



Analysis of the treatment of rent and royalty payments under the provisions of tax treaties

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Session 5

Capacity Building Unit
Financing for Development Office
Department of Economic and Social Affairs

<http://www.un.org/esa/ffd/>

Overview

- Provisions of the UN and OECD Models dealing with the taxation of rent and royalties
- Provisions of the UN and OECD Models that are relevant to the question of deductions for rent and royalties

Provisions that deal with

Provisions of the UN & OECD Models dealing with the taxation of

- Treaty provisions that may be relevant to a non-resident derives rent and royalties
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-nco ! e derived "y a resident of a Contracting State from property, including income from agriculture or fishing, in the other Contracting State shall also be taxed in that State.

shall also apply to income derived from any other form of international transport.

Meaning of income from immovable property

- Article 22, 23, and 24 of the UN Convention provide models for a State to tax income from immovable property, e.g. rental value of owned residential house, and letting or use in any form, e.g. rental of immovable property situated in the

distinction between income derived from immovable property and income derived from movable property

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Definition of immovable property

The term immovable property shall have the meaning under the law of the Contracting State in which the question is situated. The term shall in any case include: (a) immovable property accessory to immovable property; (b) livestock and equipment used in agriculture and forestry; (c) rights to which the provisions of general law applicable to immovable property apply, such as usufruct, mortgage, pledge, lien, and other real rights, but not the right of usufruct of immovable property; (d) mineral deposits and other rights in minerals; (e) aircraft shall not be regarded as immovable property.

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Computation of income from immovable property

- Article 22 does not provide rules for the computation of income from immovable property or the allocation of such income; these are matters of domestic law.
- Para 2 of the Commentary on Article 22, UN Convention states that in computing income from immovable property the object should be the taxation of profits rather than gross income incurred in earning income from immovable property? should be taken into account.
- Income from immovable property may have a connection with the renting of such property, e.g. interest on funds used to pay taxes on immovable property.

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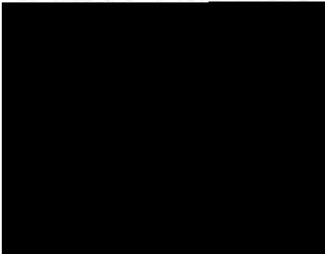
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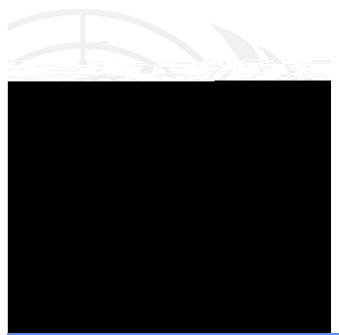
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Example

- State) has tax rate of #AB
- Resident company has rental income of 7A' associated expenses of 7A' 2AAC7A D #AB E 27 tax



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Example

- Oco will instead require) Co to "ear) withholding tax
- %his will "e acco ! lished "y grossin the a ! ount of the rent aid "y) Co so that OCo receives 2&AAA after Country) withholding tax ,that is& an a ! ount Co attri"uta "le to the transaction

Provisions of the UN & OECD Models
relevant to deductions for

- 3 relevant provisions'

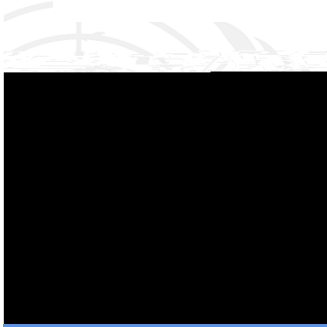
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Other "ilateral treaty provisions dealing
with rent and royalties





Thank you

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