

Economic and Social Council
Committee of Experts on International Cooperation
in Tax Matters
Fourth session

**Note by the Coordinator of the Subcommittee on Improper
Use of treaties: Proposed amendments**

**Progress Report of Subcommittee on Improper Use of Tax Treaties:
Beneficial Ownership***

Summary

can

cannot

ANNEX

**THE UNITED NATIONS MODEL DOUBLE TAXATION CONVENTION
BETWEEN DEVELOPED AND DEVELOPING COUNTRIES:
POSSIBLE EXTENSION OF THE BENEFICIAL OWNERSHIP CONCEPT**

Secretariat Note.

⁶ The Commentary to Article 12 of the UN Model Convention does not contain any equivalent explanation of the beneficial ownership concept: it is assumed that there is no significance to this and that the equivalent explanations in the Commentaries to Articles 10 and 11 would be equally applicable.

¹² Para. 43.

Interpretation Act

Income Tax Conventions

Article 21: Other income

Example 1

Example 2

Example 3

Shipping, inland waterways transport and air transport income: Article 8

Business profits: Article 7

Other Articles

A summary on possible articles to which the beneficial ownership concept might extend

Including the beneficial ownership concept in some Articles and not in others

5. *A free-standing beneficial ownership limitation provision*

6. *A free-standing beneficial ownership provision included only in the
Commentary*

