POSITIONS ON ARTICLE 10 (DIVIDENDS) AND ITS COMMENTARY

Positions on the Article

Paragraph 2

1. *Thailand* reserves the right to apply a 10 per cent rate of tax at source in the case referred to in subparagraph *a)*.

(Amended on 15 July 2014; see HISTORY)

2. *Singapore* reserves its position on the period test included in subparagraph 2 *a*).

(Added on 21 November 2017; see HISTORY)

3. *Bulgaria*, *India*, *Lithuania*, *Malaysia*, *Russia*, *Serbia* and *Singapore* reserve the right not to include the requirement for the competent authorities to settle by mutual agreement the mode of application of paragraph 2.

(Amended on 21 November 2017; see HISTORY)

3.1 *Azerbaijan* reserves the right not to include in its bilateral conventions the sentence stating that the competent authorities shall settle the mode of application of paragraph 2 by mutual agreement as it uses uniform regulations for the implementation of all its bilateral conventions.

(Added on 15 July 2014; see HISTORY)

4. *(Deleted on 21 November 2017; see HISTORY)*

5. *Azerbaijan* and *Romania* reserve the right to tax at a uniform rate to be negotiated all dividends referred to in this paragraph.

(Amended on 15 July 2014; see HISTORY)

6. *Gabon*, *Ivory Coast*, *Morocco*, *Russia*, *South Africa* and *Tunisia* reserve their position on the rates of tax in paragraph 2 and the minimum percentage for the holding in subparagraph *a)*.

(Amended on 28 January 2003; see HISTORY)

7. *Colombia*, *Serbia* and *Vietnam* reserve the right to tax, at a uniform rate of not less than 10 per cent, all dividends referred to in paragraph 2.

(Amended on 15 July 2014; see HISTORY)

7.1 *Argentina* reserves the right to include a provision in its bilateral treaties to provide that the taxation rate provided in paragraph 2 shall not be applicable where a local company distributes profits exceeding the total amount of aggregate tax profits at the end of the fiscal year immediately

before the date of distribution, taking into account that the taxation on the dividends that exceed the aggregate profits is considered to be a taxation at the level of the company.

(Replaced on 15 July 2014; see HISTORY)

7.2 *Argentina*, *India* and *Indonesia* reserve the right to settle the rate of tax in bilateral negotiations.

(Amended on 21 November 2017; see HISTORY)

7.3 *Costa Rica* reserves the right to increase the rates of tax on dividends in its bilateral conventions.

(Added on 21 November 2017; see HISTORY)

Paragraph 3

8. *Argentina*, *Russia* and *Tunisia* reserve the right to include a provision that will allow them to apply the thin capitalisation measures of their domestic law notwithstanding any other provisions of the Convention.

(Amended on 17 July 2008; see HISTORY)

9. As their legislation does not provide for such concepts as "jouissance" shares, "jouissance" rights, mining shares and founders' shares, *Albania*, *Armenia*, *Bulgaria*, *Belarus*, *Malaysia* and *Serbia* reserve the right to omit them from paragraph 3.

(Amended on 15 July 2014; see HISTORY)

9.1 *(Deleted on 22 July 2010; see HISTORY)*

10. *Bulgaria* reserves the right to replace, in paragraph 3, the words "income from other corporate rights" by "income from other rights".

(Amended on 21 November 2017; see HISTORY)

10.1 *Morocco* reserves the right to amplify the definition of dividends in paragraph 3 by adding the words "and other assimilated income" after the words "as well as income from other corporate rights" and before the words "which is subjected to the same taxation treatment…".

(Added on 28 January 2003; see HISTORY)

10.2 *India* reserves the right to modify the definition of the term "dividends".

(Added on 17 July 2008; see HISTORY)

10.3 *Argentina* reserves the right to expand the definition of dividends in paragraph 3 to cover certain payments that are treated as distributions of dividends according to its domestic law.

(Replaced on 15 July 2014; see HISTORY)

10.4 *Bulgaria* reserves the right to propose in bilateral negotiations the inclusion of a clause according to which a dividend which is treated as a hidden distribution of profits under its laws would remain taxable according to its laws, notwithstanding the relief under paragraph 2 of the Article.

(Added on 15 July 2014; see HISTORY)

10.5 *Costa Rica* reserves the right to amplify the definition of dividends in paragraph 3 so as to cover all income subjected under its domestic law to the taxation treatment of distributions.

(Added on 21 November 2017; see HISTORY)

Paragraph 5

11. *Argentina*, *Kazakhstan*, *Morocco*, *Russia* and *Tunisia* reserve the right to apply a branch profits tax.

(Amended on 17 July 2008; see HISTORY)

12. *Brazil* reserves the right to levy withholding tax on profits of a permanent establishment at the same rate of tax as is provided in paragraph 2, as is the traditional rule in the Brazilian income tax system.

(Added on 23 October 1997; see HISTORY)

13. *Thailand* reserves the right to levy a profit remittance tax on a permanent establishment at the same rate as is provided for in subparagraph 2 *a*).

(Amended on 22 July 2010; see HISTORY)

14. *Indonesia* reserves the right to apply a branch profits tax, but that branch profits tax shall not affect the provisions contained in any production sharing contracts relating to oil and gas and contracts of works for other mining sectors.

(Replaced on 22 July 2010; see HISTORY)

14.1 *Colombia* reserves the right to apply its domestic rules on the taxation of dividends distributed from profits that have not been subject to tax at the level of the company, and to impose its tax on the transfer of profits attributable to permanent establishments that have not been subject to tax in Colombia.

(Added on 15 July 2014; see HISTORY)

Position on the Commentary

15. *India* does not adhere to the interpretation set out in paragraph 24. Under the domestic law certain payments are treated as distributions and are therefore included in the definition of dividends.

(Added on 17 July 2008; see HISTORY)

HISTORY

Paragraph 1: Amended on 15 July 2014, by deleting Argentina from the list of countries indicating the position, by the report entitled "The 2014 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2014. After 23 October 1997 and until 15 July 2014, paragraph 1 read as follows:

> "1. *Argentina* and *Thailand* reserve the right to apply a 10 per cent rate of tax at source in the case referred to in subparagraph *a)*."

Paragraph 1 was included when this section was added in 1997 by the report entitled "The 1997 Update to the Model Tax Convention", adopted by the OECD Council on 23 October 1997.

Paragraph 2: Added on 21 November 2017 by the report entitled "The 2017 Update to the Model Tax Convention", adopted by the OECD Council on 21 November 2017.

Paragraph 2 was deleted on 22 July 2010 by the report entitled "The 2010 Update to the Model Tax Convention", adopted by the OECD Council on 22 July 2010. After 17 July 2008 and until 22 July 2010, paragraph 2 read as follows:

> "2. In view of its particular taxation system, *Chile* retains its freedom of action with regard to the provisions in the Convention relating to the rate and form of distribution of profits by companies."

Paragraph 2 was added on 17 July 2008 by the report entitled "The 2008 Update to the Model Tax Convention", adopted by the OECD Council on 17 July 2008.

Paragraph 2 as it read before 15 July 2005 was deleted by the report entitled "The 2005 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2005. After 23 October 1997 and until 15 July 2005, paragraph 2 read as follows:

> "2. *Brazil* reserves the right to tax all dividends referred to in paragraph 2 at a uniform rate to be negotiated."

Paragraph 2 was included when this section was added in 1997 by the report entitled "The 1997 Update to the Model Tax Convention", adopted by the OECD Council on 23 October 1997.

Paragraph 3: Amended on 21 November 2017, by deleting Latvia from the list of countries indicating the position, by the report entitled "The 2017 Update to the Model Tax Convention", adopted by the OECD Council on 21 November 2017. After 15 July 2014 and until 21 November 2017, paragraph 3 read as follows:

> "3. *Bulgaria*, *India*, *Latvia*, *Lithuania*, *Malaysia*, *Russia*, *Serbia* and *Singapore* reserve the right not to include the requirement for the competent authorities to settle by mutual agreement the mode of application of paragraph 2."

Paragraph 3 was previously amended on 15 July 2014, by changing the list of countries indicating the position by adding Malaysia and Singapore and deleting Estonia, by the report entitled "The 2014 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2014. After 17 July 2008 and until 15 July 2014, paragraph 3 read as follows:

> "3. *Bulgaria*, *Estonia*, *India*, *Latvia*, *Lithuania*, *Russia* and *Serbia* reserve the right not to include the requirement for the competent authorities to settle by mutual agreement the mode of application of paragraph 2."

Paragraph 3 was previously amended on 17 July 2008, by changing the list of countries indicating the position by adding India and Russia and by replacing Serbia and Montenegro with Serbia, by the report entitled "The 2008 Update to the Model Tax Convention", adopted by the OECD Council on 17 July 2008. After 15 July 2005 and until 17 July 2008, paragraph 3 read as follows:

"3. *Bulgaria*, *Estonia*, *Latvia*, *Lithuania* and *Serbia and Montenegro* reserve the right not to include the requirement for the competent authorities to settle by mutual agreement the mode of application of paragraph 2."

Paragraph 3 was previously amended on 15 July 2005, by changing the list of countries making the position by adding Serbia and Montenegro and deleting Romania, by the report entitled "The 2005 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2005. After 28 January 2003 and until 15 July 2005, paragraph 3 read as follows:

"3. *Bulgaria*, *Estonia*, *Latvia*, *Lithuania* and *Romania* reserve the right not to include the requirement for the competent authorities to settle by mutual agreement the mode of application of paragraph 2."

Paragraph 3 was previously amended on 28 January 2003, by adding Bulgaria to the list of countries indicating the position, by the report entitled "The 2002 Update to the Model Tax Convention", adopted by the OECD Council on 28 January 2003. After 23 October 1997 and until 28 January 2003, paragraph 3 read as follows:

"3. *Estonia*, *Latvia*, *Lithuania* and *Romania* reserve the right not to include the requirement for the competent authorities to settle by mutual agreement the mode of application of paragraph 2."

Paragraph 3 was included when this section was added in 1997 by the report entitled "The 1997 Update to the Model Tax Convention", adopted by the OECD Council on 23 October 1997.

Paragraph 3.1: Added on 15 July 2014 by the report entitled "The 2014 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2014.

Paragraph 4: Deleted on 21 November 2017 by the report entitled "The 2017 Update to the Model Tax Convention", adopted by the OECD Council on 21 November 2017. After 15 July 2014 and until 21 November 2017, paragraph 4 read as follows:

"4. *Latvia* reserves its position on the rates provided for in paragraph 2."

Paragraph 4 was amended on 15 July 2014, by changing the list of countries indicating the position by adding Latvia and deleting Israel, by the report entitled "The 2014 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2014. After 22 July 2010 and until 15 July 2014, paragraph 4 read as follows:

"4. *Israel* reserves its position on the rates provided for in paragraph 2."

Paragraph 4 was previously amended on 22 July 2010 by the report entitled "The 2010 Update to the Model Tax Convention", adopted by the OECD Council on 22 July 2010. After 23 October 1997 and until 22 July 2010, paragraph 4 read as follows:

"4. *Israel* reserves its position on the rates provided for in paragraph 2, especially with respect to dividends which are distributed out of the profits of an "approved enterprise" according to its law for the encouragement of investment."

Paragraph 4 was included when this section was added in 1997 by the report entitled "The 1997 Update to the Model Tax Convention", adopted by the OECD Council on 23 October 1997.

Paragraph 5: Amended on 15 July 2014, by adding Azerbaijan as a country indicating the position, by the report entitled "The 2014 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2014. After 23 October 1997 and until 15 July 2014, paragraph 5 read as follows:

"5. *Romania* reserves the right to tax at a uniform rate to be negotiated all dividends referred to in this paragraph."

Paragraph 5 was included when this section was added in 1997 by the report entitled "The 1997 Update to the Model Tax Convention", adopted by the OECD Council on 23 October 1997.

Paragraph 6: Amended on 28 January 2003, by adding Gabon, Ivory Coast, Morocco and Tunisia to the list of countries indicating the position, by the report entitled "The 2002 Update to the Model Tax Convention", adopted by the OECD Council on 28 January 2003. After 23 October 1997 and until 28 January 2003, paragraph 6 read as follows:

> "6. *Russia* and *South Africa* reserve their position on the rates of tax in paragraph 2 and the minimum percentage for the holding in subparagraph *a)*."

Paragraph 6 was included when this section was added in 1997 by the report entitled "The 1997 Update to the Model Tax Convention", adopted by the OECD Council on 23 October 1997.

Paragraph 7: Amended on 15 July 2014, by adding Colombia to the list of countries indicating the position, by the report entitled "The 2014 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2014. After 17 July 2008 and until 15 July 2014, paragraph 7 read as follows:

> "7. *Serbia* and *Vietnam* reserve the right to tax, at a uniform rate of not less than 10 per cent, all dividends referred to in paragraph 2."

Paragraph 7 was previously amended on 17 July 2008, by replacing Serbia and Montenegro with Serbia as a country indicating the position, by the report entitled "The 2008 Update to the Model Tax Convention", adopted by the OECD Council on 17 July 2008. After 15 July 2005 and until 17 July 2008, paragraph 7 read as follows:

> "7. *Vietnam* and *Serbia and Montenegro* reserve the right to tax, at a uniform rate of not less than 10 per cent, all dividends referred to in paragraph 2."

Paragraph 7 was previously amended on 15 July 2005, by adding Serbia and Montenegro as a country indicating the position, by the report entitled "The 2005 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2005. After 23 October 1997 and until 15 July 2005, paragraph 7 read as follows:

> "7. *Vietnam* reserves the right to tax, at a uniform rate of not less than 10 per cent, all dividends referred to in paragraph 2."

Paragraph 7 was included when this section was added in 1997 by the report entitled "The 1997 Update to the Model Tax Convention", adopted by the OECD Council on 23 October 1997.

Paragraph 7.1: Replaced on 15 July 2014 when paragraph 7.1 was deleted and a new paragraph was added by the report entitled "The 2014 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2014. After 17 July 2008 and until 15 July 2014, paragraph 7.1 read as follows:

> "7.1 *Latvia* reserves the right to reduce to 10 per cent the minimum percentage for the holding in subparagraph *a)* and to apply a 10 per cent rate of tax at source in the case referred to in subparagraph *b)*."

Paragraph 7.1 was amended on 17 July 2008 by the report entitled "The 2008 Update to the Model Tax Convention", adopted by the OECD Council on 17 July 2008. After 29 April 2000 and until 17 July 2008, paragraph 7.1 read as follows:

> "7.1 *Latvia* reserves the right to apply a 10 per cent rate of tax at source in the case referred to in subparagraph *b)*."

Paragraph 7.1 was added on 29 April 2000 by the report entitled "The 2000 Update to the Model Tax Convention", adopted by the OECD Council on 29 April 2000.

Paragraph 7.2: Amended on 21 November 2017, by adding Indonesia to the list of countries indicating the position, by the report entitled "The 2017 Update to the Model Tax Convention", adopted by the OECD Council on 21 November 2017. After 15 July 2014 and until 21 November 2017, paragraph 7.2 read as follows:

> "7.2 *Argentina* and *India* reserve the right to settle the rate of tax in bilateral negotiations."

Paragraph 7.2 was previously amended on 15 July 2014, by adding Argentina to the list of countries indicating the position, by the report entitled "The 2014 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2014. After 17 July 2008 and until 15 July 2014, paragraph 7.2 read as follows:

> "7.2 *India* reserves the right to settle the rate of tax in bilateral negotiations."

Paragraph 7.2 was added on 17 July 2008 by the report entitled "The 2008 Update to the Model Tax Convention", adopted by the OECD Council on 17 July 2008.

Paragraph 7.3: Added on 21 November 2017 by the report entitled "The 2017 Update to the Model Tax Convention" adopted by the OECD Council on 21 November 2017.

Paragraph 8: Amended on 17 July 2008, by adding Russia to the list of countries indicating the position, by the report entitled "The 2008 Update to the Model Tax Convention", adopted by the OECD Council on 17 July 2008. After 28 January 2003 and until 17 July 2008, paragraph 8 read as follows:

> "8. *Argentina* and *Tunisia* reserve the right to include a provision that will allow them to apply the thin capitalisation measures of their domestic law notwithstanding any other provisions of the Convention."

Paragraph 8 was previously amended on 28 January 2003, by adding Tunisia as a country indicating the position, by the report entitled "The 2002 Update to the Model Tax Convention", adopted by the OECD Council on 28 January 2003. After 23 October 1997 and until 28 January 2003, paragraph 8 read as follows:

> "8. *Argentina* reserves the right to include a provision that will allow it to apply the thin capitalization measures of its domestic law notwithstanding any other provisions of the Convention."

Paragraph 8 was included when this section was added in 1997 by the report entitled "The 1997 Update to the Model Tax Convention", adopted by the OECD Council on 23 October 1997.

Paragraph 9: Amended on 15 July 2014, by adding Malaysia to the list of countries indicating the position, by the report entitled "The 2014 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2014. After 17 July 2008 and until 15 July 2014, paragraph 9 read as follows:

> "9. As their legislation does not provide for such concepts as "jouissance" shares, "jouissance" rights, mining shares and founders' shares, *Albania*, *Armenia*, *Bulgaria*, *Belarus* and *Serbia* reserve the right to omit them from paragraph 3."

Paragraph 9 was previously amended on 17 July 2008, by changing the list of countries indicating the position by adding Armenia and replacing Serbia and Montenegro with Serbia, by the report entitled "The 2008 Update to the Model Tax Convention", adopted by the OECD Council on 17 July 2008. After 15 July 2005 and until 17 July 2008, paragraph 9 read as follows:

> "9. As their legislation does not provide for such concepts as "jouissance" shares, "jouissance" rights, mining shares and founders' shares, *Albania*, *Bulgaria*, *Belarus*, *Serbia and Montenegro* and *Vietnam* reserve the right to omit them from paragraph 3."

Paragraph 9 was previously amended on 28 January 2003, by adding Serbia and Montenegro to the list of countries indicating the position, by the report entitled "The 2005 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2005. After 28 January 2003 and until 15 July 2005, paragraph 9 read as follows:

> "9. As their legislation does not provide for such concepts as "jouissance" shares, "jouissance" rights, mining shares and founders' shares, *Albania*, *Bulgaria*, *Belarus* and *Vietnam* reserve the right to omit them from paragraph 3."

Paragraph 9 was previously amended on 28 January 2003, by adding Albania and Bulgaria to the list of countries indicating the position, by the report entitled "The 2002 Update to the Model Tax Convention", adopted by the OECD Council on 28 January 2003. After 23 October 1997 and until 28 January 2003, paragraph 9 read as follows:

> "9. As their legislation does not provide for such concepts as "jouissance" shares, "jouissance" rights, mining shares and founders' shares, *Belarus* and *Vietnam* reserve the right to omit them from paragraph 3."

Paragraph 9 was included when this section was added in 1997 by the report entitled "The 1997 Update to the Model Tax Convention", adopted by the OECD Council on 23 October 1997.

Paragraph 9.1: Deleted on 22 July 2010 by the report entitled "The 2010 Update to the Model Tax Convention", adopted by the OECD Council on 22 July 2010. After 28 January 2003 and until 22 July 2010, paragraph 9.1 read as follows:

> "9.1 *Slovenia* reserves the right to omit "jouissance" shares, "jouissance" rights, and mining shares as its their legislation does not provide for such concepts."

Paragraph 9.1 was added on 28 January 2003 by the report entitled "The 2002 Update to the Model Tax Convention", adopted by the OECD Council on 28 January 2003.

Paragraph 10: Amended on 21 November 2017, by deleting Latvia from the list of countries indicating the position, by the report entitled "The 2017 Update to the Model Tax Convention", adopted by the OECD Council on 21 November 2017. After 15 July 2014 and until 21 November 2017, paragraph 10 read as follows:

> "10. *Bulgaria* and *Latvia* reserve the right to replace, in paragraph 3, the words "income from other corporate rights" by "income from other rights"."

Paragraph 10 was previously amended on 15 July 2014, by deleting Estonia and Lithuania from the list of countries indicating the position, by the report entitled "The 2014 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2014. After 28 January 2003 and until 15 July 2014, paragraph 10 read as follows:

> "10. *Bulgaria*, *Estonia*, *Latvia* and *Lithuania* reserve the right to replace, in paragraph 3, the words "income from other corporate rights" by "income from other rights"."

Paragraph 10 was previously amended on 28 January 2003, by adding Bulgaria to the list of countries indicating the position, by the report entitled "The 2002 Update to the Model Tax Convention", adopted by the OECD Council on 28 January 2003. After 23 October 1997 and until 28 January 2003, paragraph 10 read as follows:

> "10. *Estonia*, *Latvia* and *Lithuania* reserve the right to replace, in paragraph 3, the words "income from other corporate rights" by "income from other rights"."

Paragraph 10 was included when this section was added in 1997 by the report entitled "The 1997 Update to the Model Tax Convention", adopted by the OECD Council on 23 October 1997.

Paragraph 10.1: Added on 28 January 2003 by the report entitled "The 2002 Update to the Model Tax Convention", adopted by the OECD Council on 28 January 2003.

Paragraph 10.2: Added on 17 July 2008 by the report entitled "The 2008 Update to the Model Tax Convention", adopted by the OECD Council on 17 July 2008.

Paragraph 10.3: Replaced on 15 July 2014 when paragraph 10.3 was deleted and a new paragraph was added by the report entitled "The 2014 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2014. After 22 July 2010 and until 15 July 2014, paragraph 10.3 read as follows:

> "10.3 *Israel* reserves the right to exclude payments made by a Real Estate Investment Trust which is a resident of Israel from the definition of dividends in paragraph 3 and to tax those payments according to its domestic law."

Paragraph 10.3 was previously replaced on 22 July 2010 when it was deleted and a new paragraph 10.3 was added by the report entitled "The 2010 Update to the Model Tax Convention", adopted by the OECD Council on 22 July 2010. After 17 July 2008 and until 22 July 2010, paragraph 10.3 read as follows:

> "10.3 *Chile* reserves the right to amplify the definition of dividends in paragraph 3 so as to cover all income subjected to the taxation treatment of distributions."

Paragraph 10.3 was added on 17 July 2008 by the report entitled "The 2008 Update to the Model Tax Convention", adopted by the OECD Council on 17 July 2008.

Paragraph 10.4: Added on 15 July 2014 by the report entitled "The 2014 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2014.

Paragraph 10.5: Added on 21 November 2017 by the report entitled "The 2017 Update to the Model Tax Convention", adopted by the OECD Council on 21 November 2017.

Paragraph 11: Amended on 17 July 2008, by adding Kazakhstan to the list of countries indicating the position, by the report entitled "The 2008 Update to the Model Tax Convention", adopted by the OECD Council on 17 July 2008. After 15 July 2005 and until 17 July 2008, paragraph 11 read as follows:

> "11. *Argentina*, *Morocco*, *Russia* and *Tunisia* reserve the right to apply a branch profits tax."

Paragraph 11 was previously amended on 15 July 2005, by removing Romania from the list of countries indicating the position, by the report entitled "The 2005 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2005. After 28 January 2003 and until 15 July 2005, paragraph 11 read as follows:

> "11. *Argentina*, *Morocco*, *Romania*, *Russia* and *Tunisia* reserve the right to apply a branch profits tax."

Paragraph 11 was previously amended on 28 January 2003, by adding Morocco and Tunisia to the list of countries indicating the position, by the report entitled "The 2002 Update to the Model Tax Convention", adopted by the OECD Council on 28 January 2003. After 23 October 1997 and until 28 January 2003, paragraph 11 read as follows:

> "11. *Argentina*, *Romania* and *Russia* reserve the right to apply a branch profits tax."

Paragraph 11 was included when this section was added in 1997 by the report entitled "The 1997 Update to the Model Tax Convention", adopted by the OECD Council on 23 October 1997.

Paragraph 12: Included when this section was added in 1997 by the report entitled "The 1997 Update to the Model Tax Convention", adopted by the OECD Council on 23 October 1997.

Paragraph 13: Amended on 22 July 2010 by the report entitled "The 2010 Update to the Model Tax Convention", adopted by the OECD Council on 22 July 2010. After 23 October 1997 and until 22 July 2010, paragraph 13 read as follows:

"13. *Thailand* reserves the right to levy tax on distributions by non-resident companies of profits arising within its territory."

Paragraph 13 was included when this section was added in 1997 by the report entitled "The 1997 Update to the Model Tax Convention", adopted by the OECD Council on 23 October 1997.

Paragraph 14: Replaced on 22 July 2010 when paragraph 14 was deleted and a new paragraph 14 was added by the report entitled "The 2010 Update to the Model Tax Convention", adopted by the OECD Council on 22 July 2010. After 17 July 2008 and until 22 July 2010, paragraph 14 read as follows:

"14. In view of its particular taxation system, *Chile* retains its freedom of action with regard to the provisions in the Convention relating to the rate and form of distribution of profits by permanent establishments."

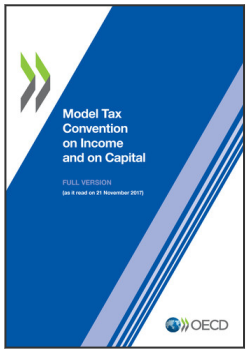
Paragraph 14 was previously replaced on 17 July 2008 by the report entitled "The 2008 Update to the Model Tax Convention", adopted by the OECD Council on 17 July 2008. After 23 October 1997 and until 17 July 2008, paragraph 14 read as follows:

"14. *Vietnam* reserves the right to levy its profit remittance tax at rates not exceeding 10 per cent."

Paragraph 14 was included when this section was added in 1997 by the report entitled "The 1997 Update to the Model Tax Convention", adopted by the OECD Council on 23 October 1997.

Paragraph 14.1: Added on 15 July 2014 by the report entitled "The 2014 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2014.

Paragraph 15: Added on 17 July 2008 together with the heading preceding it by the report entitled "The 2008 Update to the Model Tax Convention", adopted by the OECD Council on 17 July 2008.



From:

Model Tax Convention on Income and on Capital 2017 (Full Version)

Access the complete publication at:
https://doi.org/10.1787/g2g972ee-en

Please cite this chapter as:

OECD (2019), "Positions on Article 10 (Dividends) and its commentary", in *Model Tax Convention on Income and on Capital 2017 (Full Version)*, OECD Publishing, Paris.

DOI: https://doi.org/10.1787/bc749e66-en

This work is published under the responsibility of the Secretary-General of the OECD. The opinions expressed and arguments employed herein do not necessarily reflect the official views of OECD member countries.

This document and any map included herein are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

You can copy, download or print OECD content for your own use, and you can include excerpts from OECD publications, databases and multimedia products in your own documents, presentations, blogs, websites and teaching materials, provided that suitable acknowledgment of OECD as source and copyright owner is given. All requests for public or commercial use and translation rights should be submitted to rights@oecd.org. Requests for permission to photocopy portions of this material for public or commercial use shall be addressed directly to the Copyright Clearance Center (CCC) at info@copyright.com or the Centre français d'exploitation du droit de copie (CFC) at contact@cfcopies.com.