by-Country Reporting Reveal Profit Shifting? An Analysis of the Information Content of EU Banks' Disclosures, ZEW Discussion Paper No. 19-042, Mannheim, P41, <https://www.zew.de/en/publikationen/can-european-banks-country-by-country-reports-reveal-profit-shifting-an-analysis-of-the-information-content-of-eu-banks-disclosures/?cHash=d229f80babef472c97171dd15bbc5152>

⁷ Bouvatier et al. (2017), 'Banks in Tax Havens: First Evidence based on Country-by-Country Reporting', European Commission, 2017, https://ec.europa.eu/info/sites/info/files/dp_055_en.pdf

⁸ Michael Overesch and Hubertus Wolff (2018), Financial Transparency to the Rescue: Effects of Country-by-Country Reporting in the EU Banking Sector on Tax Avoidance, 1 July 2018, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3075784

⁹ Gaita, Elena (2016), 'Do Corporate Claims on Public Disclosure Stack Up? Impact of Public Reporting on Corporate Competitiveness', Transparency International, 2016, https://transparency.eu/wp-content/uploads/2016/10/Impact_of_Public_Reporting_FINAL.pdf

¹⁰ Transparency International, Corporate Tax Tracker, <http://taxtracker.eu/>

¹¹ European Network on Debt and Development, Banks and public CBCR, 2016, https://www.youtube.com/watch?v=a1IJCKT4ikI&feature=emb_logo. For example: "A matter likely to be pertinent with the Parliament is the issue of tax transparency and the good work undertaken on CBCR. Barclays took the decision to go above and beyond the CRD IV requirements applicable to European banks. Alongside our annual report we publish a highly accessible country snapshot that sets out clear details and explanations of turnover, employee numbers, the profits we generate and the taxes we pay in each country. So I'm proud that Barclays is an industry leader in tax transparency through our country snapshot and proud of our tax principles which guide our behaviour." Mark Hubbard, Managing Director, Tax – Barclays Bank ; and "We very much support the public country by country reporting" Iain McKinnon, Head of Group Tax, HSBC.

¹² European Commission (2016), 'Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/34/EU as regards disclosure of income tax information by certain undertakings and branches', 2016/0107 (COD), 12 April 2016, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52016PC0198>

¹³ European Parliament (2017), 'Amendments adopted by the European Parliament on 4 July 2017 on the proposal for a directive of the European Parliament and of the Council amending Directive 2013/34/EU as regards disclosure of income tax information by certain undertakings and branches (COM(2016)0198 – C8-0146/2016 – 2016/0107(COD))', 4 July 2017, http://www.europarl.europa.eu/doceo/document/TA-8-2017-0284_EN.html?redirect

¹⁴ Mauritius, Seychelles and South Africa are the only African states with activated exchange relationships for country-by-country reporting who can receive reports from other jurisdictions. Mauritius can receive reports from 72 jurisdictions, Seychelles from 57 jurisdictions and South Africa from 72 jurisdictions. See OECD, Country-by-Country exchange relationships, ACTIVATED EXCHANGE RELATIONSHIPS FOR COUNTRY-BY-COUNTRY REPORTING, January 2020, available from <https://www.oecd.org/tax/beps/country-by-country-exchange-relationships.htm>

¹⁵ OECD (2019), 'Guidance on the Implementation of Country-by-Country reporting', December 2019, <https://www.oecd.org/ctp/guidance-on-the-implementation-of-country-by-country-reporting-beps-action-13.pdf>

¹⁶ OECD, 'Multilateral competent authority agreement on the exchange of country-by-country reports', <https://www.oecd.org/tax/exchange-of-tax-information/cbc-mcaa.pdf>

¹⁷ OECD, 'Multilateral competent authority agreement on the exchange of country-by-country reports', <https://www.oecd.org/tax/exchange-of-tax-information/cbc-mcaa.pdf>. See for example section 2.1 on Exchange of information with Respect to MNE Groups and the definition of "Agreement in effect" under section 1.1(l) on Definitions.

¹⁸ OECD (2019), 'Guidance on the Implementation of Country-by-Country reporting', December 2019, <https://www.oecd.org/ctp/guidance-on-the-implementation-of-country-by-country-reporting-beps-action-13.pdf>

¹⁹ OECD, 'Multilateral competent authority agreement on the exchange of country-by-country reports', <https://www.oecd.org/tax/exchange-of-tax-information/cbc-mcaa.pdf>

²⁰ Inland Revenue Service (2019), Country-by-Country Report: Tax Jurisdiction Information, Number of Filers, Revenues, Profit, Income Taxes, Earnings, Number of Employees, Tangible Assets for tax years 2016 and 2017, <https://www.irs.gov/statistics/soi-tax-stats-country-by-country-report>

²¹ The term state refers to UN Member States, rather than individual tax jurisdictions. States may be comprised of several tax jurisdictions, including overseas territories, dependencies, constituent countries, island territories, autonomous regions and administrative regions. A list of UN Member States is available from United Nations, Member States, <https://www.un.org/en/member-states/>

²² See OECD, Country-by-Country exchange relationships, ACTIVATED EXCHANGE RELATIONSHIPS FOR COUNTRY-BY-COUNTRY REPORTING, January 2020, available from <https://www.oecd.org/tax/beps/country-by-country-exchange-relationships.htm>

²³ IMF (2019), *Corporate taxation in the global economy*, IMF Policy Paper, March 2019, <https://www.imf.org/en/Publications/Policy-Papers/Issues/2019/03/08/Corporate-Taxation-in-the-Global-Economy-46650>

²⁴ See OECD, Country-by-Country exchange relationships, ACTIVATED EXCHANGE RELATIONSHIPS FOR COUNTRY-BY-COUNTRY REPORTING, January 2020, available from <https://www.oecd.org/tax/beps/country-by-country-exchange-relationships.htm>

²⁵ Global Reporting Initiative, 'Development of GRI 207: Tax 2019', <https://www.globalreporting.org/standards/work-program-and-standards-review/disclosures-on-tax-and-payments-to-government/>

²⁶ See OECD, Country-by-Country exchange relationships, ACTIVATED EXCHANGE RELATIONSHIPS FOR COUNTRY-BY-COUNTRY REPORTING, January 2020, available from <https://www.oecd.org/tax/beps/country-by-country-exchange-relationships.htm>

²⁷ OECD (2017), OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations 2017, Definitions, Constituent Entity, p512, <http://dx.doi.org/10.1787/tpg-2017-en>

²⁸ OECD (2015), 'Action 13: Guidance on the Implementation of Transfer Pricing Documentation and Country-by-Country Reporting', page 4, paragraph 10, <https://www.oecd.org/ctp/beps-action-13-guidance-implementation-tp-documentation-cbc-reporting.pdf>

²⁹ The threshold for "large corporations" could be set to match the EU definition of a "large undertaking", as defined in Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0034&from=EN>, Article 3.4.

³⁰ OECD (2017), OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations 2017, p515, <http://dx.doi.org/10.1787/tpg-2017-en>