

Subcommittee on Article 9 (Associated Enterprises): Transfer Pricing

Subcommittee on Article 9 (Associated Enterprises): Transfer Pricing

Established: 20 October 2017

Coordinators: Ingela Willfors (Sweden)

Stig Sollund (Norway)

Participants in the Subcommittee:

Rajat Bansal (India)

Mitsuhiro Honda (Japan)

George Omondi Obell (Kenya)

Christoph Schelling (Switzerland)

Jose Ignacio Troya Gonzalez (Ecuador)

Sing Yuan Yong (Singapore)

Joe Andrus (Consultant)

Melinda Brown (International Organization/OECD)

Hafiz Choudhury (Business)

Sanya Gbonjubola (Nigeria)

Stefan Greil (Germany)

Andrew Hickman (Consultant)

Michael Kobetsky (Academia)

Michael McDonald (Business)

Toshio Miyatake (Business)

Emily Muyaa (NGO/IBFD)

TP Ostwal (Business)

Carlos Perez-Gomez (Business)

Raffaele Petruzzi (Academia)

Jolanda Schenk (Business)

Caroline Silberztein (Business)

Marcos Valadao (Academia)

Monique Van Herksen (Business)

Xiaoyue Wang (Business)

Ying Zhang (China)

Mandate

The Subcommittee is mandated to review and update the United Nations Practical Manual on Transfer Pricing for Developing Countries, based on the following principles:

- That it reflects the operation of Article 9 of the United Nations Model Convention, and the Arm's Length Principle embodied in it, and is consistent with relevant Commentaries of the U.N. Model;
- That it reflects the realities for, and the needs of, developing countries, at their relevant stages of capacity development;
- That special attention should be paid to the experience of developing countries, and the issues and options of most practical relevance to them; and
- That it draws upon the work being done in other fora.

The Subcommittee shall give due consideration to the outcome of the OECD/G20 Action Plan on Base Erosion and Profit Shifting as concerns transfer pricing. The manual shall reflect the special situation of least developed economies.

The Subcommittee shall report on its progress at the sessions of the Committee and provide its final updated draft Manual for discussion and adoption no later than the 22nd session in 2021 and preferably in 2020.

Subcommittee on Dispute Avoidance and Resolution

Established: 20 October 2017

Coordinators: Cezary Krysiak (Poland)
George Omondi Obell (Kenya)

Participants in the Subcommittee:

Rajat Bansal (India)
William Babatunde Fowler (Nigeria)
Mitsuhiro Honda (Japan)
Dang Ngoc Minh (Viet Nam)
Marlene Patricia Nembhard-Parker (Jamaica)
Jorge Antonio Deher Rachid (Brazil)
Aart Roelofsen (the Netherlands)
Stephanie Lynn Smith (Canada)
Jose Ignacio Troya Gonzalez (Ecuador)
Ingela Willfors (Sweden)
Yan Xiong (China)
Sing Yuan Yong (Singapore)

Hugh Ault (Academic/Consultant)
Susana Bokobo (Business)
Jan P de Goede (Academic/NGO)
Marlies de Ruyter (Business)
Carol A Dunahoo (Business)
Femi E. Edgal (Nigeria)
Arno Gildemeister (Business)
Sriram Pankajakshan Govind (Academic)
Jose Emilio Herrera Flores (Ecuador)
Alejandro Juárez (International Organization/CIAT)
Sharon Katz-Pearlman (Business)
Sandra Knaepen (International Organization/OECD)
Jan Loerprick (International Organization/WBG)
Cym Lowell (Business)
Eric Nii Yarboi Mensah (Ghana)
Jeffrey Owens (Academic)
Claudia Pimentel da Silva (Brazil)
Norbert Roller (International Organization/WBG)

Bill Sample (Business)
Trude Steinnes Sønvisen (Norway)
Ria Sotiropoulos (Business)
Richard Stern (Business)
John Stokes (UK)
Wenwen Tang (China)
Laura Ioana Turcan (Austria)
Edson Uribe (Mexico)
Christophe Waerzeggers (International Organization/IMF)
Monica Walker (Jamaica)

Mandate

The Subcommittee should consider and report back to the Committee on possible means of dispute avoidance and resolution, on both the domestic and international level. In particular, the Subcommittee will consider the Mutual Agreement Procedure, with a view to improving its effectiveness, building on the work done by the previous subcommittee. Particular attention will be paid to:

- Mechanisms to avoid and resolve disputes arising at the domestic level;
- Ways to ensure that the MAP procedure under Article 25 (in either of its alternatives in the UN Model) functions as effectively and efficiently as possible; and
- Issues associated with arbitration clauses and other means as options to supplement MAP.

Following work on these areas, the Subcommittee will produce the following outcomes:

- A draft UN Handbook on Dispute Resolution and Avoidance;
- A draft updated text of the UN Guide to MAP;
- Drafts of possible changes to the UN Model Convention and/or Commentaries, as appropriate.

The Subcommittee is to focus especially on issues affecting developing economies, possible means of addressing them in a practical manner, and ways to build confidence in dealing with them. It will provide recommendations to the Committee within its agreed mandate, on improvements, if any, for inclusion in the next version of the UN Model. The Subcommittee should work on the UN Handbook on Dispute Resolution and Avoidance and an update to the Guide to MAP as a priority.

Subcommittee on Environmental Taxation Issues

Subcommittee on Environmental Taxation Issues

Established: 20 October 2017

Coordinators: Natalia Aristizabal Mora (Colombia)

Participants in the Subcommittee

Jorge Antonio Deher Rachid (Brazil)
Dang Ngoc Minh (Viet Nam)
Marlene Patricia Nembhard-Parker (Jamaica)
Carlos E. Protto (Argentina)
Aart Roelofsen (the Netherlands)
Ingela Willfors (Sweden)

Susanne Åkerfeldt (Government)
Stefan Agne (European Commission)
Elena Belletti (Academia)
Robin Damberger (Academia)
Álvaro de Juan Ledesma (Business)
Tatiana Falcão (Academia)
Amparo Grau Ruiz (Academia)
Sharlin Hemraj (Government)
Gregory Leshchuk (IATA)
Eike Meyer (GIZ)
Christopher Morgan (Business)
Rodrigo Pizarro (Academia)
Dhruv Sanghavi (Academia)
Anna Theeuwes (Business)
Kurt Van Dender (International Organization/OECD)

Mandate

The Subcommittee is mandated to consider, report on and propose guidance on environmental tax issues and opportunities for developing countries in particular, on the basis that it shall:

- Identify and consider the most pressing issues where guidance from the Committee may most usefully assist developing countries in this area and initially report to the Committee on such issues at its sixteenth session in 2018;
- Pay particular attention to the application of carbon taxes, and report on current country practices, policy considerations and administrative issues;
- Provide draft guidance on such issues as are approved by the Committee at its sessions.

In undertaking its work, the Subcommittee shall consult broadly and seek to engage with others active in the field. The Subcommittee shall report on its work at each session.

Subcommittee on Handbook on Taxation of Extractive Industries

Subcommittee on Handbook on Taxation of Extractive Industries

Established: 20 October 2017

Coordinators: Eric Nii Yarboi Mensah (Ghana)
Ignatius Mvula (Government)

Participants in the Subcommittee:

Dang Ngoc Minh (Viet Nam)

Carmel Peters (New Zealand)

Alexandr Smirnov (Russian Federation)

Elfrieda Stewart Tamba (Liberia)

Abiodun Aina (Nigeria)

Gonzalo Arias (International Organization/CIAT)

Rodolfo Bejarano (Latindad)

Susana Bokobo (Business)

Jorge Cabral (Brazil)

Hafiz Choudhury (Business)

Jan P de Goede (Academia/NGO)

Alvaro de Juan Ledesma (Business)

Johan de la Rey (South Africa)

David Delahay (Business)

Michael Durst (Business)

Clarence Ellis (Business)

Olav Fjellsa (Business)

Kenny Hawsey (Business)

Michael Kobetsky (Academia)

Thomas Lassourd (NGO/ Natural Resource Governance Institute)

Ross Lyons (Business)

Marius Van Oordt (Academia)

Nara Monkam (International Organization/ATAF)

Andre Nsabimana (Academia)

Nana Okoh (Business)

Moises Orozco (Mexico)

Alexandra Readhead (International Organization/ IGF)

Ilka Ritter (Business)

Jim Robertson (Business)

Chris Sanger (Business)
Bevon Sinclair (Jamaica)
Stig Sollund (Norway)
Anna Theeuwes (Business)
Christophe Waerzeggers (International Organization/IMF)
Sophie Chatel/ Tomas Balco (International Organization/OECD)
Vy Tran (International Organization/OECD)

Mandate

The Subcommittee is mandated to consider, report on and propose draft guidance on extractive industries taxation issues for developing countries in the form of updates to the UN Handbook on Selected Issues for Taxation of the Extractive Industries by Developing Countries (“the Handbook”). This work shall be conducted on the basis that it shall:

- identify and consider the most pressing issues where further guidance from the Committee may most usefully assist developing countries in this area and initially report to the Committee on such matters at its sixteenth session in 2018;
- provide draft guidance on such issues as are approved by the Committee at its sessions; and propose other updates and improvements to the Handbook for approval.

In undertaking its work, the Subcommittee shall seek to engage with other organizations active in the field. The Subcommittee shall report on its work at each session.

Subcommittee on Practices and Procedures

Subcommittee on Practices and Procedures

Established: 20 October 2017

Coordinators: Stephanie Lynn Smith (Canada)

Participants in the Subcommittee:

Abdoulfatah Moussa Arreh (Djibouti)

Patricia Mongkhonvanit (Thailand)

Carlos E. Protto (Argentina)

Titia Stolte-Detring (Germany)

Mandate

The Subcommittee on UN Tax Committee Practices and Procedures is mandated to review the practices and procedures of the Committee with a view to improving the Committee's ability to meet its mandate whilst preserving sufficient flexibility. The Subcommittee should initially report to the 16th session of the Committee, especially in relation to practices and procedures relating to the formation and operation of subcommittees, the expression of minority opinions and voting procedures.

Subcommittee on Tax Challenges Related to the Digitalization of the Economy

Subcommittee on Tax Challenges Related to the Digitalization of the Economy

Established: 20 October 2017

Coordinators: William Babatunde Fowler (Nigeria)

Aart Roelofsen (the Netherlands)

Participants in the Subcommittee:

Abdoulfatah Moussa Arreh (Djibouti)
Rajat Bansal (India)
Margaret Moonga Chikuba (Zambia)
Mitsuhiro Honda (Japan)
Eric Nii Yarboi Mensah (Ghana)
Dang Ngoc Minh (Viet Nam)
Patricia Mongkhonvanit (Thailand)
Marlene Patricia Nembhard-Parker (Jamaica)
George Omondi Obell (Kenya)
Carmel Peters (New Zealand)
Carlos E. Protto (Argentina)
Jorge Rachid (Brazil)
Christoph Schelling (Switzerland)
Alexandr Smirnov (Russian Federation)
Stephanie Lynn Smith (Canada)
Titia Stolte-Detring (Germany)
Elfrieda Stewart Tamba (Liberia)
Jose Ignacio Troya Gonzalez (Ecuador)
Ingela Willfors (Sweden)
Yan Xiong (China)
Sing Yuan Yong (Singapore)

Mandate

The Subcommittee is mandated to draw upon its own experience as a body widely representative of affected stakeholders and engage with other relevant bodies, and interested parties with a view to:

- Analyzing technical, economic and other relevant issues;
- Describing difficulties and opportunities especially of interest to the various affected agencies of developing countries;

- Monitoring international developments;
- Describing possible ways forward; and
- Suggesting measures and drafting provisions related to the digitalization of the economy, with regard to:
 - Income taxes;
 - Double tax treaties, and
 - VAT as well as other indirect taxes.

The Subcommittee will report on its activities, recommendations and conclusions at each Committee session with an initial response on issues, possible options and working methods for consideration by the 16th session in May 2018.

Subcommittee on Tax Treaty Negotiation

Subcommittee on Tax Treaty Negotiation

Established: 20 October 2017

Coordinators: Patricia Mongkhonvanit (Thailand)

Participants in the Subcommittee:

Margaret Moonga Chikuba (Zambia)

Marlene Patricia Nembhard-Parker (Jamaica)

Carlos E. Protto (Argentina)

Stephanie Lynn Smith (Canada)

Titia Stolte-Detring (Germany)

Mandate

The Subcommittee is mandated to propose updates to the United Nations Manual for the Negotiation of Bilateral Tax Treaties between Developed and Developing Countries, based on the following principles:

- That it reflects the current version of the UN Model Double Taxation Convention between Developed and Developing Countries and the relevant UN Commentaries as well as ongoing decisions of the Committee leading to changes in them;
- That it pays special attention to the experience of developing countries and reflects their realities and needs at their relevant stages of capacity development;
- That it draws upon and feeds into, as appropriate, the relevant work done in other fora, especially the work on the toolkit on tax treaty negotiation by the Platform for Collaboration on Tax.

The aim of the Subcommittee shall be to present to the Committee an update of the Manual for consideration with a view to adoption to in 2019. Updates on the progress of the work shall be provided to the Committee at each preceding session. The Subcommittee may request the secretariat to develop necessary inputs and provide necessary support within its resources.

Subcommittee on the Tax Treatment of ODA Projects

Subcommittee on the Tax Treatment of ODA Projects

Established: 20 October 2017

Coordinators: Marlene Patricia Nembhard-Parker (Jamaica)

Participants in the Subcommittee:

Natalia Aristizabal Mora (Colombia)

Abdoulfatah Moussa Arreh (Djibouti)

Margaret Moonga Chikuba (Zambia)

Dang Ngoc Minh (Viet Nam)

Patricia Mongkhonvanit (Thailand)

Carmel Peters (New Zealand)

Aart Roelofsen (the Netherlands)

Elfrieda Stewart Tamba (Liberia)

Anthony Mathyela Munanda (International Organization/ATAF)

Norbert Roller (International Organization/WBG)

Joe Stead (International Organization/OECD)

Christophe Waerzeggers (International Organization/IMF)

Attiya Waris (University of Nairobi)

Iain Steel (Overseas Development Institute)

Mandate

The Subcommittee is mandated to address the issues arising from the tax treatment of ODA projects and, in particular, to update and finalize the 2007 Draft Guidelines on the Tax Treatment of ODA projects that were attached to note E/C.18/2018/CRP.5, taking into account, among other things, the annotations included in that document and the written comments sent by Committee members. In carrying on that work, the Subcommittee shall

- Pay special attention to the experience of developing countries and of governmental and inter-governmental donor agencies.
- Ensure that its work draws upon and feeds into, as appropriate, the relevant work on the issue done in other fora, especially the Platform for Collaboration on Tax.

The aim of the Subcommittee shall be to present to the Committee a revised version of the 2007 Draft Guidelines for consideration with a view to their adoption at the first meeting of the Committee in 2020. Updates on the progress of the work shall be provided to the Committee at each preceding

session. The Subcommittee may request the Secretariat to develop necessary inputs and provide necessary support within its resources.

Subcommittee on the UN Model Tax Convention between Developed and Developing Countries

Subcommittee on the UN Model Tax Convention between Developed and Developing Countries

Established: 20 October 2017

Coordinators: Carmel Peters (New Zealand)

Participants in the Subcommittee:

Natalia Aristizabal Mora (Colombia)
Abdoulfatah Moussa Arreh (Djibouti)
Rajat Bansal (India)
Margaret Moonga Chikuba (Zambia)
Mitsuhiro Honda (Japan)
Patricia Mongkhonvanit (Thailand)
Marlene Patricia Nembhard-Parker (Jamaica)
George Omondi Obell (Kenya)
Carlos E. Protto (Argentina)
Aart Roelofsen (the Netherlands)
Christoph Schelling (Switzerland)
Alexandr Smirnov (Russian Federation)
Stephanie Lynn Smith (Canada)
Titia Stolte-Detring (Germany)
Jose Ignacio Troya Gonzalez (Ecuador)
Ingela Willfors (Sweden)
Yan Xiong (China)
Sing Yuan Yong (Singapore)

Enrique Bolado (Mexico)
Sophie Chatel (International Organization/OECD)
Claire McLellan (New Zealand)
Gian Sandri (Switzerland)
John Stokes (UK)
Liu Xiaomeng (China)

Subgroup to examine issues on taxation of software payments as royalties:

Rajat Bansal (India)
Margaret Moonga Chikuba (Zambia)
Jorge Antonio Deher Rachid (Brazil)
Eric N Yarboi Mensah (Ghana)
Christoph Schelling (Switzerland)
Titia Stolte-Detring (Germany)
Ingela Willfors (Sweden)
Yan Xiong (China)

Enrique Bolado (Government)
John Stokes (Government)

Mandate

The Subcommittee is mandated to consider, make recommendations and provide proposed drafting for the next update of the UN Model Double Taxation Tax Convention (the Update) focusing on issues of the most relevance to developing countries.

The Subcommittee will report to the Committee at its sixteenth session in 2018, and at each session thereafter, with a view to finalizing its work no later than the twenty-first session in 2020.

*Subcommittee meeting NY/27-28 April 2019

Advisory Group on Capacity Development

Advisory Group on Capacity Development

Established: 20 October 2017

Mandate

The Advisory Group is mandated to provide advice and make recommendations on capacity-building and the provision of technical assistance to developing countries in the area of international taxation.

To this end, the Group will engage with the UN Capacity Development Programme on International Tax Cooperation and, as part of that engagement, may contribute by:

- Assessing the demand in developing countries for relevant capacity development tools;
- Assessing existing tools and resources at the disposal of developing countries;
- Proposing tools to be developed in order to address the needs of developing countries and fill in the existing gaps;
- Recommending experts to be involved in the development of these tools;
- Undertaking a technical review of the produced materials; and
- Assisting in the implementation of capacity development initiatives and the identification of developing country participants from the respective regions who may benefit from participation in these initiatives.

While doing so, the Group will ensure that the activities of the UN Capacity Development Programme on International Tax Cooperation adequately take account of the work of the Committee and the needs and feedback of developing countries, especially the less developed ones, and do not duplicate but effectively complement existing tools and resources at the disposal of developing countries.

The Group will assess and review the progress made in the implementation of the UN Capacity Development Programme on International Tax Cooperation on a biannual basis, on the occasion of the sessions of the Committee.

Participants in the Group:

Natalia Aristizabal Mora (Colombia)
Margaret Moonga Chikuba (Zambia)
William Babatunde Fowler (Nigeria)
Mitsuhiro Honda (Japan)
Cezary Krysiak (Poland)
Eric Nii Yarboi Mensah (Ghana)

Marlene Patricia Nembhard-Parker (Jamaica)
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Aart Roelofsen (the Netherlands)
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