

## Norway

1. Norway was first reviewed during the 2017/2018 peer review. This report is supplementary to Norway's 2017/2018 peer review report (OECD, 2018<sup>[1]</sup>). The first filing obligation for a CbC report in Norway applies to reporting fiscal years commencing on or after 1 January 2016.

### Summary of key findings

2. Norway's implementation of the Action 13 minimum standard meets all applicable terms of reference (OECD, 2017<sup>[2]</sup>).

3. Norway's 2017/2018 peer review included a recommendation that Norway take steps to ensure that local filing can only be required in circumstances permitted in the terms of reference. Norway amended the Tax Administration Act in a manner consistent with the terms of reference relating to the circumstances local filing can be required so the recommendation issued in the 2017/2018 peer review is removed.

### Part A: The domestic legal and administrative framework

4. Norway has primary and secondary laws in place to implement the BEPS Action 13 minimum standard<sup>1</sup> establishing the necessary requirements, including the filing and reporting obligations. Guidance has also been published.<sup>2</sup>

#### *(a) Parent entity filing obligation*

5. No changes were identified with respect to the parent entity filing obligation.<sup>3</sup>

#### *(b) Scope and timing of parent entity filing*

6. No changes were identified with respect to the parent entity filing obligation.

#### *(c) Limitation on local filing obligation*

7. Norway's 2017/2018 peer review included a recommendation that Norway take steps to ensure that local filing can only be required in the circumstances permitted in the terms of reference. Norway amended the Tax Administration Act<sup>4</sup> in a manner consistent with the terms of reference relating to the circumstances local filing can be required. As such, this recommendation is removed.

8. No other changes were identified with respect to the limitation on local filing obligation.<sup>5</sup>

#### *(d) Limitation on local filing in case of surrogate filing*

9. No changes were identified with respect to the limitation on local filing in case of surrogate filing.

*(e) Effective implementation*

10. Norway's 2017/2018 peer review included a general monitoring point concerning the fact that there was no specific process that would allow it to take appropriate measures in case Norway is notified by another jurisdiction that such other jurisdiction has reason to believe that an error may have led to incorrect or incomplete information reporting by a Reporting Entity or that there is non-compliance of a Reporting Entity with respect to its obligation to file a CbC report. Norway reports the following update: Norwegian internal "Routines for Country-by-Country-Reporting" specifies that the Reporting Norwegian entity will be contacted when Norwegian Tax Administration is notified by foreign tax authorities about potential errors in the exchanged data. Such notification will be taken care of by the Competent Authority at the Norwegian Directorate of Taxes. Norwegian tax authorities must reply to notifications from foreign tax authorities within 90 days. In view of this specific procedure, the monitoring point is removed.

11. No other changes were identified with respect to the effective implementation.

*Conclusion*

12. Norway's 2017/2018 peer review included a recommendation that Norway take steps to ensure that local filing can only be required in circumstances permitted in the terms of reference. Norway amended the Tax Administration Act in a manner consistent with the terms of reference relating to the circumstances local filing can be required. As such, the recommendation issued in the 2017/2018 peer review is removed. Norway meets all the terms of reference relating to the domestic legal and administrative framework.

**Part B: The exchange of information framework***(a) Exchange of information framework*

13. As of 31 May 2019, Norway has 66 bilateral relationships in place, including those activated under the CbC MCAA, and under bilateral CAAs. Within the context of its international exchange of information agreements that allow automatic exchange of information, Norway has taken steps to have qualifying competent authority agreements in effect with jurisdictions of the Inclusive Framework that meet the confidentiality, consistency and appropriate use conditions.<sup>6</sup> Regarding Norway's exchange of information framework, no inconsistencies with the terms of reference were identified.

*(b) Content of information exchanged*

14. Norway has processes in place that are intended to ensure that each of the mandatory fields of information as required in the CbC template are present in the information exchanged. It has provided details in relation to these processes.

15. Peer input was received from one jurisdiction in relation to the content of information exchanged. There are no concerns to be reported in respect of the content of information exchanged.

*(c) Completeness of exchanges*

16. Norway has processes in place that are intended to ensure that CbC reports are exchanged with all tax jurisdictions listed in Table 1 of a CbC reporting template with which it should exchange information as per the relevant QCAAs. It has provided details in relation to these processes.

17. Peer input was received from one jurisdiction in relation to the completeness of exchanges. There are no concerns to be reported in respect of the completeness of exchanges.

***(d) Timeliness of exchanges***

18. Norway has processes in place that are intended to ensure that the information to be exchanged is transmitted to the relevant jurisdictions in accordance with the timelines provided for in the relevant QCAAs and terms of reference. It has provided details in relation to these processes.

19. Peer input was received from one jurisdiction in relation to the timeliness of exchanges. There are no concerns to be reported in respect of the timeliness of exchanges.<sup>7</sup>

***(e) Temporary suspension of exchange or termination of QCAA***

20. Norway has processes in place that are intended to ensure that a temporary suspension of the exchange of information or termination of a relevant QCAA be carried out only as per the conditions set out in the QCAA. It has provided details in relation to those processes.

21. Peer input was received from one jurisdiction in relation to a temporary suspension of exchange or termination of a QCAA. There are no concerns to be reported in respect of the temporary suspension of exchange or termination of QCAA.

***(f) Consultation with other Competent Authority before determining systemic failure or significant non-compliance***

22. Norway has processes in place that are intended to ensure that the Competent Authority consults with the other Competent Authority prior to making a determination that there is or has been significant non-compliance with the terms of the relevant QCAA or that the other Competent Authority has caused a systemic failure. It has provided details in relation to those processes.

23. Peer input was received from one jurisdiction in relation to the requirement for a consultation before determining systemic failure or significant non-compliance. There are no concerns to be reported in respect of consultation with the other Competent Authority before determining systemic failure or significant non-compliance.

***(g) Format for information exchange***

24. Norway confirms that it uses the OECD XML Schema and User Guide (OECD, 2017<sup>[3]</sup>) for the international exchange of CbC reports.

25. Peer input was received from one jurisdiction in relation to the format for information exchange. There are no concerns to be reported in respect of the format of information exchange.

***(h) Method for transmission***

26. Norway indicates that it uses the Common Transmission System to exchange CbC reports.<sup>8</sup>

27. Peer input was received from one jurisdiction in relation to the method for transmission. There are no concerns to be reported in respect of the method used for transmission.

***Conclusion***

28. Norway has in place the necessary processes to ensure that the exchange of information is conducted in a manner consistent with the terms of reference relating to the exchange of information framework. Norway meets all the terms of reference regarding the exchange of information.

**Part C: Appropriate use**

29. No changes were identified in respect of appropriate use. There were no recommendations issued in the 2017/2018 peer review.

30. No information or peer input was received for the reviewed jurisdiction suggesting any issues with appropriate use. There are no concerns to be reported in respect of appropriate use.

***Conclusion***

31. Norway meets all the terms of reference relating to the appropriate use of CbC reports.

## Summary of recommendations on the implementation of country-by-country reporting

Aspect of the implementation that should be improved		Recommendation for improvement
Part A	Domestic legal and administrative framework	-
Part B	Exchange of information framework	-
Part C	Appropriate use	-

### Notes

<sup>1</sup> Primary law consists of the Tax Administration Act Sections 8-12: [https://lovdata.no/dokument/NL/lov/2016-05-27-14/KAPITTEL\\_8#KAPITTEL\\_8](https://lovdata.no/dokument/NL/lov/2016-05-27-14/KAPITTEL_8#KAPITTEL_8) (available in Norwegian text); Secondary law consist of the regulations to the Tax Administration Act (Regulations):

[https://lovdata.no/dokument/SF/forskrift/2016-11-23-1360/KAPITTEL\\_6#KAPITTEL\\_6](https://lovdata.no/dokument/SF/forskrift/2016-11-23-1360/KAPITTEL_6#KAPITTEL_6) (available in Norwegian text).

<sup>2</sup> Guidance consists of Country-by-Country reporting information published on the website of The Norwegian tax Administration: [www.skatteetaten.no/en/About-Skatteetaten/Om-oss/Prosjekter/country-by-country-reporting-for-multinational-enterprises-mne/](http://www.skatteetaten.no/en/About-Skatteetaten/Om-oss/Prosjekter/country-by-country-reporting-for-multinational-enterprises-mne/).

<sup>3</sup> Norway's 2017/2018 peer review included a monitoring point relating to the definition of a "parent company". This monitoring point remains in place.

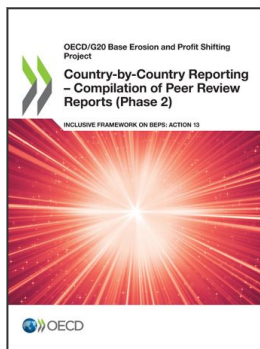
<sup>4</sup> Norway indicated that the Ministry of Finance the amendment of the Tax Administration Act was adopted by the Parliament in June 2018. Section 8-12 para. 2 b of the amendment will read as follows: The jurisdiction where the parent company is resident has an International Agreement but does not have a Qualifying Competent Authority Agreement in effect to which this jurisdiction is a party by the time for filing the Country-by-Country Report. The amendment will have effect on fiscal years starting 1st January 2018.

<sup>5</sup> Norway's 2017/2018 peer review included a monitoring point relating to the interpretation of the concept of "System Failure". This monitoring point remains in place.

<sup>6</sup> No inconsistency with the terms of reference will be identified where a QCAA is not in effect with one or more jurisdictions of the Inclusive Framework that meet the confidentiality, consistency and appropriate use conditions, but this is due to circumstances that are not under the control of the reviewed jurisdiction. This may include, for example, where the other jurisdiction intends to exchange CbC reports using the MCAA but it does not have the Convention in effect for the relevant fiscal period, or where the other jurisdiction has declined to have a QCAA in effect with the reviewed jurisdiction.

<sup>7</sup> Delays due entirely to the fact that an exchange partner was not able to participate in the exchange of CbC reports are not considered to raise concerns with respect to the jurisdiction under review.

<sup>8</sup> Countries exchanging under the EU Council Directive (2016/881/EU) use the Common Communication Network (CCN).



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