

# TRUST FUND FOR INTERNATIONAL COOPERATION IN TAX MATTERS

## Terms of Reference

### I. Establishment

1. By its resolution 2004/69 of 11 November 2004, the Economic and Social Council (ECOSOC) decided to rename the Ad Hoc Group of Experts on International Cooperation in Tax Matters as the Committee of Experts on International Cooperation in Tax Matters, comprising 25 members nominated by Governments and acting in their expert capacity.
2. The Committee is mandated to: (i) keep under review and update as necessary the United Nations Model Double Taxation Convention between Developed and Developing Countries and the Manual for the Negotiation of Bilateral Tax Treaties between Developed and Developing Countries; (ii) provide a framework for dialogue with a view to enhancing and promoting international tax cooperation among national tax authorities; (iii) consider how new and emerging issues could affect international cooperation in tax matters and develop assessments, commentaries and appropriate recommendations; (iv) make recommendations on capacity-building and the provision of technical assistance to developing countries and countries with economies in transition; and (v) give special attention to developing countries and countries with economies in transition in dealing with all the above issues. The Committee submits its report on the work of its annual session to the Council at its substantive session
3. ECOSOC, in its resolution 2006/49 of 28 July 2006, invited the Committee to continue organizing training workshops for developing countries and countries with economies in transition as part of the work required to carry out its mandate, which includes making recommendations on capacity-building and providing technical assistance. It also requested the Secretary-General to establish a trust fund to receive voluntary contributions from Member States and other institutions interested in providing financing for the Committee's activities in supporting international cooperation in tax matters, including support for the participation of experts from developing countries.

### II. Purpose

4. The Fund is intended to support various activities on international cooperation in tax matters. The fund will be used to cover the following, based on availability of funds:

- (a) Logistics and travel support for the conduct of training workshops on tax-related matters for developing countries and countries with economies in transition;
- (b) Travel support for members of subcommittees and working groups established by the Committee of Experts;
- (c) Preparation of specialized publications, papers and other informational and technical materials on tax matters including hiring of specialized expertise not available in the Secretariat;
- (d) Logistics and travel support for the conduct of expert group meetings to provide specialized advice or inputs to the Committee's work;
- (e) Travel of staff members to service training workshops, and meetings of the Committee and its subcommittees and working group meetings; to participate in international meetings, conferences, and symposia; to undertake consultations with governments and other international organizations, etc.
- (f) Advisory services upon request from developing countries and countries economies in transition; and,
- (g) Temporary assistance for special events and projects.

### **III. Contributions**

5. Contributions to the Fund can be made by Governments, intergovernmental and non-governmental organizations, private institutions and individuals. Contributions may only be accepted by the Assistant Secretary-General, Controller.
6. Contributions in cash to the Fund may be accepted in United States dollars or other fully convertible currencies.
7. Any financial contributions which are accompanied by an indication of the specific activities for which they are earmarked shall be assigned the appropriate electronic code for such activities.
8. Any interest income derived from contributions to the Fund shall be credited to the Fund in accordance with the applicable United Nations regulations, rules, policies and procedures. In addition, any interest income derived from financial contributions earmarked for specific activities shall be earmarked for the same activities.
9. The Controller has designated the following bank account in which the resources of the fund shall be kept:



J. P. Morgan Chase  
International Agencies Banking  
270 Park Avenue, 43<sup>rd</sup> Floor  
New York, NY 10017-2014  
U.S.A.

United Nations General Trust Fund Account  
Account Number: 485001969  
ABA Number: 021000021  
SWIFT Code: CHASUS33  
Earmarked for Trust Fund for International Cooperation in Tax Matters

#### **IV. Authority**

10. The Fund shall be administered in conformity with the United Nations Financial Regulations and Rules and with the relevant policies and procedures. Accordingly, personnel shall be engaged and administered in accordance with the provisions of the Staff Rules and Regulations. Exceptions to such rules, policies and procedures are not permissible, unless specifically authorized by the Secretary-General or on his behalf by the Assistant Secretary-General, Controller or by the Assistant Secretary-General/Office of Human Resources Management, as appropriate

#### **V. Administration and Implementation Arrangements**

11. The Financing for Development Office of the Department of Economic and Social Affairs shall be the implementing office of the Fund.

12. For the purpose of ensuring proper financial controls, the Under-Secretary-General of Economic and Social Affairs shall be the Programme Manager of the Fund and the Executive Officer of the Department of Economic and Social Affairs shall be Certifying Officer.

13. The Under-Secretary-General shall be responsible for ensuring that the Fund is utilized for the purpose described in paragraph 4.

14. The Certifying Officer shall ensure that expenditures are incurred in accordance with the applicable Financial and Staff Regulations, Rules, policies and procedure, for the purpose intended and within the funds earmarked for that activity, and shall draw to the attention of the Controller any proposed commitment or expenditures which, in his or her view, is inconsistent therewith.

## **VI. Reporting**

15. The Controller will provide an annual financial statement showing income and expenditures as at 31 December of each year with respect to the total funds pledged and received for the Fund and for funds earmarked for specific activities.
16. All accounts and financial statements shall be expressed in United States dollars.

## **VII. Programme support costs**

17. In accordance with United Nations Financial Regulations, programme support costs will be charged to the Trust Fund at the rate of thirteen (13) percent of the total annual expenditures, unless otherwise agreed with the Controller. In addition, the trust fund operating reserves will be applied within the cash resources to meet final expenditures of the activities covered from the fund.

## **VIII. Audit**

18. The Fund will be subject solely to the external and internal audit procedures of the United Nations.

## **IX. Revision**

19. The Secretary-General may revise the above provisions, should circumstances so require.

## **XI. Termination**

20. The Secretary-General shall decide the termination of the Fund and the disposal of its assets.