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**Committee of Experts on International Cooperation
in Tax Matters
Sixth Session**

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Item 3 (l) of the provisional agenda:

**Revision of the Manual for the Negotiation of
Bilateral Tax Treaties between Developed and
Developing Countries**

**SECRETARIAT NOTE ON REVISION OF THE MANUAL FOR THE NEGOTIATION OF
BILATERAL TAX TREATIES BETWEEN DEVELOPED AND DEVELOPING COUNTRIES***

Summary

At its meeting of 19-23 October 2009, the UN Committee of Experts on International Cooperation in Tax Matters mandated its Subcommittee on Revision of the Manual for Negotiation of Tax Treaties to: “make proposals for the revision of the Manual, taking into account changes in the United Nations Model Convention, including its Commentaries, with a view to providing tax treaty negotiators, particularly those from developing, including least developed, countries with a practical guide to the negotiation and application of double taxation treaties. The Subcommittee will present a report on its progress at the next annual session of the Committee.”

This brief report introduces a draft revision of the Manual prepared by Professors Brunetti, Bischel and Crow for consideration at the Annual Session.

* This report should not be taken as necessarily representing the views of the United Nations.

REVISION OF THE MANUAL FOR THE NEGOTIATION OF BILATERAL TAX TREATIES BETWEEN DEVELOPED AND DEVELOPING COUNTRIES

1. The most recent version of the Manual for the Negotiation of Bilateral Tax Treaties between Developed and Developing Countries was published electronically in 2003. It is available at <http://www.un.org/esa/ffd/tax/> . While updating of the Manual is an explicit part of the mandate of the UN Tax Committee, progress has been slow.
2. In order to assist in speeding up this work, Professors Brunetti, Bischel and Crow have prepared draft revised chapters of the Manual for consideration by the Committee, which are available at the Website for the sixth annual session of the Committee:
<http://www.un.org/esa/ffd/tax/sixthsession/index.htm> .
3. The first Section is “Basic Approaches to Tax Treaty Negotiations”, drafted by Professor Bischel, and which discusses each draft of the UN Model Double Tax Convention and a comparison with other Models and provisions.
4. The second Section is the proposed “Appendix for Special Consideration Articles”, which was presented at the fifth annual session and to which could be added topics of current interest, including those discussed by the Committee in annual sessions.
5. The third Section proposes to have texts of relevant Models – taking into account any copyright or related issues that may arise. At this stage this Section is not included in the attached papers.
6. The fourth and fifth Sections contain what are considered by the authors as treaties in force that are representative of issues that may arise for those negotiating tax treaties.
7. The sixth Section contains Useful Internet Websites.
8. A proposed seventh Section would include the United Nations Treaty Handbook, although the authors correctly note that there may be some issues as to the direct inclusion of that document. The Secretariat notes that instead of direct inclusion a link could be made to the document at <http://untreaty.un.org/English/TreatyHandbookEng.pdf> (the PDF version) or http://untreaty.un.org/ola-internet/Assistance/handbook_eng/hbframeset.htm (the html version), however.
