

Rotterdam, 26 November 2012

Sent By: E-mail
By: Wiecher Munting
To: Tax Treaties, Transfer Pricing and Financial Transactions Division
OECD/CTPA

Subject: Comment to the REVISED PROPOSALS CONCERNING THE MEANING OF BENEFICIAL OWNER IN ARTICLES 10, 11 AND 12 OF THE OECD MODEL TAX CONVENTION *Revised public discussion draft*

Specific comment: Paragraph 12.7 Beneficial owner and agent/nominee "look through", *adding conduit*

Dear Madam, Sir,

While reading the above revised proposals, I noticed that above mentioned paragraph 12.7 does not include a reference to the conduit (company).

It seems that the paragraph's intention is to assure that the parties which are behind the nominees and/or agents as "true" beneficial owner must - for treaty purposes - without misunderstanding be recognized as such.

However, referring to the clear wording in the revised proposal about conduit companies, it seems necessary to me that also the conduit not qualifying as beneficial owner should be mentioned in this list. Therefore, I believe the wording should be:

"Subject to other conditions imposed by the Article, the limitation of tax in the State of source remains available when an intermediary, such as an agent or nominee **or a conduit which according to the treaty does not qualify as beneficial owner**, located in a Contracting State or in a third State, is interposed between the beneficiary and the payer but the beneficial owner is a resident of the other Contracting State".

Best regards,



Wiecher Munting