

- (17) Each concerned person shall, within 45 days of receiving the determination of the board from the competent authority to which the case was first presented, notify, in writing, that competent authority whether that concerned person accepts the determination of the board. If any concerned person fails to so notify the relevant competent authority within this period, the determination of the board is not considered to have been accepted. Where the determination of the board is not accepted, the case may not subsequently be the subject of an arbitration proceeding. Notwithstanding the above, in the event that the case is pending in litigation or appeal, the determination of the arbitration board is deemed not to be accepted by the presenter of the case if any concerned person who is a party to the litigation or appeal does not advise the relevant court or administrative tribunal, within the 45-day period, of its intention to withdraw from consideration all issues resolved in the arbitration proceeding. If, in accordance with this paragraph, the determination of the arbitration board is not accepted, the case shall not be eligible for any further consideration by the competent authorities under Article 23 (Mutual Agreement Procedure) of the Convention.
- (18) if the determination of the arbitration board is accepted in accordance with paragraph (17) of this Note, that determination constitutes a resolution by mutual agreement of the case under Article 23 (Mutual Agreement Procedure) of the Convention at the time it is accepted by the concerned person(s) and is binding on both Contracting States. The resolution resulting from the determination of the arbitration board shall be implemented notwithstanding any time limits in the domestic law of the Contracting States.
- (19) The application of any associated interest or penalties shall be determined by the domestic law of the Contracting State(s) concerned.
- (20) Information relating to the arbitration proceeding (including the board's determination) may not be disclosed by the members of the arbitration board or their staff or by either competent authority, except as permitted by the Convention and the domestic laws of the Contracting States. In addition, all material prepared in the course of, or relating to, the arbitration proceeding is considered to be information exchanged between the Contracting States pursuant to Article 24 (Exchange of Information) of the Convention and is remitted to the competent authority of the Contracting State where the mutual agreement procedure was initiated in the case once a decision has been rendered. The competent authorities of the Contracting States shall ensure that all members of the arbitration board and their staff sign and send written statements to each Contracting State, prior to their acting in the arbitration proceeding, in which they consent to abide by and be subject to the confidentiality and nondisclosure provisions of Articles 23 (Mutual Agreement Procedure) and 24 (Exchange of Information) of the Convention and the applicable domestic law of the Contracting States (in the event that any of those provisions conflict with the applicable domestic law, the most restrictive condition applies). Such statement shall also include the board members' acceptance to serve on the arbitration board.