Pillar Two
MGI/CPA
Dublin, 14 September 2022

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Agenda

- Introduction and Overview of Pillar Two
- Plan of Work for IIR and UTPR
- Subject to Tax Rule (STTR)
- Administration and safe harbours

History

- **2015: Shortcomings BEPS**
  - BEPS Report Action 1: Tax Challenges of the Digital Economy
  - BEPS Report Action 3: Designing Effective Controlled Foreign Company Rules
- **2019: Inclusive Framework (IF): two pillars**
  - Profit allocation and nexus (Pillar One)
  - Global minimum tax (Pillar Two)
- **2020, October: Blueprints of Pillar One and Pillar Two**
- **8 October 2021: Statement on a Two-Pillar Solution**
  - 137 jurisdictions agree
  - 15% Minimum Tax IIR/UTPR, 9% Minimum Tax SSTR
- **2021, December: OECD Model Rules and EU Directive**
- **2022, March: Commentary and Examples to the Model Rules**

USA: GILTI – CAMT - GloBE

- Joe Manchin (W.Va, D) refused his vote for Build Back Better (GILTI adaptation)
- Co-existent/equivalent
- GILTI: 10.5%, global blending, deemed tangible income return, tangible asset carve-out
- CAMT: 15%, FA profit threshold, no Deferred Tax Accounting and adjustments,
- Covered tax?, CFC regime? QDMTT?
  - Equivalent?

Critical mass?

- **Implementation:**
  - UK, Switzerland and South-Kora draft legislation ready
  - Mauritius one line in Bill 2022 about QDMTT
  - Canada strong intentions
- **Probably soon:**
  - Australia, Japan
  - EU (minus Hungary)
- **Consultation:**
  - New Zealand, Ireland, Malaysia, UAE, Switzerland, Singapore

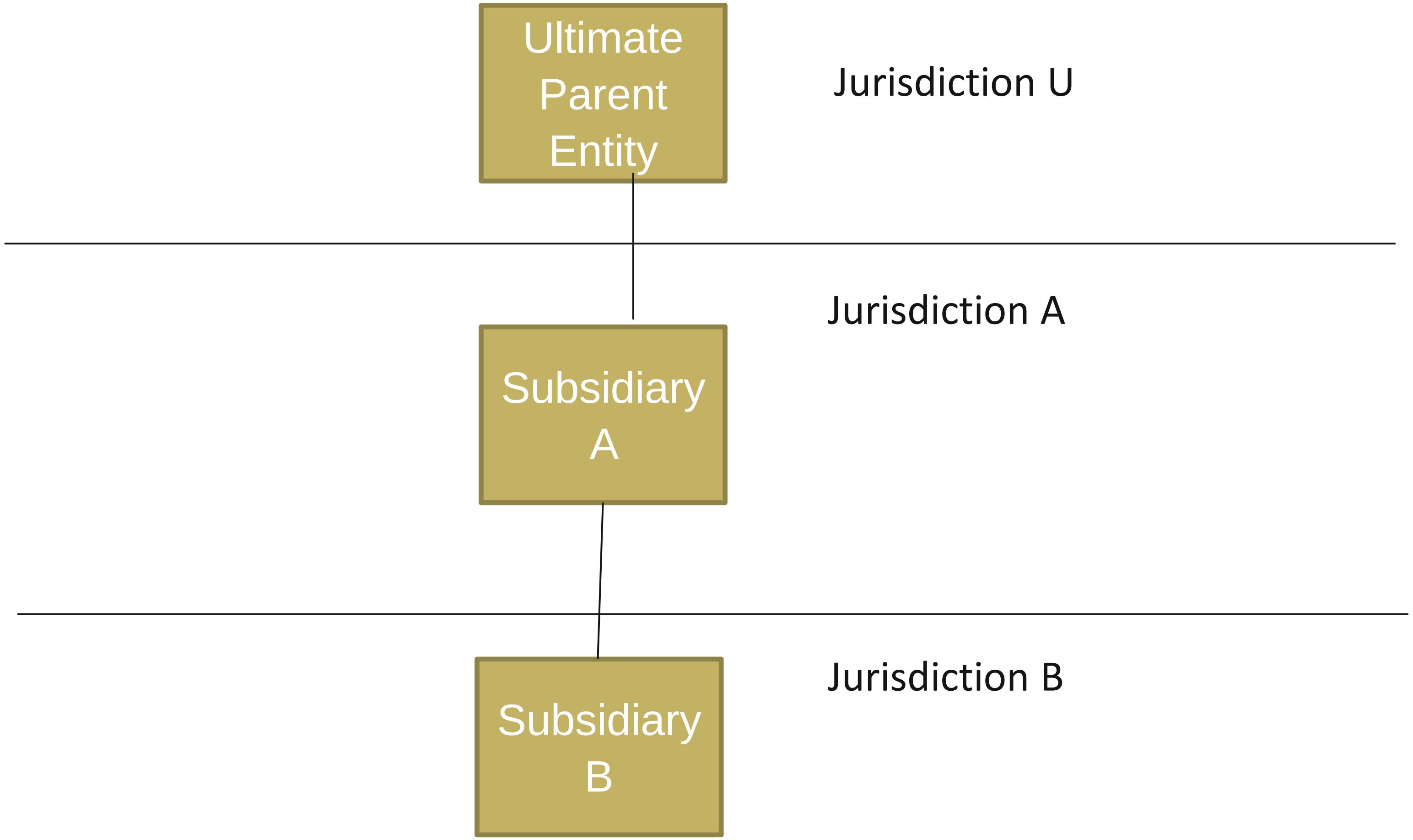
Future

- **Multilateral Instrument (STTR, SOR))**
- **Qualified Domestic Minimum Top-up Tax (QDMTT)**
- **Further operational Administrative Guidance in the Implementation Framework**
  - Peer review
  - GloBE Information return
  - Safe harbours
  - Tax capacity
  - Piecemeal presentation
- **Further interpretation guidance in the Commentary**
- **IIR effective 1 January 2024, UTPR effective 1 January 2025**
  - Five forefrontrunners p2023

Pillar Two's General Characteristics

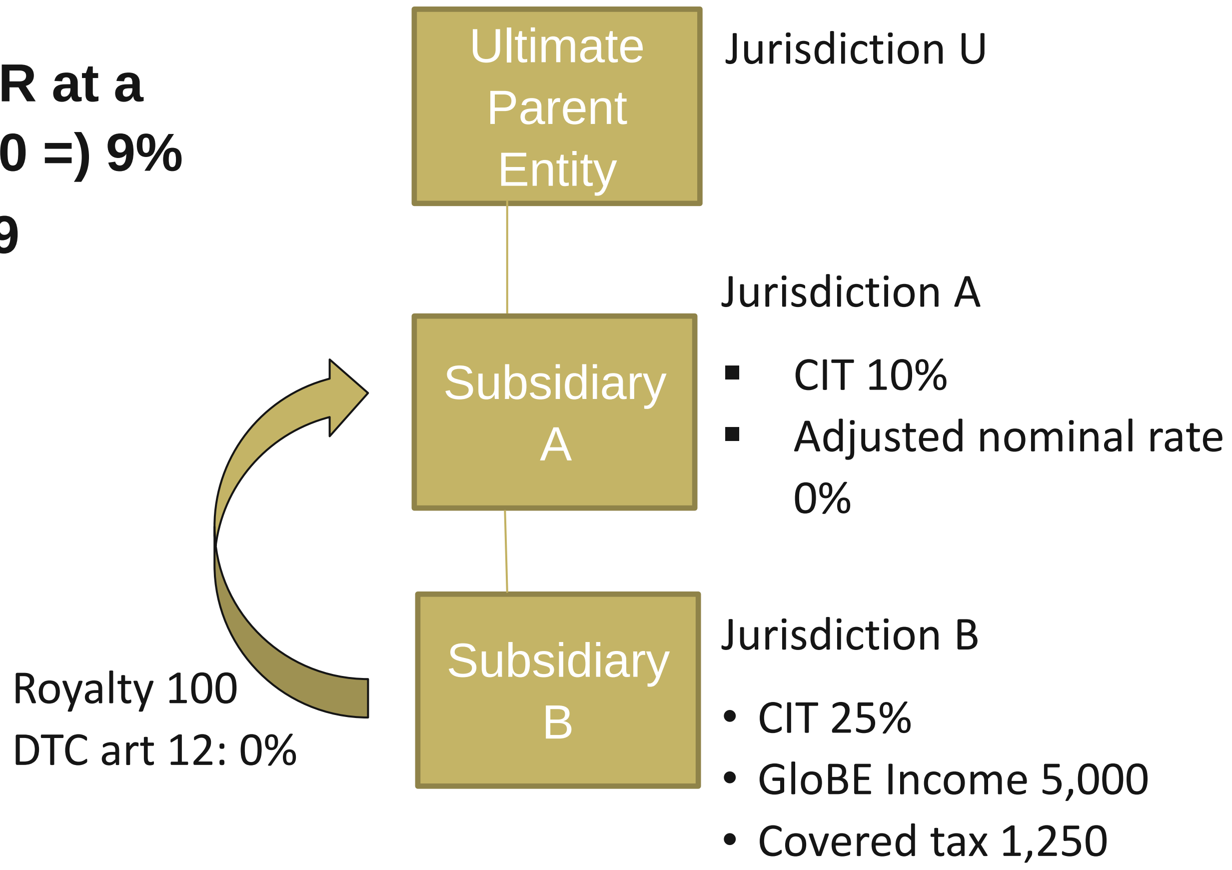
- **Two domestic rules to implement the GloBE rules**
  - IIR (Income Inclusion Rule)
  - UTPR (Undertaxed Payments Rule)
  - Minimum tax of 15%
  - Model Rules Plus Commentary/European Directive
- **Two treaty rules**
  - STTR (Subject to tax Rule)
    - Minimum tax on certain payments of passive income 9%
  - SOR (Switch-over Rule)
    - Multilateral Instrument
- **Qualified Domestic Minimum Top-up Tax**
  - Domestic minimum tax

Overview of Pillar Two: scope



Overview of Pillar Two: STTR

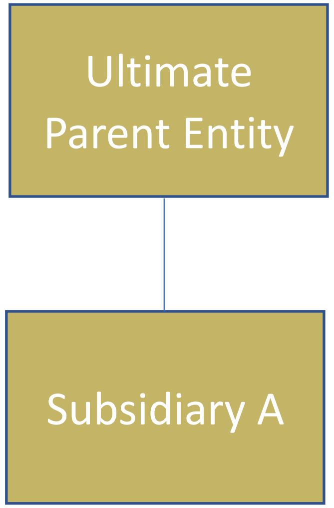
- **STTR top-up rate tax: 9%**
- **Jurisdiction B levies STTR at a STTR top-up tax rate (9 - 0 =) 9%**
- **Top-up tax: (9% x 100 =) 9**



Overview of Pillar Two: IIR (possibly de-activated by QDMTT)

- **Minimum tax 15%**
- **Jurisdiction U has implemented the IIR**
- **Top-up tax % (15 - 0 =) 15%**
- **Top-up Tax (IIR) 15% * 100 = 15**

- **Under a QDMTT in Jurisdiction A, Jurisdiction A taxes what would be taxed by Jurisdiction U under the IIR**



Jurisdiction U

- Qualified IIR
- Top-up Tax 15

Jurisdiction A

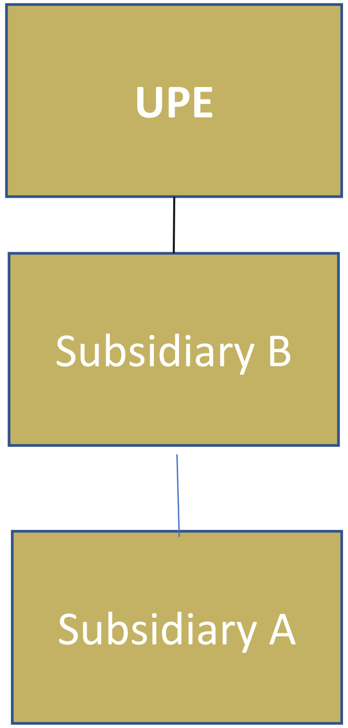
- CIT 10%
- GloBE Income 100
- Covered Tax 0 (preferential regime)
- ETR 0%

Qualified Domestic Minimum Top-up Tax (DEF)

- **Qualified Domestic Minimum Tax: to be introduced alongside Pillar Two**
- **OECD working on further specifications**
- **To be closely based on the GloBE Rules**
- **To keep the GloBE tax**
  - When otherwise other jurisdictions would tax the local CEs (IIR or UTPR)
- **The QMDTT is credited abroad: 5.2.3**
- **For the MNE no difference: pay the Minimum Tax in the jurisdiction of the LTCE or elsewhere**

Overview of Pillar Two: UTPR (possibly de-activated by a QDMTT)

- Top-up Tax = 15% * 5,000 = 750
- Jurisdiction U no Qualified IIR
- Each jurisdiction with a UTPR gets allocated its UTPR Top-up Tax
- Denies a deduction leading to an additional tax expense equal to the UTPR
- If only jurisdiction A: 750/25% = 3,000 less deduction
- Under a QDMTT in Jurisdiction B, Jurisdiction B taxes what would be taxed by Jurisdiction A under the IIR



Jurisdiction U

- No Qualified IIR

Jurisdiction B

- ETR 0%
- GloBE Income 5,000

Jurisdiction A

- 25% CIT
- Revenue 10,000
- Costs (5,000)
- GloBE Income 5,000
- Covered tax paid 1,250

Overview of Pillar Two: Switch-over Rule

- Levy of regular CIT:
  - Income including the PE 200
  - DTC: exemption PE income: taxable 100
- Levy of IIR:
  - At UPE level: 5 (PE GloBE income of 100)
  - Also here the DTC requires exemption
  - Hence, jurisdiction U would be prevented from levying IIR
- **The SOR limits the exemption as the IIR is concerned**

Jurisdiction U

Ultimate Parent Entity

Jurisdiction PE

Permanent Establishment

- ETR 10%
- GloBE Income PE 100

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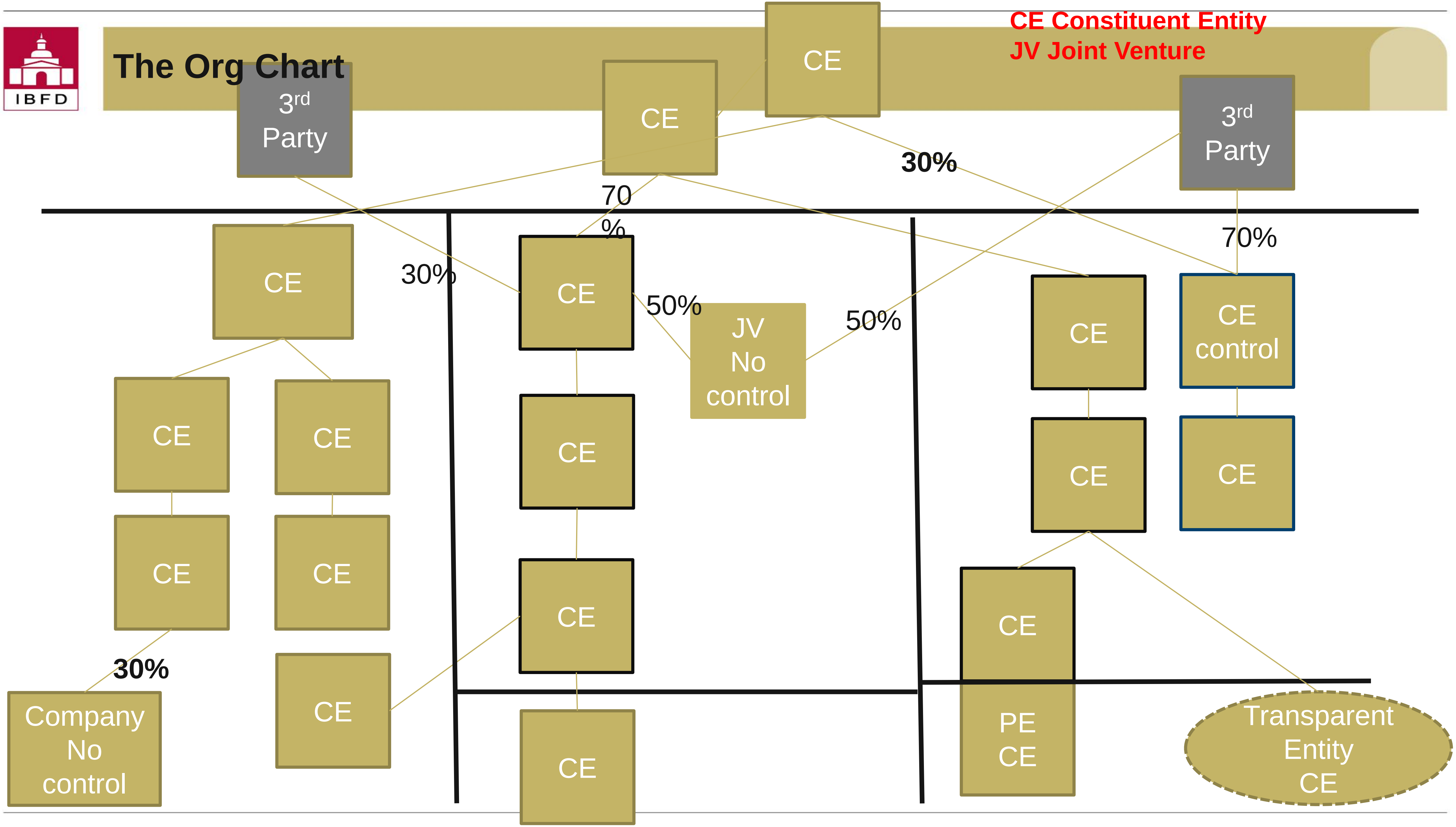
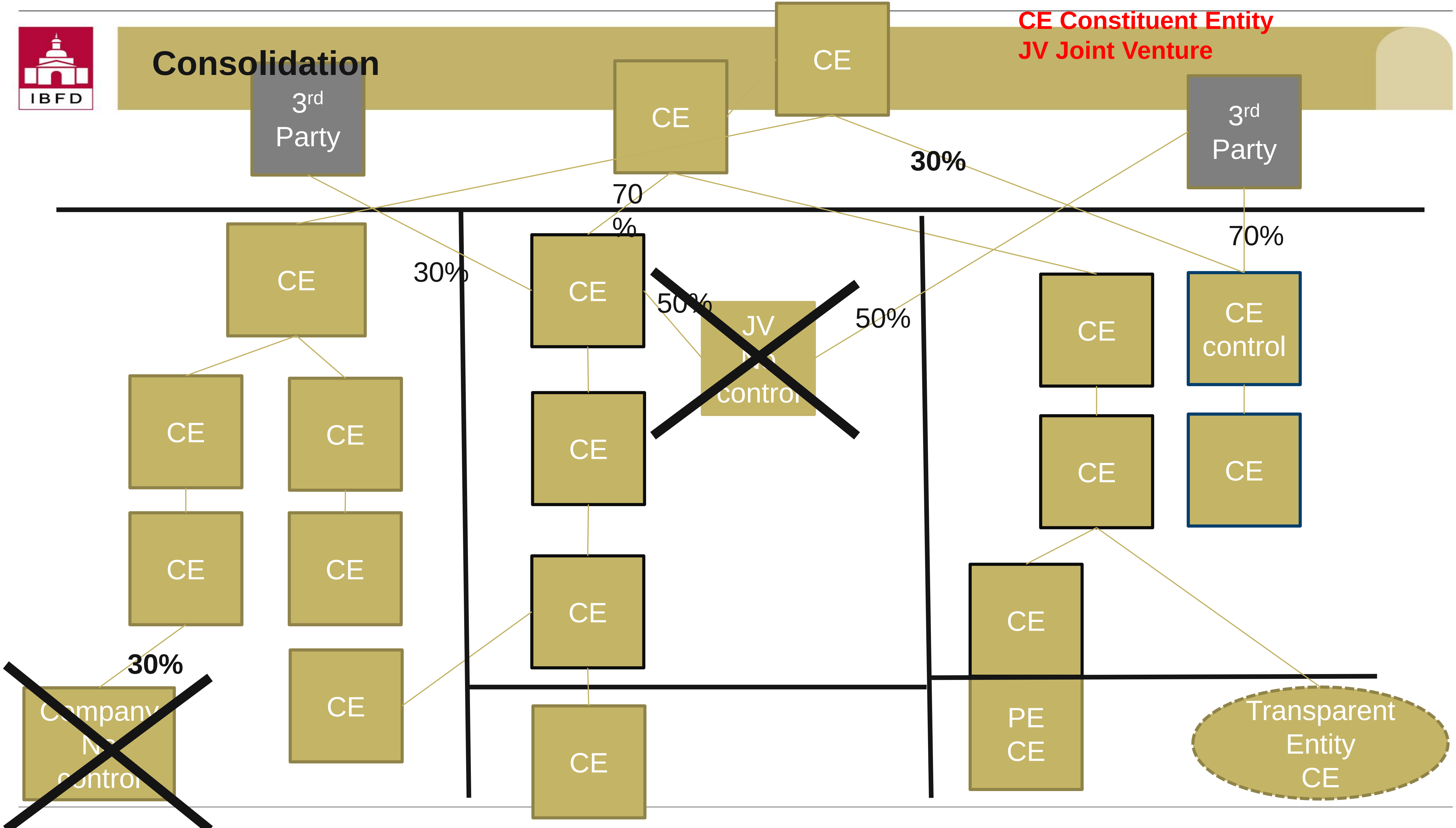
The Org Chart

CE Constituent Entity
JV Joint Venture



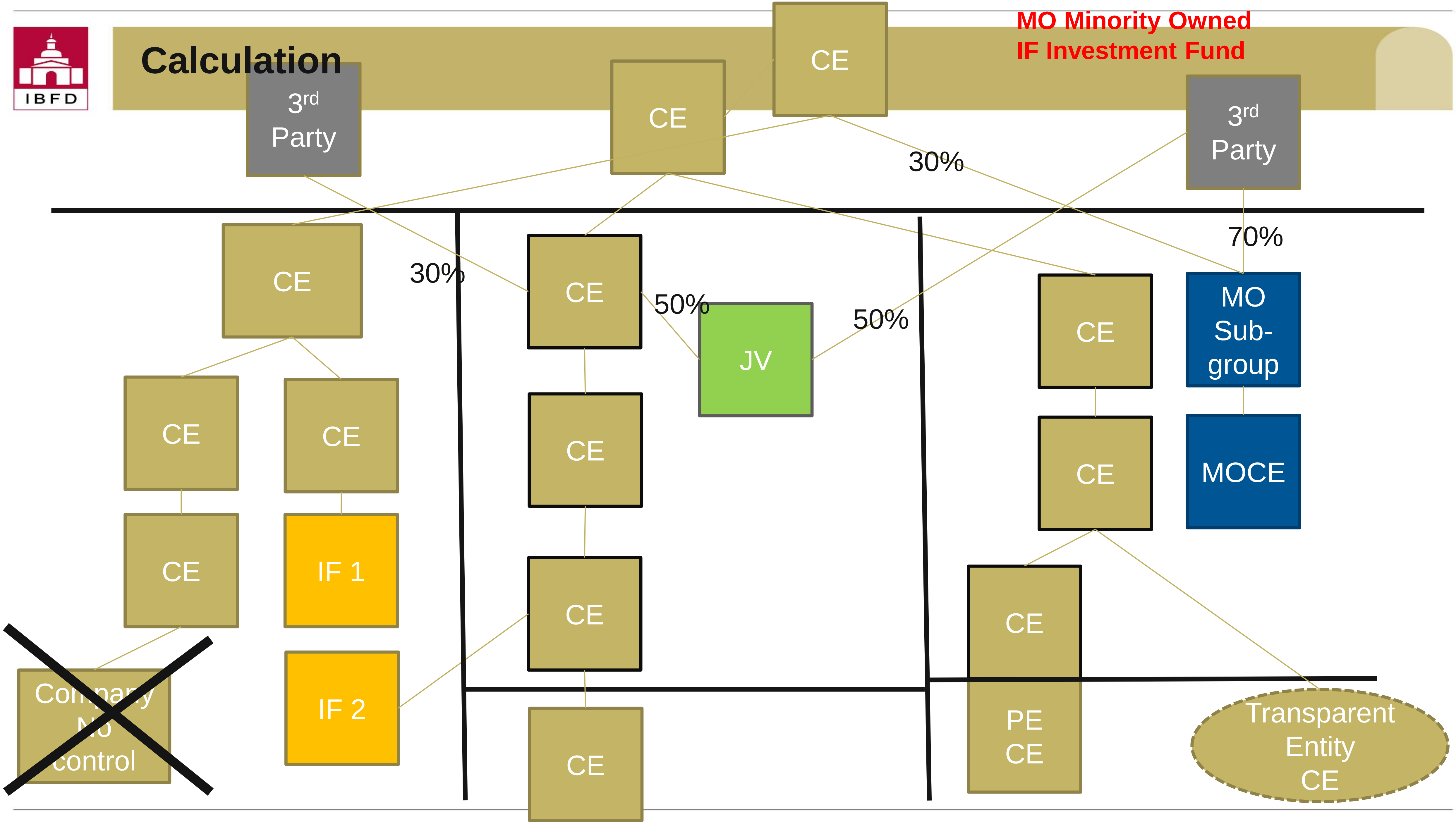
Consolidation

CE Constituent Entity
JV Joint Venture



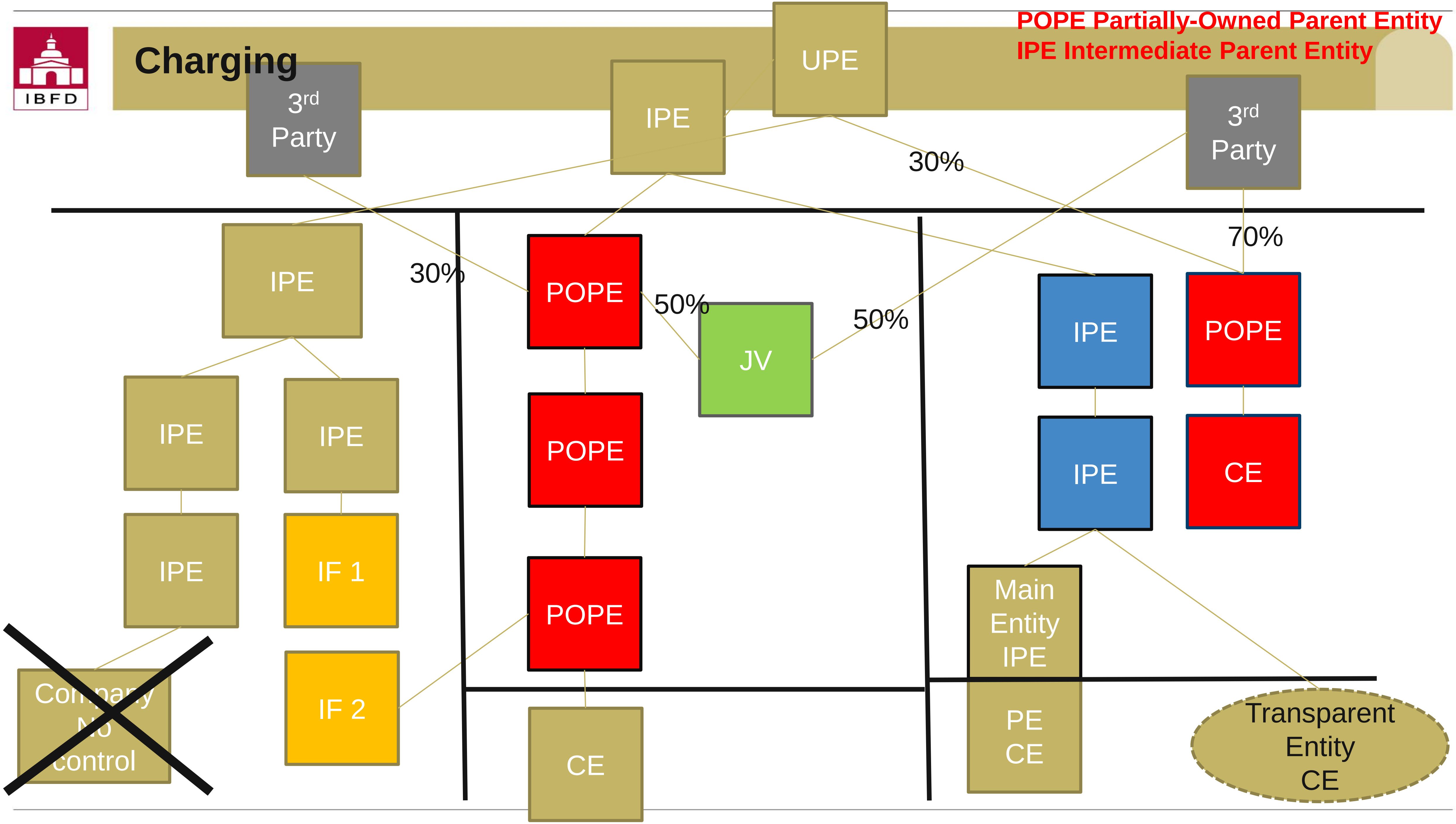
Calculation

MO Minority Owned
IF Investment Fund



Charging

POPE Partially-Owned Parent Entity
IPE Intermediate Parent Entity



Agenda

- **Plan of Work for IIR and UTPR:**
  1. Determine the Constituent Entities (CE) relevant for Pillar Two (Scope): Chapter 2 Model Rules
  2. Calculate the CE's GloBE Income or Loss
  3. Calculate the Adjusted Covered Taxes per CE
  4. Calculate the jurisdictional Effective Tax Rate (all CEs per jurisdiction)
  5. Calculate the jurisdictional Top-up % (15% -/- jurisdictional ETR)
  6. Calculate the Substance-based Income Exclusion ("Carve-out")
  7. Calculate the jurisdictional Top-up Tax
  8. Determine the jurisdictional Top-up Tax for the CEs
  9. Charge the Top-up Tax of the CE under the IIR
  10. Charge the rest of the Top-up Tax under the UTPR

Numbers like 3.2.1 refer to the Articles in the Model Rules, DEF refers to Art. 10.1.1 MR (Definition Article)

Scope of the MNE Group (1.1)

- **The GloBE Rules (DEF) apply (1.1.1):**
  - To Constituent Entities that are members of an MNE Group
  - An MNE Group with an annual revenue of EUR 750 million or more in the Consolidated Financial Statements of the UPE
  - In two of the four years prior to the tested year
- **Composing elements of the definition: MNE Group, Group, Constituent Entity**
- **Constituent Entity (1.3.1):**
  - A consolidated Entity
  - The PE of a consolidated Main Entity

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  3. Calculate the Adjusted Covered Taxes per CE
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The Accounting Basis to determine GloBE Income or Loss

- **Consolidated Financial Statements (DEF)** as the starting point (3.1.2):
  - Consolidated and in accordance with an Acceptable Financial Accounting Standard (DEF)
  - If not IFRS etc, then adjustments to prevent Material Competitive Distortions (DEF): EUR 75m
- **Financial Accounting Net Income or Loss (3.1.2):**
  - “IFRS per CE”
  - According to the accounting standard of the Ultimate Parent Entity
  - Unless not practicable, then another GAAP may be allowed (3.1.3)
- **Upon election: consolidation to eliminate transactions in the same jurisdiction** (3.2.8)

GloBE Income and Loss (3.2.1)

- **The Financial Accounting Net Income or Loss of a CE adjusted for**

  a) Net Taxes Expenses (DEF): common and necessary for proper ETR calculation: add the tax back

  b) Excluded Dividends (DEF):

  - From an Ownership Interest of 10% or more
  - From an Ownership Interest of less than 10% if held for a year or more

  c) Excluded Equity Gain or Loss (DEF):

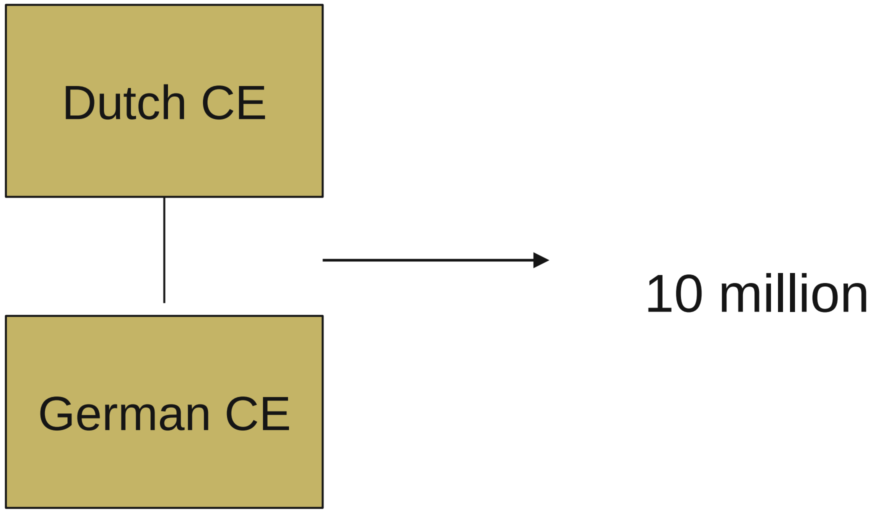
  - From the disposition of an Ownership Interest of 10% or more

  g) Policy Disallowed Expenses (DEF):

  - Illegal payments (bribes and kickbacks)
  - Fines and penalties of 50,000 EUR or more

Example: Calculation of the Top-up Tax (case)

- A Dutch CE sells a 9% participation in a German CE
- Capital gain 10 million
- No other income
- CIT 25%
- The Dutch participation applies for Ownership Interests of 5% or more
- Remember the Adjustment for Excluded Equity Gain or Loss: 3.2.1



The Dutch Participation Exemption and 3.2.1 (Example outcome)

- The Dutch CE sells a 9% participation in a German CE. Capital gain 10 million. No other income. CIT 25%.
- The Dutch participation exemption excludes the capital gain from the tax base if 5% or more Ownership Interest
- Covered Tax 0
- Financial Accounting net Income 10.000.000
- Adjustment 3.2.1 (c) - (no participation exemption for OI <10%)
- GloBE Income 10.000.000
- ETR = 0/10.000.000 = 0%
- Top-up tax (15 – 0 =) 15% * 10.000.000 1.500.000

Agenda

- **Plan of Work for IIR and UTPR:**
  1. Determine the Constituent Entities (CE) relevant for Pillar Two (Scope)
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Covered Taxes (4.2)

- **Covered taxes include**
  - Taxes with respect to the income of a CE (4.2.1 (a))
  - Taxes on distributed profits (4.2.1 (b))
  - Taxes in lieu of a generally applicable corporate income tax (4.2.1 (c))
  - Taxes on multiple components based on income and equity (4.2.1 (d))
- **Not IIR and UTPR** (4.2.2)
- STTR, Digital Service Tax, withholding tax on interest and royalties included

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Determination of Effective Tax Rate (5.1)

- **Effective Tax Rate (ETR) (5.1.1)**
  - Sum of the Adjusted Covered Taxes of the CEs located in the jurisdiction

    Net GloBE Income of the jurisdiction
- **Net GloBE Income of a jurisdiction (5.1.2)**
  - The positive amount of GloBE Income of all CEs -/- GloBE Losses of all Ces
- **Jurisdictional blending**

Example Calculation ETR (5.1)

- This is the first slide of a continued case study
- These CEs are (possibly) located in the jurisdiction

	GloBE Income	Adjusted Covered Taxes
PE (1.3.1)	100	0
Main Entity (1.3.2)	150	40
Pension Fund (1.5 (d))	0	0
Investment Fund (5.1.3)	100	30
Entity not tax resident anywhere but created in this specific jurisdiction	50	0

ETR outcome

- **Effective Tax Rate (ETR) (5.1.1)**
  - Sum of the Adjusted Covered Taxes of the CEs located in the jurisdiction

    Net GloBE Income of the jurisdiction

	GloBE Income	Adjusted Covered Taxes
PE	100	0
Main Entity	150	40
Pension Fund		
Investment Fund		
Entity not tax resident	50	0
Total	300 (“Net GloBE Income”)	40

- **Sum of the Adjusted Covered Taxes 40**
- **Net GloBE Income 300**
- **ETR 40/300 = 13.3333%**

Agenda

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Top-up Tax Percentage for a Jurisdiction (5.2.1) / Continued Case Study

- **The Top-up Tax Percentage (5.2.1) for a jurisdiction is the percentage point difference between:**
  - The Minimum Rate (15%), and
  - The Effective Tax Rate (5.1)
- **Top-up Percentage in the previous example: 15 -/- 13.3333 = 1.6667%**

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Substance-based Income Exclusion

- The Substance-based Income Exclusion is the sum of the payroll carve-out and the tangible assets carve-out of all CEs in the jurisdiction x(5.3.2)
- The payroll carve-out and the tangible assets carve-out calculated for the separate CEs (5.3.3 and 5.3.4)

The Payroll Carve-out (5.3.3)

- **5% of the Eligible Payroll Costs (DEF) of a CE in the jurisdiction of Eligible Employees (DEF) that perform activities for the MNE group in the jurisdiction, except:**
  - When capitalised in the carrying value of Eligible Tangible Assets (5.3.3 (a))
  - When attributed to exempt International Shipping etc Income (5.3.3 (b))
- **Transition rule: 10% in 2023 and decreasing in 10 years to 5% in 2033 (9.2.1)**
- **Eligible Payroll Costs (DEF): salaries/wages and "other expenditures that provide a direct and separate personal benefit to the employee"**
- **Eligible Employees (DEF):**
  - Full and part-time employees of a CE
  - Independent contractors in the ordinary operating activities of the MNE Group under the control of the MNE Group

The Tangible Asset Carve-out (5.3.4)

- **5% of the carrying value of the Eligible Tangible Assets located in the jurisdiction (5.3.4)**
  - Property, plant, equipment
  - Natural resources
  - A lessee’s right to use tangible assets
  - A licence from the government for the use of immovable property or exploration of natural resources with significant investment in tangible assets
- **The carrying value is the average at the beginning and the ending of the Fiscal Year as recorded for the Consolidated Financial Statements of the UPE (5.3.5)**
- **Transition rule: 8% in 2023 and decreasing in 10 years to 5% in 2033 (9.2.2)**
- **Depreciation according to the IFRS depreciation methods:**
  - Elements: acquisition price, useful life, residual value

Calculation of the Substance-based Income Exclusion

- All entities are located in the jurisdiction under review
- Entity 5 is the group employment agency. Half of the Payroll cost relates to employees working for the UPE abroad. The other half relates to employees working for the Main Entity
- The carrying value relates to the assets used in the operational activities and is the same at the beginning and ending of the Fiscal Year
- 5% percentage of 2033

	Payroll	Carrying value
1 PE	10	1,000
2 Main Entity	1,000	30
3 Pension Fund	2,000	20
4 Investment Fund	1,000	10
5 Entity not tax resident	5,000	10

Outcome Carve-outs and Sunstance-based Income Exclusion

	Payroll carve-out	Tangible Asset Carve-out
1 PE	5% * 10 = 0.5	5% * 1,000 = 50
2 Main Entity	5% * 1,000 = 50	5% * 30 = 1.5
3 Pension Fund		
4 Investment Fund		
5 Entity not tax resident	5% * 2,500 = 125	5% * 10 = 0.5
Total Carve-outs	**175,5**	**52**

	Payroll	Carrying value
1 PE	10	1,000
2 Main Entity	1,000	30
3 Pension Fund	2,000	20
4 Investment Fund	1,000	10
5 Entity not tax resident	5,000	10

SBIE = 175.5 + 52 = 227.5

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Excess Profit (5.2.2) and Jurisdictional Top-up Tax (5.2.3)

- **Excess Profit**
  - Net GloBE Income – Substance-based Income Exclusion (5.2.2)
- **Jurisdictional Top-up Tax**
  - Top-up Tax Percentage * Excess Profit + **Additional Current Top-up Tax** -/- Domestic Top-up Tax (5.2.3)
  - The **Additional Current Top-up Tax** is not dealt with in this presentation

Calculation Excess Profit and Jurisdictional Top-up Tax

- **First calculate the Excess Profit**
- **(Net GloBE Income – Substance-based Income Exclusion (5.2.2))**
  - Net GloBE Income 300
  - Substance-based Income Exclusion 227.50 -/-
  - Excess Profit 72.50

- **Then calculate the Jurisdictional Top-up Tax**
- **(Top-up Tax Percentage * Excess Profit -/- Additional Current Top-up Tax -/- Domestic Top-up Tax (5.2.3))**
  - Top-up Tax % * Excess Profit 1.6667% x 72.50 1.2084
  - Additional Current Top-up Tax (assume) 0.4
  - Domestic Top-up tax 0 -/-
  - Jurisdictional Top-up tax 1.6084

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The Top-up Tax for the individual CEs (5.2.4)

- Top-up tax of a CE = Jurisdictional Top-up Tax * $\dfrac{\text{GloBE Income of the CE}}{\text{Aggregate GloBE Income of all CEs}}$
- IIR (2.1.1) and UTPR (2.5.1) are based on the Top-up Tax of an individual CE
- Aggregate GloBE Income of all CEs: the sum of the GloBE Incomes (positive, 3.2.1)

Determination Top-up Tax per CE

- **Top-up Tax determined per CE**
  - PE: 1.6084 * 100/300 = 0.5361
  - Main Entity: 1.6084 * 150/300 = 0.8042
  - Entity not tax resident: 1,6084 * 50/300 = 0.2681

	Globe Income	Adjusted Covered Taxes
PE (1.3.1)	100	0
Main Entity (1.3.2)	150	40
Pension Fund (1.5 (d))	0	0
Investment Fund 1.5.1.(e) and 5.1.3)	100	30
Entity not tax resident	50	0

De Minimis Exclusion upon election (5.5)

- **Top-up Tax for the CEs in a jurisdiction deemed zero, if (5.5.1)**
  - Average GloBE Revenue < 10m EUR
  - Average GloBE Income or Loss < 1m EUR
- **Average** of the current and the two preceding years (5.5.2)
- **GloBE Revenue**: the sum of the revenue of all CEs in the jurisdiction (less the adjustments of 3.2.1)

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Essence of the Charging Architecture

- **Charge the Top-up Tax :**
  - Main rule: as IIR at Parent level (UPE, IPE or POPE) (**2.1.1**)
  - Backstop rule:
    - As UTPR at the CEs of the MNE Group
    - By denying a deduction of expenses (**2.4.1**)

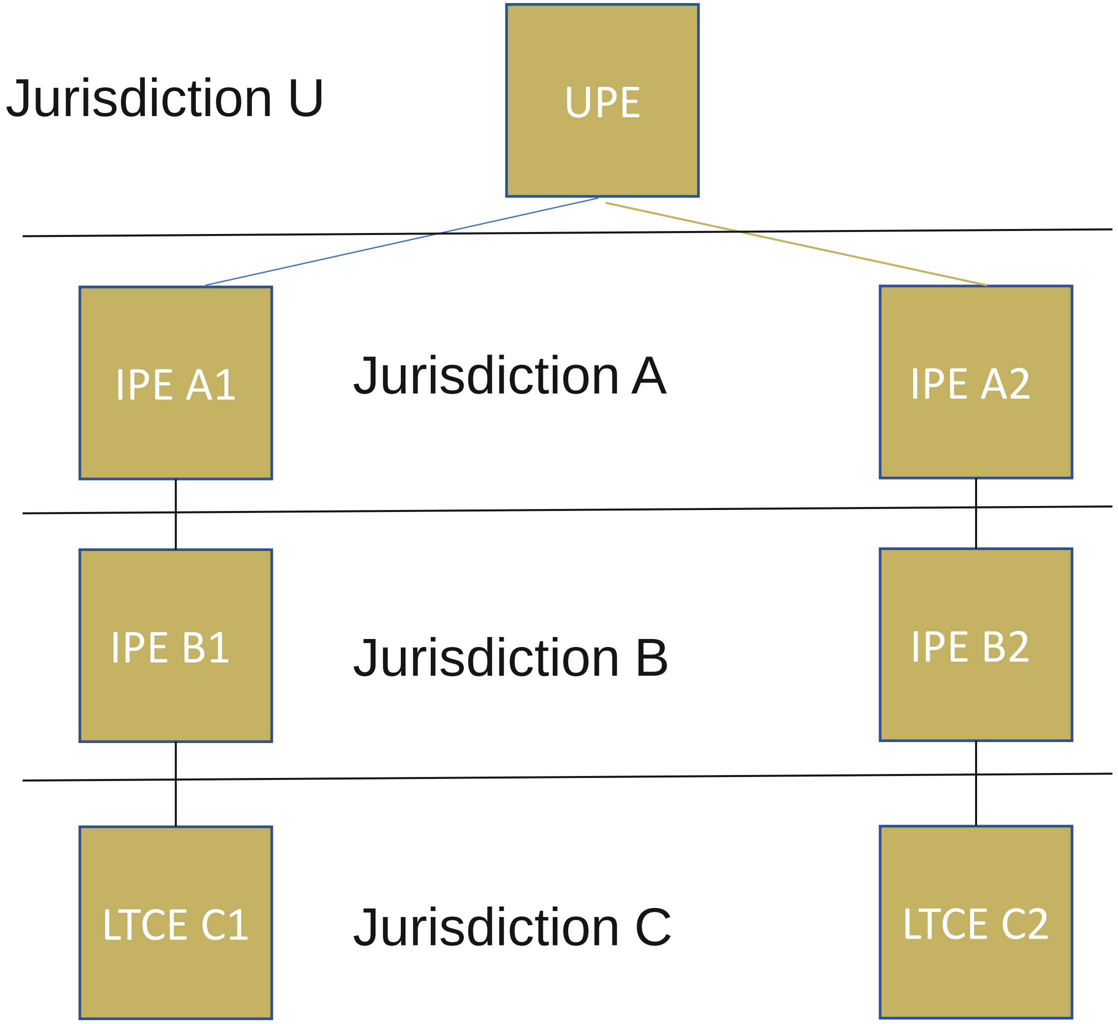
- **UTPR for what can't be charged under the IIR (2.5.2 and 2.5.3)**

Top-down approach for IIR (2.1.1-2.1.3)

- **The Ultimate Parent Entity (UPE) applies the IIR (2.1.1)**
- **An Intermediate Parent Entity (IPE) applies the IIR too (2.1.2)**
- **But the UPE (or another IPE higher in the group) comes first (2.1.3)**

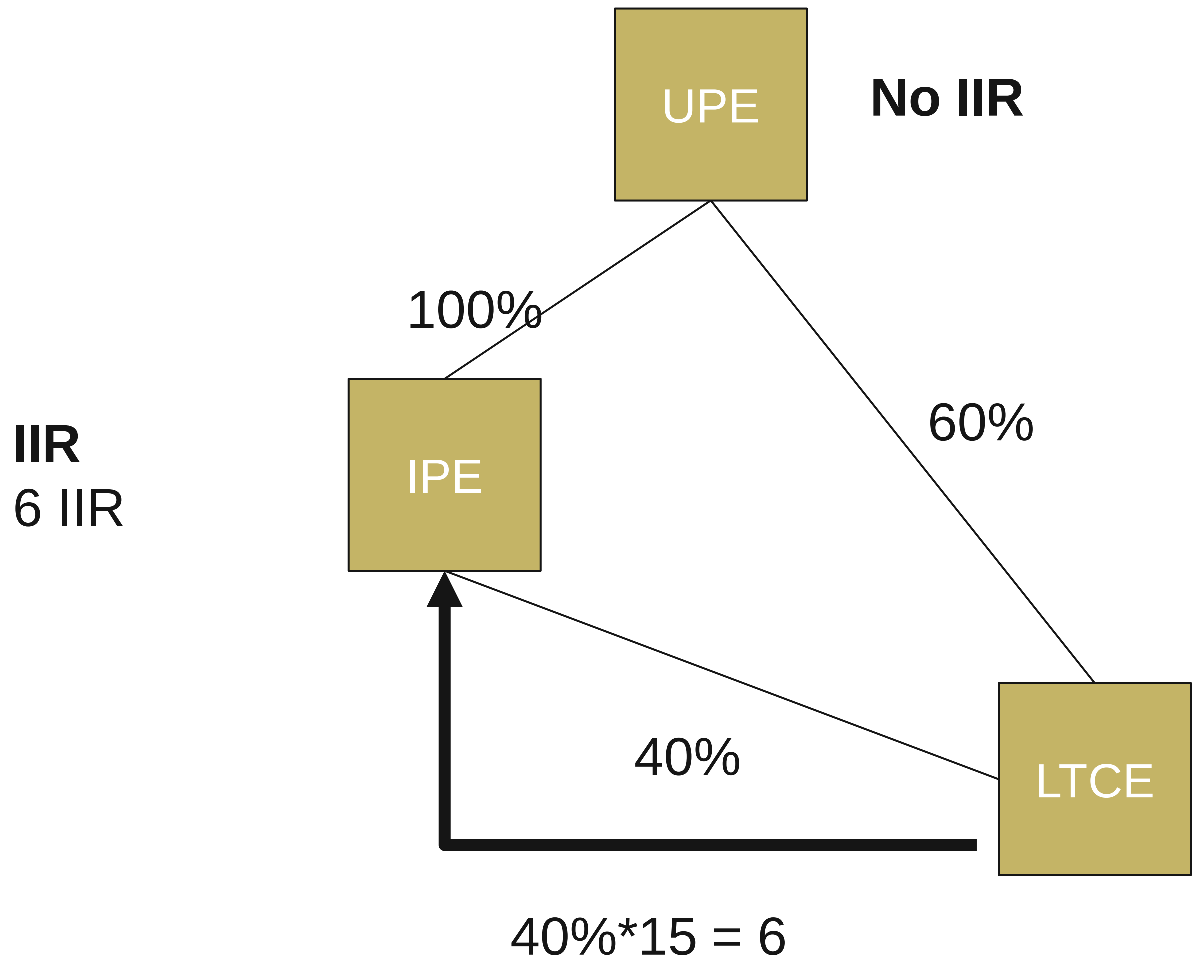
- **POPE not discussednhhfd**

The Top-Down Approach (2.1.1-2.1.3)



- **Top-down approach in applying the IIR:**
  - Start at the highest level
  - If Jurisdiction U has a **Qualified IIR** (DEF), then Jurisdiction U levies the IIR at the UPE
  - If not, the next jurisdiction top-down that has a Qualified IIR (**Intermediate Parent Entity** (DEF)) applies the IIR
  - Etc.

Allocable Share



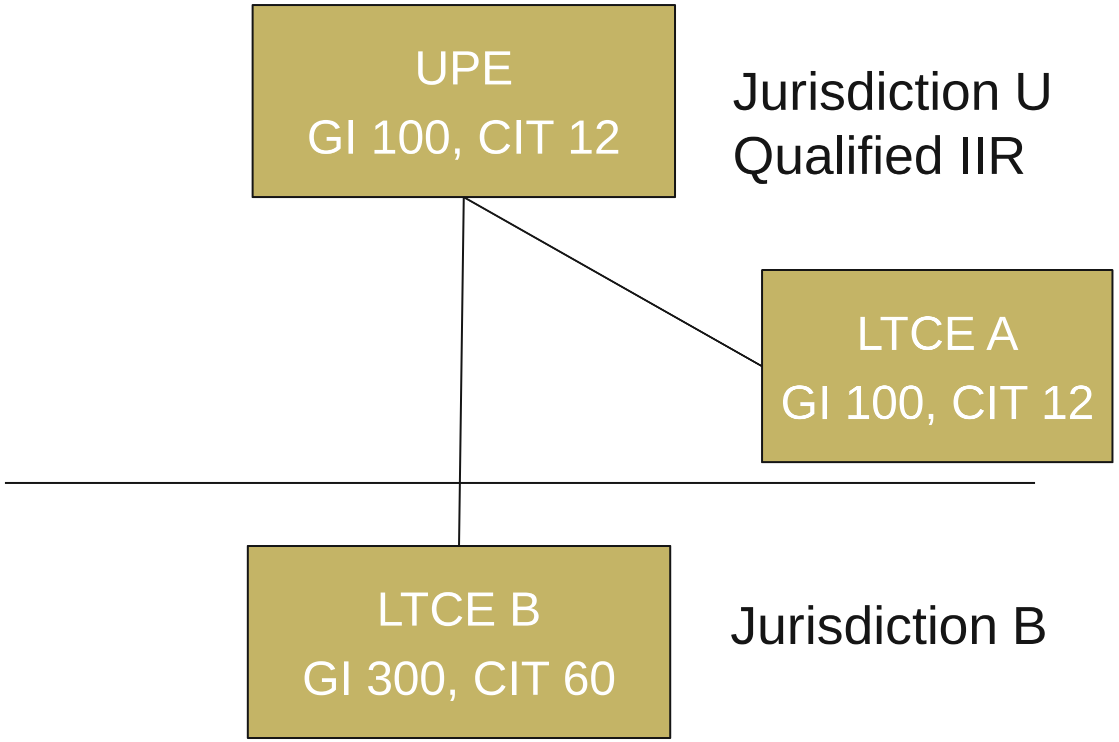
- **IPE is allocated the Top-up Tax pro rata its "Allocable Share" (2.1.1 and 2.1.2)**
- **Allocable Share = Inclusion Ratio * Top-up Tax (2.2.2)**
- **Inclusion Ratio IPE (2.2.2):**

$$\frac{\text{Income CE -/- Income CE others}}{\text{Income CE}}$$

- **IPE's share: (100 -/- 60)/100 x 15 = 6**

100 GI
0% ETR
15 Top-up Tax

No IIR on Jurisdiction U’s own Low-taxed Income



- **UPE jurisdictional ETR is 24/200 = 12%**
- **Top-up Tax U (3% * 200 =) 6**
- **But no IIR for the UPE jurisdiction (2.1.6)**

- **UTPR for U’s 6**
- **UTPR allocated to Jurisdiction U and B (2.6.1)**

Agenda

- **Plan of Work for IIR and UTPR:**
  1. Determine the Constituent Entities (CE) relevant for Pillar Two (Scope)
  2. Calculate the CE’s GloBE Income or Loss
  3. Calculate the Adjusted Covered Taxes per CE: Chapter 4 Model Rules
  4. Calculate the jurisdictional Effective Tax Rate (all CEs per jurisdiction)
  5. Calculate the jurisdictional Top-up % (15% -/- jurisdictional ETR)
  6. Calculate the Substance-based Income Exclusion (“Carve-out”)
  7. Calculate the jurisdictional Top-up Tax
  8. Determine the jurisdictional Top-up Tax for the CEs
  9. Charge the Top-up Tax of the CE under the IIR
  10. Charge the rest of the Top-up Tax under the UTPR: Chapter 2 Model Rules

The allocation of the UTPR Top-up Tax Amount

- **The Top-up Taxes of the LTCEs (5.2.4) added as "Total UTPR Top-up Tax Amount" (2.5.1)**
  - Except those Top-up Taxes that are already fully taken into account under the IIR (2.5.2 and 2.5.3)
- **The "Total UTPR Top-up Tax Amount" allocated to a jurisdiction as "UTPR Top-up Tax Amount" pro rata substance:**

- **UTPR Percentage of a jurisdiction (2.6.1):**

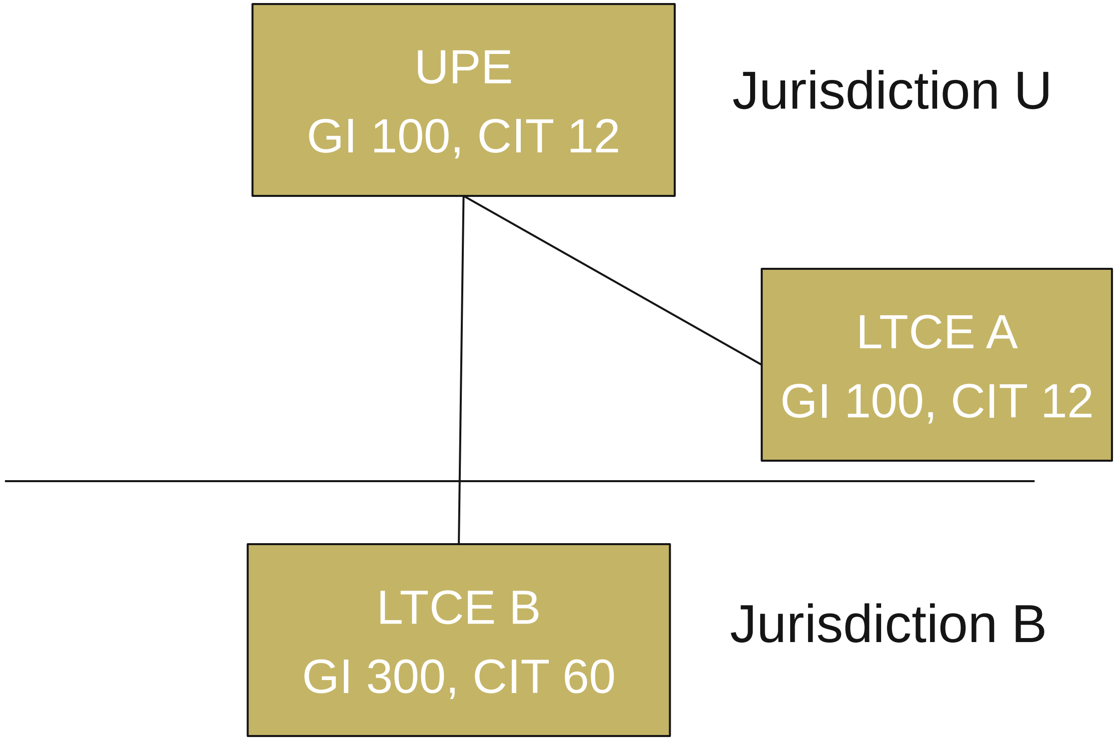
$$50\% * \frac{\text{Employees in a jurisdiction}}{\text{Total employees in UTPR jurs}} + 50\% * \frac{\text{Tangible Assets in a jurisdiction}}{\text{Total Tangible Assets in UTPR jurs}}$$

How the UTPR works (2.4)

- **The CEs are (2.4.1)**
  - Denied a deduction, or
  - Are required to make an equivalent adjustment
  - So that the CEs have an additional cash tax expense equal to the allocated UTPR

- **Carry-forward to the next year etc if no additional cash tax expense (2.4.2)**

UTPR (5.2.4, 2.6.1 and 2.4)



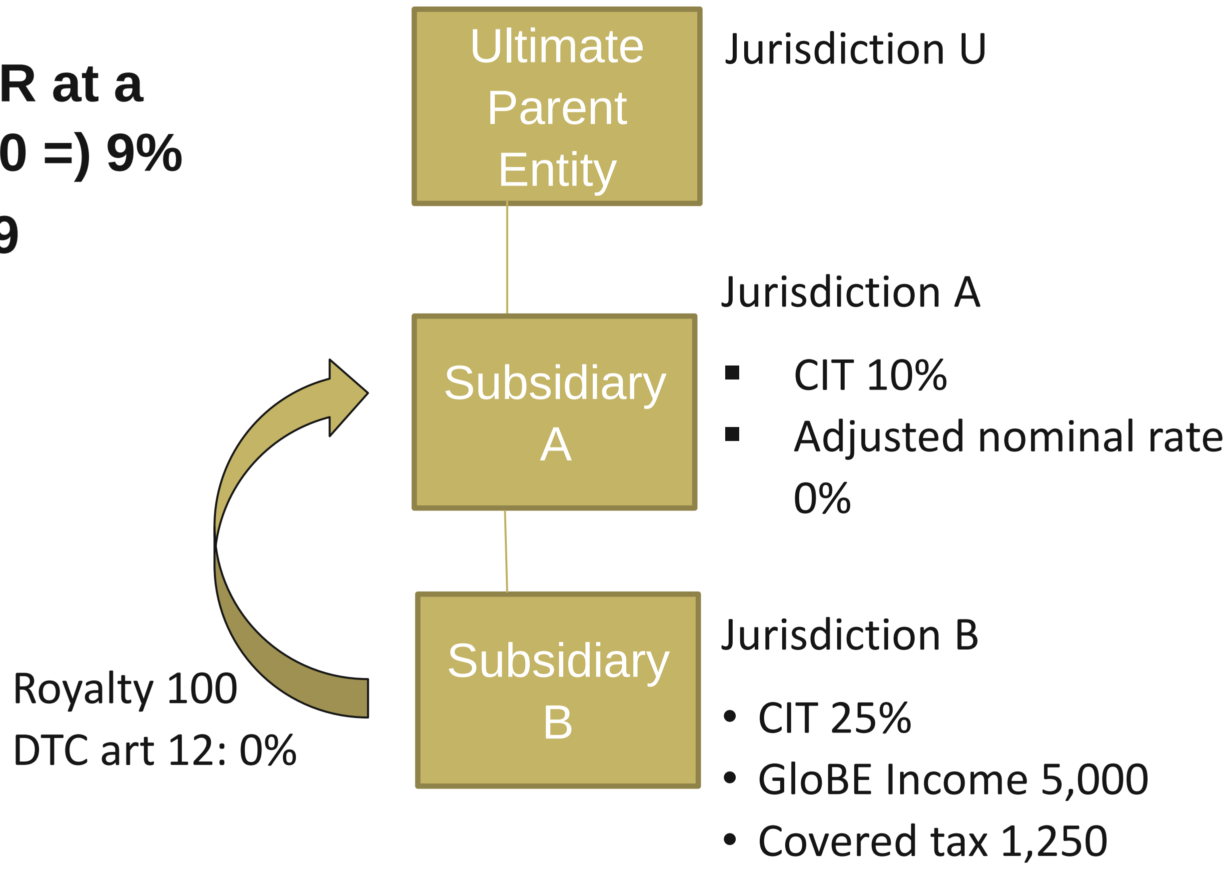
- **Both jurisdictions have a UTPR**
- **Top-up Tax U 6**
- **Assume both jurisdictions have the same substance**
- **Both jurisdictions levy 6/2 = 3**
- **Left to Jurisdiction U how to allocate the UTPR to the entities there**

Agenda

- Introduction and Overview of Pillar Two
- Plan of Work for IIR and UTPR
- Subject to Tax Rule (STTR): Blueprint
- Administration and safe harbours

Subject to Tax Rule (STTR)

- STTR top-up rate tax: 9%
- Jurisdiction B levies STTR at a STTR top-up tax rate (9 - 0 =) 9%
- Top-up tax: (9% x 100 =) 9



STTR features

- **STTR comes first**
- **DTC rule, Multilateral instrument**
- **Payments of a mobile character**
- **Adjusted Nominal Rate: the ANR on the payment**
  - Example: statutory rate 20%, 80% offshore income is exempt, adjusted nominal rate is 20% * 20 (proportion payment subject to tax) = 4%
- **Rate 9%**
- **Top-up tax: difference between the 9% and the ANR on the payment**
- **Covered Tax for IIR**

Payments

- **Triggering payments**
  - Interest and royalties
  - Franchise fees for the use of a right
  - Insurance/reinsurance premiums
  - Guarantee, brokerage or financing fees
  - Rent for the use or right to use moveable property
  - Consideration for the supply of marketing, procurement, agency and other intermediate services
- **Not if they are low-return payments**

Agenda

- Introduction and Overview of Pillar Two
- Plan of Work for IIR and UTPR
- Subject to Tax Rule (STTR)
- **Administration and safe harbours**

The GloBE Information Return (8.1)

- **Same format in all jurisdictions**
- **Filing by**
  - Each CE or a Designated *Local* Entity is to file a GloBE Information Return with its own tax administration (8.1.1)
  - The UPE or the Designated *Filing* Entity (DEF) (8.1.2)
    - Qualifying Competent Authority Agreement (DEF) required
- **The GloBE Information Return (8.1.4-8.1.8)**
  - The CEs, which jurisdictions, TINs, elections made, calculation jurisdictional ETR, the Top-up Tax of each CE for IIR, the UTPR Top-up Tax Amount allocated to a jurisdiction, the QDMTT, whether an IIR (relevant for UTPR jurisdictions)
  - To be filed no later than after 15 months (18 months Transition Year) (9.4)
  - Domestic penalties, sanctions and confidentiality apply (8.1.8)

Safe harbours

- **The Top-up Tax for a “safe harbour jurisdiction” deemed to be zero when the CEs in the jurisdiction are eligible for a GloBE Safe Harbour (DEF) (8.2.1)**
  - Conditions in the GloBE Implementation Framework.
  - Country-by-Country safe harbour (transitional, higher ETR threshold)
  - White List safe harbour not likely to be agreed
  - Non-transitional: simplified calculations with “off-ramps” at stages for certain MNEs
- **Low return payments and materiality thresholds for STTR**

Disputes

- **UTPR and IIR (domestic rules)**
  - Domestic objection/Court
  - No international dispute resolution mechanism available
    - except the consultancy of Art. 25-3 OECD MC
    - Council Directive (EU) 2017/1852 of 10 October 2017 on tax dispute resolution mechanisms in the European Union
  - Suggestions by Danon, Maisto, Gutmann, Jimenez
- **STTR and SOR (treaty rules)**
  - Domestic objection/Court
  - Art. 25 DTCs: MAP/Arbitration
  - EU Directive 2017/1852 (10 October 2017) on tax dispute resolution mechanisms in the European Union