

# **TAX521 OECD Model Tax Convention**

**Level:** 5

**Credit Units:** 5 Credit Units

**Language:** ENGLISH

**Presentation Pattern:** EVERY JAN

## **Synopsis:**

TAX521 OECD Model Tax Convention introduces students to the OECD Model Tax Convention. Tax treaties are negotiated and signed by governments primarily to avoid double taxation, and to prevent fiscal evasion. Tax treaties are not negotiated de novo, but rather countries normally start from Model Treaties that exist around the world. The most important of these models is the OECD Model Tax Convention. Another major model, the UN Model Tax Convention between Developed and Developing Countries takes the OECD framework and amends it to reflect the differing interests between the developed nations represented by the OECD and the developing world.

Most tax practitioners will come across the treaties in bits and pieces, dipping into various articles as necessary. This course takes the students on a systematic tour of the OECD Model Tax Convention starting from Art 1, providing not only a comprehensive view of the model treaty as a whole, but more importantly, an understanding of how the various articles interact – something a “casual dipper” would probably miss.

## **Topics:**

- The Law Between Countries – Introduction to International Law
- Domestic Taxation and the International Sphere
- The OECD CFA and the Model Tax Convention
- Interpretation of Tax Treaties
- Articles of the Model Tax Convention
  - - Articles 31, 32
  - - Articles 30, 28
  - - Articles 2, 3, 1, 4
  - - Articles 5, 7
  - - Articles 14, 25
  - - Articles 6, 8
  - - Articles 10, 11, 12
  - - Articles 15, 16, 17, 18, 19, 20, 21
  - - Articles 13, 22
  - - Articles 23, 24, 27
  - - Articles 29, 9, 26
- End-of-course Observation

## **Textbooks:**

: Introduction to the Law of Double Taxation Conventions, 2nd Edition 2 Amsterdam: IBFD  
ISBN-13: 9789087221980

**Learning Outcome:**

- Demonstrate in discussion and through written opinions based on factual situations, knowledge and understanding of the separate articles of the OECD Model Tax Convention
- Formulate solutions to straight-forward scenarios using the Model Tax Convention
- Examine in discussion and in written responses the relationships between the articles and with International Tax Law in a number of complex areas
- Formulate proposals, after analysing factual patterns, and identifying relevant articles of the Convention to resolve the challenges raised by particular factual patterns
- Critique the positions taken by the OECD, especially in relation to who, between source and residence country, has the primary taxing right.
- Compare and contrast the OECD Model Tax Convention with the UN or US Model Tax Convention, and critique the reasons for their differences
- Assemble paper or web resources to conduct research
- Examine and analyse legal materials which are written in technical or complex language
- Discuss through different forms of communication, such as verbal, written and formal presentations, presenting knowledge or an argument in a way which is comprehensible to others
- Defend positions taken effectively in a group setting and in a team environment.

**Assessment Strategies (Evening Class):**

<b>Components</b>	<b>Description</b>	<b>Weightage Allocation (%)</b>
Overall Continuous Assessment	TUTOR-MARKED ASSIGNMENT 1	40
Overall Examinable Components	ECA	60
<b>Total</b>		<b>100</b>