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VENEZUELAN TAX TREATY POLICY ON INDIVIDUALS NON-BUSINESS ACTIVE INCOME¹

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Resumen

Este trabajo fue preparado por la delegación de la Universidad Católica Andrés Bello que participó en la VI Edición del *Global Tax Treaties Commentaries (GTTC) University Project* organizado por el *International Bureau of Fiscal Documentation (IBFD)*. El IBFD inició este proyecto en 2014 para asistir en el estudio de los tratados para evitar la doble tributación y tiene la intención de convertir al GTTC en la fuente más autorizada de análisis y comentarios sobre las prácticas de los tratados fiscales en todo el mundo. El GTTC University Project tiene por objeto involucrar a equipos universitarios en la investigación empírica de los tratados para evitar la doble tributación de cada país. El tema de esta edición abarcó los artículos en la red de tratados de Venezuela relacionados con la atribución del poder tributario sobre las rentas activas no empresariales (*i.e.*, salarios, pensiones, honorarios de directores, ingresos de artistas y deportistas, estudiantes, profesores, y miembros de cuerpos diplomáticos).

Palabras clave: Tratados para evitar la doble tributación; atribución del poder tributario; rentas activas no empresariales; salarios; pensiones; honorarios de directores; ingresos de artistas y deportistas; estudiantes; profesores; miembros de cuerpos diplomáticos.

Abstract

This paper was prepared by Universidad Católica Andrés Bello's delegation that participated in the VI Edition of the *Global Tax Treaties Commentaries (GTTC) University Project* organized by the *International Bureau of Fiscal Documentation (IBFD)*. The IBFD initiated this project in 2014 to assist in the study of tax treaties and intends to make the GTTC the most authoritative source of analysis and Commentaries on tax treaty practices around the world. The GTTC University Project aims to engage university teams in empirical research on each country's tax treaties and policies. The topic of this edition covered articles in Venezuela's tax treaty network regarding the attribution of tax powers over non-business active income (*i.e.*, salaries, pensions, directors' fees, the income of artists and athletes, students, teachers, and members of diplomatic bodies).

Keywords: pensions; directors' fees; income of artists and athletes; students; professors; members of diplomatic bodies.

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Table of abbreviations and terms	
Abbreviation	Meaning
MLI	Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting
OECD	Organization for Economic Co-operation and Development
PE	Permanent establishment
POEM	Place of effective management
UN	United Nations

1. GENERAL OVERVIEW OF DOMESTIC POLICY AND HISTORY

1.1. Venezuela's general tax treaty policy and history

Venezuela's tax treaty policy is unclear as publicly available official information is scarce. However, when analyzed under the country's then-current broader political and economic landscapes, there is a trend to be found that may bring light to its current tax treaty network. Changes in politics and economic objectives have heavily influenced Venezuela's tax treaty policy, particularly when considering the States with which Venezuela has concluded tax treaties. Considering the foregoing, Venezuela's tax treaty history may be divided into the three following periods: from 1990 through January 1999, from February 1999 through February 2013, and from March 2013 until today.

1.1.1. 1990 through January 1999

From the 1950's until the late 1970's, the Venezuelan economy boomed. With a strong currency, low levels of inflation, and a robust democracy, Venezuela was considered an example of growth². During this period, the country's economy depended almost exclusively on the oil industry. For instance, 1973's Yom Kippur War –which rose global oil prices and reinforced Venezuela's position as a prime oil exporter, skyrocketed Venezuela's income from oil. This led to two major political and economic decisions: (i) increased public expenditure and (ii) nationalizing the oil industry (1975). However, a few years later, a dire economic situation began due to decreasing oil prices and

² García, Henkel, "Inside Venezuela's economic collapse", *The Conversation* (10 July 2017). Available at: <https://bit.ly/3ktueuN>. Accessed on 20 April 2022.

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exacerbated public expenditure. Several economic measures, such as price control and exchange control regimes proved futile while inflation soared.

Although Venezuela's economic situation worsened, the country's international affairs remained strong, with an extensive treaty network encompassing various matters. Regarding double taxation treaties, in 1973, Venezuela became part of the Andean Community³, which in 1971 had enacted the "Agreement among Member Countries to avoid double taxation and the Standard Agreement for executing agreements on double taxation between Member Countries and other States outside the Subregion" (Decision No. 40⁴)⁵. Its membership in the Andean Community, led Venezuela to restrain from negotiating tax treaties with non-member countries as these did not follow the Andean Tax Models. It was not until the late 1980's that Venezuela began negotiating tax treaties with non-member countries, following the wording of the OECD and UN Models⁶. As of today, there are no treaties in the Venezuelan tax treaty network that follow the Andean Tax Models.

In the 1990-1999 period, Venezuela negotiated and concluded treaties with Italy (1990), France (1992), Belgium (1993), Sweden (1993), Germany (1995), Netherlands (1995), United Kingdom (1996), Portugal (1996), Czech Republic (1996), Trinidad and Tobago (1996), Switzerland (1996), Mexico (1997)⁷, Indonesia (1997), Norway (1997), Denmark (1998), Barbados (1998) and the United States of America (January 1999)⁸.

The treaties with Norway, Portugal, the Czech Republic, Indonesia, Trinidad and Tobago, Barbados, Denmark, and Mexico have Protocols foreseeing Venezuela's change of its domestic tax regime from a territorial tax system to a worldwide tax system, which happened in 1999.

³ Venezuela became part of the Andean Community on 13 February 1973. The country announced its withdrawal on 20 April 2006, and remained a member until 22 April 2011, due to certain provisions in the Community's statutes.

⁴ Decision 40's effective date is 1 January 1980 and terminated on 1 January 2005 after the entry into force of its latest double taxation regime.

⁵ In general, this regime attributed exclusive taxing rights to the source state while the OECD Model lends towards a shared allocation taxing powers, giving the primary taxing rights to the residence state, as well as the UN Model, with the difference that this one grants more taxing rights to the source state.

⁶ María Gómez, "Incidencia de la política exterior en la negociación de los convenios bilaterales de doble tributación internacional suscritos y en negociación por Venezuela", *Revista de Derecho Financiero* (April – June 2004), 178.

⁷ Not into force (see Section 1.5).

⁸ These are the years of signing and not of entry into force.

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During this period, Venezuela's tax treaty policy was based on the following premises⁹: (i) double taxation treaties are essential in the worldwide economy and should promote foreign investment, (ii) Venezuelan tax policy was an intermediate position between those who promoted the use of the Andean Community Model and those who promoted the use of the OECD Model, and (iii) Venezuela actively sought new double taxation treaties insofar (a) there is reciprocity in their negotiation and (b) the country's then-current Model Convention was considered. As shown above, all treaties concluded during this period were with European and American countries.

1.1.2. February 1999 through February 2013

The presidency of late Hugo Chávez, which started in 1999, was a turning point in Venezuela's politics and economics, which veered towards more socially oriented objectives. This proved true in its international affairs, in which Venezuela shifted its international relations towards countries in Asia, the Middle East and Eastern Europe with similar socially oriented objectives.

In 2000, the Venezuelan Government decided to create the "National Plan for Economic and Social Development" (*Plan de Desarrollo Económico y Social de la Nación*) to begin the new "Bolivarian constitutional era", by establishing structural changes to the country's socioeconomic and political system. This Plan was based on five general guidelines known as the "Five Pillars" (*Cinco Equilibrios*), the Government promoted and favored Latin-American and Caribbean integration and promoted an international society through alliances with underdeveloped countries. The Government strived to strengthen economic relations with Japan, China, Korea, India, Malaysia, Iran, Russia, and Eastern Europe and Venezuela's position in the Organization of the Petroleum Exporting Countries (OPEC).

This new political perspective led Venezuela to conclude tax treaties with China (People's Rep.) (2001), Canada (2001), Spain (2003), Cuba (2003), Russia (2003), Kuwait (2004), Brazil (2005), Iran (2005), Austria (2006), Korea (Rep.) (2006), Qatar (2006), Malaysia (2006), Belarus (2007), Vietnam (2008) and United Arab Emirates (2010).

⁹ Ronald Evans, *Régimen Jurídico de la Doble Tributación Internacional* (Caracas: McGraw-Hill Interamericana, 1999), 212.

1.1.3. March 2013 until today

Following the death of Hugo Chávez, Nicolás Maduro became Venezuela's Interim President in March 2013. He was formally elected as President of Venezuela for the period 2013-2019 and re-elected for 2019-2025.

During the eight (8) years of Nicolás Maduro's Administration, Venezuela has concluded three (3) treaties, namely with Palestine (2014), Saudi Arabia (2015), and Turkey (2018), which are all Middle Eastern countries. This may lead to the conclusion that, during Maduro's Administration, Venezuela continued the public foreign policy initiated during Chávez's Administration.

It is also worth noting that the treaty with Turkey was concluded during a time in which five (5) Executive Orders issued by the United States, sanctioned several Venezuelan officials and prevented American citizens and persons within the territory of the United States from carrying out transactions with persons listed in the list of Specially Designated Nationals of the Office of Foreign Assets Control of the United States (OFAC). These sanctions led to an increase in Turkish investments in Venezuela, which today is one of Venezuela's most important economic partners.

1.1.4. Treaty Models used by Venezuela in each period

Upon entering the Andean Community in 1973, Venezuela restrained itself from negotiating tax treaties with non-member countries. In the late 1980's, Venezuela began negotiating tax treaties with non-member countries following the wording of the OECD and UN Models. In 1996, Venezuela prepared its own Model Convention, which is akin to the UN Model and exceeds it in some cases¹⁰. This Venezuelan Model is not publicly available.

Starting in 1999, it is unclear if Venezuela maintained or updated its Tax Treaty Model. However, during the preparation of this paper, an official of the Public Policy and Internal Management Office (previously known as the International Affairs Division) of the Venezuelan National Tax Administration *Servicio Nacional Integrado de Administración Aduanera y Tributaria*,

¹⁰ Ronald Evans, *Régimen...*, 212.

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“*SENIAT*”) unofficially informed us that the treaty concluded in 2018 with Turkey¹¹ reflects Venezuela’s most updated tax treaty policy.

1.2. General overview of the Venezuelan domestic law on the tax treaties topics covered in this paper

In Venezuela, the definition of salary for tax purposes differs from the definition of salary for employment purposes. Currently for tax purposes, only the “normal salary” (*salario normal*) is taxable¹². Under Venezuelan law, a normal salary is earned regularly and permanently and derives from dependent personal services, excluding incidental payments (*i.e.*, bonuses), seniority benefits, and other payments not deemed salary by the law.

There is no differentiated treatment for the income of directors, artists, athletes, students, business apprentices, trainees, professors, and researchers. Scholarship students are exempt from paying taxes on the amounts they receive to cover their living, study, or training expenses.

Regarding taxation of pensions derived from employment, Venezuela’s system is materially equivalent to an “Exempt-Exempt-Exempt (EEE)” tax regime, under which contributions, returns on investment and pension income are all taxation free¹³. From a technical perspective, contributions to the State pension fund are not subject to income tax and returns on investment and pension income are exempted from income tax as per Articles 14(4) and 14(6) of the Income Tax Law¹⁴.

¹¹ Agreement Between the Government of the Republic of Turkey and the Government of the Bolivarian Republic of Venezuela for preventing double taxation with respect to taxes on income and the prevention of tax evasion and avoidance.

¹² Concerning salaries, wages, and similar remunerations earned by employees, the global salary -*salario integral*- (*i.e.*, wages, salaries, expenses, pensions, bonuses, and other similar remuneration, different from travel allowances) was taxable from 1942 to 2007 (Abache, Serviliano, *La desinstitucionalización de la Ley de Impuesto Sobre La Renta*, (Caracas: Editorial Jurídica Venezolana, 2019), 149.). However, on 27 February 2007, the Constitutional Chamber of the Supreme Justice Court amended article 31 of the Income Tax Law regarding salaries by establishing that only the normal salary -*salario normal*- is taxable (Supreme Court (Constitutional Chamber) Ruling N° 301 published on February 27, 2007; available at: <https://bit.ly/3vTY5lp>). In 2014, the Executive Branch amended the Income Tax Law and changed article 31 again by returning to taxation on global salary. In 2015, the Income Tax Law was reformed yet again and kept 2014’s wording. This situation created uncertainty on what would be income actually taxable. Therefore, the Constitutional Chamber of the Supreme Court of Justice issued two decisions to clarify that only the normal salary -and not the global salary- is taxable (Supreme Court (Constitutional Chamber) Ruling N° 499, published on 30 June 2016. Available at: <https://bit.ly/3OJFUHX>; Supreme Court (Constitutional Chamber) Ruling N° 673, published on 2 August 2016. Available at: <https://bit.ly/3koVBGE>).

¹³ Crf. OECD, “Chapter 2. Does the tax treatment of retirement savings provide an advantage when people save for retirement?” in OECD Pensions Outlook 2016. Available at: <https://bit.ly/3vqmRLb>. Accessed on 25 April 2022.

¹⁴ Extraordinary Official Gazette No. 6,210 of 30 December 2015.

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Regarding salaries, pensions and other similar remunerations earned by diplomats, according to article 30(3) of the Organic Tax Code¹⁵, Venezuelans who render services abroad in the representation of the Republic and receive remuneration from it shall be considered domiciled in Venezuela for tax purposes. Likewise, Article 6 of the Income Tax Law indicates that official activities executed abroad by public officers are deemed executed in Venezuela. This domestic treatment guarantees the exclusive taxing rights to the sending State over the salaries of diplomats.

1.3. The interaction between Treaties and the MLI

Venezuela has not signed the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI).

1.4. Treaties Pre-Dating the 1963 OCDE Draft Model

Venezuela did not sign tax treaties before 1963.

1.5. Treaties not currently in force

From our review, the following treaties are currently *not* in force:

- *Mexico*: Article 27 of the treaty with Mexico requires each State to notify the other State through diplomatic channels of the completion of the procedures required by their domestic law for the entry into force of the treaty. The treaty was concluded on 6 February 1997. While Venezuela carried out the legal procedures for the treaty's entry into force, there is no official information, as of today, confirming compliance with the formalities outlined in Article 27. According to freely accessible information published on the websites of the Tax Administrations of Mexico and Venezuela said treaty is currently *not* in force¹⁶.
- *Palestine*: Article 29 of the treaty with Palestine requires each to notify the other State through diplomatic channels of the completion of the procedures required by their domestic law for the entry into force of the treaty. The treaty was concluded on 16 May 2014. Palestine ratified the treaty on 1 July 2018, and Venezuela on 21 August 2014. However,

¹⁵ Extraordinary Official Gazette No. 6,507 of 29 January 2020.

¹⁶ In the case of Mexico, this information is available on the website of the Mexican National Tax Administration (*Servicio de Administración Tributaria*, "SAT"), on the following link: <https://www.sat.gob.mx/cs/Satellite?blobcol=urlldata&blobkey=id&blobtable=MungoBlobs&blobwhere=1579314099247&ssbinary=true>. Accessed on 12 November 2022.

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while both countries carried out the legal procedures for the treaty's entry into force, there currently is no official information confirming compliance with the formalities outlined in Article 29.

- *Turkey*: Article 29 of the treaty with Turkey requires each to notify the other State through diplomatic channels of the completion of the procedures required by their domestic law for the entry into force of the treaty. According to freely accessible information published on the websites of the Tax Administrations of Turkey and Venezuela, *from a formal standpoint*, said treaty is currently in force and is applicable to income tax periods starting as of 1st January 2022¹⁷.

Nonetheless, from a *material perspective*, the Venezuelan Government did not comply with the treaty's entry into force procedures established by Venezuela's National Constitution¹⁸, which establishes that –leaving aside non-applicable exceptions, treaties entered by the Republic must be (i) approved by the National Assembly (ii) by means of a law (iii) prior to their ratification by the President¹⁹. In this case, after the treaty's conclusion by the Ministry of Foreign Affairs, the treaty was published in Official Gazette *without approval by the National Assembly nor ratification by the President*. On the other hand, the Ministry of Foreign Affairs approved the treaty through a *sub-legal regulation* (Resolution DM-Nº 498 dated 28 December 2018) which was signed by a government official other than the President.

Employment income

1.6. Article 15 – General rule

Article 15 of the OECD Model Treaty grants exclusive taxing rights over employment income to the State of residence, unless certain criteria are met by employments exercised outside of the state of residence. As a non-OECD country, Venezuela has never formally submitted reservations to any

¹⁷ In the case of Turkey, this information is available on the website of the Turkish Tax Administration (*Gelir Idaresi Baskanligi*), on the following link: https://www.gib.gov.tr/sites/default/files/uluslararasımevzuat/Turkiyenin_Sonuclandırdığı_Vergi_Anlaşmaları_Listesi.pdf. Accessed on 11 November 2022.

¹⁸ Extraordinary Official Gazette No. 5,908 of 19 February 2009.

¹⁹ Articles 154 and 187(18) of Venezuela's National Constitution.

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provisions in the OECD Models over time. Venezuela has similarly refrained from making reservations to the UN Model.

Venezuela shares tax treaties with various States who have submitted reservations to Article 15 of the OECD Model²⁰, and has additionally concluded several other treaties that similarly deviate from the OECD Model regarding Article 15, either by different wording²¹ or by clarifying the context thereof through extensions or additions to the Model provisions²².

These deviations do not impact the general rule that grants primary taxing rights to the State of residence of the recipient, but rather focus on the conditions for Source taxation found in articles 15(2) and 15(3) as shall be explained in sections 2.1.2 and 2.2, respectively.

1.6.1. Article 15(1) – Main rule

All Venezuelan tax treaties feature the OECD Model general rule regarding taxation of income from employment (other than pensions). That is, that such income is taxable in the State where the employment is effectively developed.

Article 15 of the OECD and UN Models do not define the terms “salary, wages or similar remunerations”. Therefore, and pursuant to Article 3(2) of the referred Models, such definitions must be looked for in the internal laws of the State over which tax power Article 15 may be applied. In the case of Venezuela, a Supreme Court precedent has determined that taxable employment income only encompasses remunerations earned regularly and permanently from dependent personal services (normal salary), excluding incidental payments (*i.e.*, bonuses), seniority benefits and other payments not categorized as salary by the law (*e.g.*, childcare, food voucher and other benefits)²³.

The Protocol to the treaty concluded with United States (1999), however, contains a definition of the terms the terms “similar remunerations” and “similar payments”, under Article 13 therein, which

²⁰ Norway-Venezuela Income and Capital Tax Treaty (1997) Treaties & Models IBFD; Denmark-Venezuela Income Tax Treaty (1998), Treaties & Models IBFD; Sweden-Venezuela Income Tax Treaty (1993) Treaties & Models IBFD; Switzerland-Venezuela Income and Capital Tax Treaty (1996) Treaties & Models IBFD.

²¹ Trinidad and Tobago-Venezuela Income Tax Treaty (1996) Treaties & Models IBFD; Brazil-Venezuela Income Tax Treaty (2005) Treaties & Models IBFD.

²² Czech Republic–Venezuela Income and Capital Tax Treaty (1996) Treaties & Models IBFD; United States-Venezuela Income and Capital Tax Treaty (1999) Treaties & Models IBFD; Kuwait-Venezuela Income and Capital Tax Treaty (2004) Treaties & Models IBFD; Qatar-Venezuela Income Tax Treaty (2006) Treaties & Models IBFD; United Arab Emirates-Venezuela Income and Capital Tax Treaty (2010) Treaties & Models IBFD.

²³ Supreme Court (Constitutional Chamber) Ruling No. 2007-301, issued on 27 February 2007.

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expands the notion of taxable employment income found in Venezuelan jurisprudence. As per article 2(2) of the Organic Tax Code²⁴, and article 26 of the Vienna Convention of the Law of Treaties (1969), this treaty definition will override Venezuelan domestic law definitions in any cases governed by the tax treaty with United States (1999).

1.6.2. Article 15(2) – Source-state taxation

Article 15(2) provides that employment income derived from activities performed in one State by residents of the other State, may be subject to source taxation, provided certain conditions are met regarding the non-resident recipient's presence in the source state (the "minimum presence test") and with regard to the employer/payee. Venezuela's tax treaties are generally faithful to the OECD Model regarding this rule, although with varying adherence or deviations from the minimum test rule found therein, which computes non-resident employee presence regarding "*any twelve-month period commencing or ending in the fiscal year concerned*".

Most treaties concluded by Venezuela substantially adhere to the OECD Model with regard to the scope of the minimum presence test required for Source-state taxation over employment income received by non-residents. Twenty (20) out of thirty-five (35) treaties executed by Venezuela directly reproduce, word-for-word, OECD Model language on this matter²⁵. Article 15(2) of the treaty with the Netherlands (1995) also reproduces OECD Model language with regard to the scope of the minimum presence test contained therein, whilst clarifying that the relevant fiscal year shall be determined by the Source state's domestic law, as is suggested by OECD Commentaries on Article 15(2)²⁶. The treaties with Trinidad and Tobago (1996) and the United States (1999), deviate from OECD Model language, but use substantially similar terms in defining the scope of the applicable minimum presence test, as any twelve-month periods commencing or ending, respectively, "*in the year of income*" and "*in taxable income year.*"

²⁴ Rule that has been interpreted as the basis of the hierarchical supremacy of the tax treaties entered by Venezuela, with respect to domestic tax laws.

²⁵ Treaties with Austria (2006), Belarus (2007), Brazil (2005), China (People's Rep.) (2001), Cuba (2003), Denmark (1998), Iran (2005), Italy (1990), Korea (Rep.) (2006), Kuwait (2004), Malaysia (2006), Norway (1998), Palestine (2014), Portugal (1996), Russia (2003), Saudi Arabia (2015), Spain (2003), Turkey (2018), and the United Arab Emirates (2010).

²⁶ Para. 4.1 OECD Model Tax Convention (Full Version): Commentaries on Article 15 (2017).

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The treaties with Canada (2001), Qatar (2006), Vietnam (2008) and Turkey (2018) feature slight deviations from the OECD Model in referring to twelve-month period commencing or ending in the relevant *calendar* rather than fiscal years for computing minimum presence, following an alternative solution proposed by OECD Commentaries to Article 15(2)²⁷.

More notable deviations from the OECD Model may be found in the treaties signed with Italy (1990), France (1992), Switzerland (1996) and Barbados (1998) and in the treaty with Germany (1995), which contain minimum presence tests focused, respectively, on a single fiscal year and on a single calendar year. The scope of the minimum presence tests found in these treaties adhere to the rule contained in the 1977 OECD Model, which was amended in the 1992 OECD Model in response to the former rule's perceived susceptibility to abuse, through back-and-forth shuttling of employees between two States in a single year²⁸. Although negotiations over the treaties with Italy (1990), France (1992), Germany (1995) and Switzerland (1996) began prior to the publication of the 1992 Model, this is not the case of the treaty with Barbados (1998)²⁹, implying a conscious choice to depart from contemporary OECD suggestions.

Contrary to the above, the treaties with Belarus (2007), Belgium (1993), Sweden (1993), United Kingdom (1996), Czech Republic (1996), Mexico (1997) and Indonesia (1997) feature minimum presence tests with an extended scope, in relation to the OECD Model, that focuses on "any period of 12 months", without regard to the corresponding fiscal period or calendar year of the relevant employment income.

Lastly, the treaty with Czech Republic (1996) is unique among Venezuelan treaties in containing a definition for the term "employer", as well as in clarifying that only "days of physical presence" may be used for computing minimum presence, as has been proposed by the OECD Council since 1995³⁰.

²⁷ OECD Model Tax Convention (Full Version): Commentaries on Article 15 (2017).

²⁸ Para. 8 OECD Model Tax Convention (Full Version): Commentaries on Article 15 (2017).

²⁹ María Gómez, "Incidencia de la política exterior en la negociación de los convenios bilaterales de doble tributación internacional suscritos y en negociación por Venezuela." in *Revista De Derecho Financiero*, No. 2, Abril-Junio 2004, 2004, 203.

³⁰ Para. 5 and 5.1 OECD Model Tax Convention (Full Version): Commentaries on Article 15 (2017).

1.7. Article 15(3) – Employment in international traffic

All treaties concluded by Venezuela assign non-exclusive taxing rights over employment income derived from activities performed in ships or aircraft in international traffic, to the State where the place of effective management (POEM) of the enterprise is located, regardless of whether such State is party to the applicable treaty, under article 15(3)³¹.

The treaty with Saudi Arabia (2015) is unique among those concluded by Venezuela in extending the scope of Article 15(3) to cover employment income derived from activities performed “*aboard a boat engaged in inland waterways transport*”, as found in the OECD Models prior to 2017 and with the UN Model. The treaty with Brazil (2005) similarly includes employment income derived from activities exercised aboard a land transport vehicle operated in international traffic as covered under Article 15(3).

The treaties with Denmark (1998), Norway (1997) and Sweden (1993), contain exceptions to this rule that relate to the reservations made by the corresponding contracting States to the OECD Model in 1992, with regard to activities performed aboard aircraft operated by Scandinavian Airlines System (SAS).³² The treaties with Denmark (1998) and Sweden (1993) allocate exclusive taxing rights over any income derived therefrom to Denmark and Sweden, respectively, whilst the treaty with Norway (1997) instead assigns exclusive taxing rights there over to the State of the residence.

Lastly, the tax treaties concluded with Kuwait (2004) and United Arab Emirates (2010) contain an additional paragraph to Article 15 (article 16 in the treaty with the United Arab Emirates) that relates to income obtained by ground personnel from activities related to an aircraft or vessel destined for international traffic. In the first case, the treaty with Kuwait (2004) orders the exemption of any income received by ground personnel designated by a non-resident airline in the State where the ground services are performed. The treaty with the United Arab Emirates (2010) provides that income derived by nationals of one state, for services performed as ground personnel in the other State, may only be taxed in the state of nationality.

³¹ Pistone, Pascual, “Article 15 – Income from employment (Section 2.2.1.2.1.1)”, in *Global Tax Treaty Commentaries: Model Conventions and Bilateral Tax Treaties in Theory and Practice*. Accessed on 25 Mar 2022.

³² Reservations on the Article. Para. 15 OECD Model Tax Convention (Full Version) (2017). Page C(15)-31.

1.8. Article 19 – Government service.

As a non-OECD country, Venezuela has never formally submitted reservations to any treaty provisions in the OECD Models over time. Likewise, Venezuela has refrained from making reservations to the UN Models regarding Article 19.

Thirty-four (34) out of the thirty-five (35) tax treaties signed by Venezuela feature deviations from the 2017 OECD and UN Models, most commonly by expressly excluding pensions from the scope of Article 19, by defining income covered thereunder as “*remuneration, other than a pension*”³³ or “*salaries, wages and other similar remuneration, other than a pensions*”³⁴, in contrast to current OECD and UN Model wording, which omits any reference to pensions. This deviation is likely the result of adherence to the OECD and UN Models in force during the time of negotiation of the treaties, as these phrases may be found in prior OECD and UN Models³⁵. The treaties signed with Germany (1995) and Malaysia (2006), contain an extended definition of income covered under Article 19 that include payments made by a “*Land*” (*i.e.*, a sovereign federated state of Germany) and a “*statutory board*”.

The most relevant deviations from Model treaties, however, may be observed in the tax treaties concluded with the Netherlands (1991), France (1992), Belgium (1993), Germany (1995), Barbados (1998), Germany (1995), Korea (Rep.) (2006), United Arab Emirates (2010).

1.8.1. Article 19(1) – Main rule

The main rule concerning government services income consists in the allocation of exclusive taxing rights over salaries, wages and other similar remunerations paid by the national or local authorities of a Contracting State, for services of a governmental nature, to the paying Contracting State³⁶. The OECD Model contains an additional rule that assigns taxing power over such income to

³³ Italy (1990), Netherlands (1991), Belgium (1993), Sweden (1993), Czech Republic (1996), United Kingdom (1996), Indonesia (1997), Norway (1997), Barbados (1998), United States (1999), and Cuba (2003).

³⁴ Portugal (1996), Trinidad and Tobago (1996), Switzerland (1996), Mexico (1997), Denmark (1998), China (2001), Canada (2001), Spain (2003), Russia (2003), Kuwait (2004), Brazil (2005), Iran (2005), Austria (2006), Korea (2006), Qatar (2006), Malaysia (2006), Belarus (2007), Vietnam (2008), United Arab Emirates (2010), Palestine (2014) and Saudi Arabia (2015).

³⁵ The phrase “*remuneration, other than a pension*” was included the 1992 OECD Model treaty and in the UN Model treaties prior to 2001; while the phrase “*salaries, wages and other similar remuneration, other than a pensions*” was included in the 1998, 2000 and 2003 OECD Model treaties and in the 2001 UN Model, in force until 2011.

³⁶ Para. 5 OECD Model Tax Convention (Full Version) (2017) Commentaries on Article 19. Page C (19)-2-3.

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the other Contracting State, whenever the relevant governmental services are rendered therein by nationals who qualify as residents thereof.

The treaties with Belgium (1993), Germany (1995) and Barbados (1998) contain additional paragraphs to Article 19, which provide that taxing rights over income derived from activities developed under cooperation agreements or assistance programs shall be allocated in accordance with the main rule found in Article 19(1). The treaty with Korea (Rep.) (2006) contains an additional paragraph to Article 19 too, under which payments made by certain public banking institutions of each Contracting State shall also be covered by the main rule found in Article 19(1).

The treaties with France (1992) and Germany (1995) follow the 1963 Draft Convention Model and expressly include pensions as income covered under Article 19(1). These treaties further deviate from the 2017 OECD Model with regard to the rule contained in subparagraph (b). Whereas the treaty with France (1992) overlooks this rule, the treaty with Germany (1995) extends its application to income derived from government services performed in a Contracting State by residents thereof who do not possess the nationality of the other Contracting State paying for such services.

The treaty with Netherlands (1991) features another major deviation from the provisions found in all OECD Models after 1977, in allocating non-exclusive taxing rights to the State paying for the relevant government services.

1.8.2. Article 19(3) – Employment in government business.

Venezuela's treaty policy regarding Article 19(3) often deviates from the OECD Model regarding the activities included as subject thereto. The treaties with Sweden (1993) and Turkey (2018), for example, refer to income derived from services rendered in connection to an "industrial activity" carried on by a Contracting State or a political subdivision or local authority thereof. Another common deviation is the substitution of the terms "economic activity"³⁷ and "commercial activity"³⁸ as

³⁷ "*Actividad económica*", as it reads in the official Spanish version of the OECD 2017 Model, Condensed Version. Available at: <https://bit.ly/3Lwxf9A>. Accessed on 24 April 2022.

³⁸ "*Actividad comercial*", as it reads in the official Spanish version of the 2011 UN Model. Available at: <https://bit.ly/3KtvBUU>. Accessed on 24 April 2022.

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proposed by the OECD and UN Models, respectively, with the terms “business(es)”³⁹ (e.g., Barbados (1998)), “business activity” (e.g., Cuba (2003))⁴⁰ or “an activity or business”⁴¹ (Belarus (2007)).

Other deviations from the OECD and UN Models may be grouped as follows:

- Fifteen (15) treaties do not refer to Article 17 as applicable over any income derived from services rendered in connection with a business carried on by a Contracting State or a political subdivision or a local authority thereof⁴². Among these, the treaties with Italy (1990), Germany (1995) and the Czech Republic (1996) were negotiated during the prevalence of the 1977 and 1992 OECD Models, which did not include references to article 17, under the argument that this article should apply to government services, regardless of the connection with business carried on by the State⁴³. In the case of the treaty with France (1992), the lack of a reference to Article 17 corresponds to a reservation made by France, claiming that public remuneration of entertainers and sportspersons should be covered by Article 19⁴⁴.
- The tax treaty with United States (1999) refers to Article 14 as applicable to income derived from services rendered in connection with a business carried on by a Contracting State or a political subdivision or a local authority thereof. At the time of signing, Article 14 had not been deleted from the OECD Model.
- The treaty with Canada (2001) contains a unique wording that differs from any found in present or previous OECD Tax Models, in suppressing express mention of Articles 16, 17 and 18 as potentially applicable to salaries, wages and remunerations derived from services rendered in connection with a business activity carried on by a State or a political subdivision or a local authority thereof. As such income is expressly excluded from the scope of Article 19(1), however, the omitted provisions would nonetheless apply whenever

³⁹ “*Negocio(s)*”, as it reads in the Spanish version of the treaty with Barbados (1998).

⁴⁰ “*Actividad empresarial*”, as it reads in the Spanish version of the treaty with Cuba (2003).

⁴¹ “*Actividad o un negocio*”, as it reads in the Spanish version of the treaty with Belarus (2007).

⁴² Italy (1992) France (1992), Belgium (1993), Sweden (1993), Germany (1995), Netherlands (1995), United Kingdom (1996), Czech Republic (1996), Trinidad and Tobago (1996), Switzerland (1996), Mexico (1997), Indonesia (1997), Barbados (1998), Cuba (2003) and Russia (2003).

⁴³ History. Para 6. OECD Model Tax Convention (Full Version): Commentaries on Article 19 (2017). Page C (19) 11.

⁴⁴ Para 13. OECD Model Tax Convention (Full Version): Commentaries on Article 19 (2017). Page C (19) 5-6.

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the relevant income fall within their corresponding scope, pursuant to Article 2(3) subparagraphs (a) and (b), except for pension payments, as per the reservation made by Canada. In any case, the treatment afforded to any income excluded from Article 19(1) or subjected to Articles 15, 16, 17 and 18 by Article 19(3) must be determined on a case-by-case basis, in reference to specific provisions contained in the relevant tax treaty regarding Articles 15, 16, 17 and 18.

1.9. Article 28 – Members of diplomatic missions and consular posts

Notwithstanding variations in article numbering and the use of similar or analogous terms, treaties concluded by Venezuela incorporate substantially similar provisions, regarding Members of Diplomatic Missions and Consular Posts, to those found in the OECD and UN Models, with limited, though significant deviation therefrom.

The treaties with Germany (1995), Canada (2001), the Netherlands (1995) and Switzerland (1996), all OECD members states, expressly provide that “for the purpose of the Convention, the sending State [shall be considered] as the State of residence of the members of the diplomatic missions and consular posts of the Contracting States.”⁴⁵

The treaties with Canada (2001), the Netherlands (1995) and Switzerland (1996) also include special provisions that excludes the treaty’s application to “international organizations, entities and officials thereof [as well as] members of diplomatic, consular or permanent missions from other States” who are subject, in either Contracting State, to different income tax rules than those applicable to residents in such Contracting State⁴⁶.

The treaty with Saudi Arabia (2015) adheres to the OECD Model provision regarding Members of Diplomatic Missions and Consular Posts in its Article 26, while containing an identically titled Article 27 which refers to limitation of treaty benefits with respect to domestic Tax Avoidance Rules. The English version of this treaty, which prevails in the case of conflict, however, aptly titles this latter section as “Miscellaneous Provisions”. Lastly, the treaty with Sweden (1993) features a minor

⁴⁵ 2017 OECD Commentaries to the Model Tax Convention (condensed version); Commentaries on Article 28 (page 517). The OECD Commentaries suggest this wording for countries whose laws contain provisions to the effect that members of diplomatic missions and consular posts whilst abroad shall for tax purposes be deemed to be residents of the sending States.

⁴⁶ 2017 OECD Commentaries to the Model Tax Convention (condensed version); Commentaries on Article 28 (page 518).

deviation from the OECD Model, in referring exclusively to fiscal privileges contained in the 1961 and 1963 Vienna Conventions on Diplomatic Relations and Consular or in other special agreements.

Article 16 – Directors’ fees

1.10. Article 16 (OECD Model)/ Article 16(1) (UN Model) – Main rule

Venezuela’s treaty network generally follows the OECD Model provisions regarding taxation over fees received by directors and/or members of governing bodies analogous to corporate boards. Notwithstanding the varying use of similar or analogous terms (see Section 3.6), all thirty-five (35) treaties incorporate provisions that correspond to Article 16 of the OECD Model and Article 16(1) of the UN Model, with slight deviations therefrom.

- The treaty with Belgium (1993) provides for the analogous application of the main rule applicable to Director’s fees, over payments that correspond to activities deemed, under the domestic laws of company’s State of residence, of a similar nature to those performed by company directors. This deviation from the OECD Model is similar to that found in the treaties with Mexico (1997) and the Netherlands (1991), which, respectively, grant analogous treatment to the benefits received by managers (“*administradores*”) or statutory auditors (“*comisarios*”) and by "*bestuurder*" and "*comissaris*" to Dutch companies, defined as “persons who are nominated by the general meeting of shareholders or by any other competent body of such company and are charged with the general management of the company and the supervision thereof, respectively,” under the Article XI of the First Protocol to the treaty concluded between Venezuela and the Netherlands.
- Article 16(2) of the treaty with Belgium furthermore provides that the rules contained in Article 15 shall govern taxation over any payments received by (i) Directors (or analogous office holders, as previously discussed) in connection with daily, managerial or technical activities and (ii) residents in connection with corporate or personal services provided to a partnership or other, non-capital stock business entity, instead of the main rule contained in Article 16. This deviation orders the treatment of such paying entities and recipients as

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employers and employees, respectively, following the reservations made by Belgium with regard to Article 16⁴⁷.

- The treaty with Indonesia (1997) similarly excludes income related to daily managerial or technical activities performed by directors or members of governing bodies analogous to corporate boards from the scope of Article 16, remitting instead to the employment income taxation rules contained in Article 15.
- The Protocol to the treaty with the United States of America protocol (1999) expressly includes benefits received in-kind⁴⁸ for services performed in the capacity of member to the board of directors as income covered under Article 16, regardless of whether such benefits qualify as salary payments under the domestic law of both States, as suggested by OECD Commentaries on Article 16⁴⁹.

1.11. Article 16(2) (UN Model) – Salaries, wages, and other similar remuneration derived by an official in a top-level managerial position

This UN Model rule is only included in the treaty with Qatar (2006), which deviates therefrom in allocating exclusive taxing rights to the company's State of residence, in contrast with the shared taxing rights suggested by the UN Model.

1.12. Residence State taxing rights

The OECD and UN Models provide ancillary residence State taxing rights over director's fees and other income covered under Article 16. As ratified by OECD Commentaries to the OECD Model⁵⁰ and by independent commentators,⁵¹ residence States must provide tax relief over income covered by Article 16, as per the mechanisms for eliminating double taxation contained in Article 23 of the

⁴⁷ 2017 OECD Commentaries to the Model Tax Convention (full version); Commentaries on Article 16 (paragraphs 1.1.; page C (16)-1).

⁴⁸ These benefits include, but are not limited to, the use of a residence or automobile, health or life insurance coverage and club memberships, provision of meals, food and groceries, childcare, reimbursement of medical, pharmaceutical and dental care expenses, provision of work clothing, toys and school supplies, scholarships, reimbursement of training course expenses, mortuary and burial expenses.

⁴⁹ 2017 OECD Commentaries to the Model Tax Convention (full version); Commentaries on Article 16 (paragraphs 1.1.; page C(16)-1).

⁵⁰ Pistone, Pascual, "Article 16 – Directors' Fees (Section 5.1.3.1.4.)", in *Global Tax Treaty Commentaries: Model Conventions and Bilateral Tax Treaties in Theory and Practice*.

⁵¹ 2017 OECD Commentaries to the Model Tax Convention; Introduction (paragraphs 19-21; pages 15-16). Pistone, Pascual, "Article 16 – Directors' Fees (Sections 2.1., 3.1.1., and 3.1.2.)", in *Global Tax Treaty Commentaries: Model Conventions and Bilateral Tax Treaties in Theory and Practice*.

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applicable tax treaty, whereas source States are unencumbered thereby in exercising the corresponding taxing rights.

Such limited residence State taxing rights over income covered under Article 16 may be found in all treaties concluded by Venezuela, with the sole exception of the treaty with Qatar (2006), which attributes exclusive taxing rights thereover to the source State (*i.e.*, the company's State of residence).

Although not within the scope of this Section 3.3, it is worth noting that several treaties executed by Venezuela deviate from the OECD and UN Models' Article 4 regarding residence, the determination of which may vary depending on the residence State of the company and/or director for the purposes of Article 16.

1.13. Source State taxing rights

As previously stated, all thirty-five (35) treaties concluded by Venezuela provide unlimited Source State (*i.e.*, the company's State of residence) taxing rights over income covered under Article 16. The treaty with Qatar (2006) is unique among treaties concluded by Venezuela in attributing exclusive taxing rights to the source State.

1.14. Method of taxation

Neither the OECD Model nor the UN Model expressly provide for specific methods of taxation applicable to income covered by Article 16. Accordingly, no treaty executed by Venezuela refers to compulsory methods of taxation applicable thereover. Taxation over directors' fees or other income covered under Article 16 shall therefore be determined by the domestic legislation found in either State.

1.15. Income covered

Neither the OECD Model nor the UN Model expressly provide specific definitions for "director's fees" or "similar payments" or for "salaries, wages, and other similar remuneration" in the case of the UN Model, for the purposes of Article 16. Several treaties executed by Venezuela use analogous terms⁵², while others specifically define the meaning of such terms. In any case, Article 16

⁵² For instance, regarding the term "director", Venezuelan treaties use "directors" (*directores*), board of directors (*junta directiva*), administration or supervisory board (*consejo de administración o vigilancia*), to a varying degree. Regarding the term "fees or any other similar payment", Venezuelan treaties use the terms "shares" (*participaciones*), attendance fees and

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wording, as found in the treaties concluded by Venezuela, allow for the interpretation that income covered thereby must feature a direct and causal nexus with activities performed in the capacity of directors, or other analogous roles. Any income that is not related to activities performed within such capacity is therefore outside the scope of this rule.

Article 17 – Entertainers and sportspersons

1.16. Policy and history

Venezuela treaty practice regarding Article 17 has generally consisted in a faithful adherence to OECD Model and Commentaries thereon. All thirty-five (35) treaties signed by Venezuela include Article 17(1) which provides for non-exclusive source taxation over athletic or artistic performances by non-residents. All thirty-five (35) treaties also feature the OCDE Model Article 17(2), regarding income received by persons or entities other than the performing artist/sportsperson, with some minor deviations contained in the treaties entered into with the United States (1999) and Switzerland (1996).

Venezuela has furthermore mostly followed OECD recommendations regarding the wording of an additional Article 17 provision excluding source taxation over events subsidized by the other State with the use of public funds or organized by non-profit organizations or under cultural exchange programs. It is about this Article 17(3) that Venezuelan treaty practice regarding Article 17 mostly varies. Only three (3) of the first eleven (11) treaties negotiated and executed between 1990 and 1996, in Venezuela's initial treaty negotiation phase, contain a version of Article 17(3), whereas all treaties signed after this period do so.

It should be noted that the inclusion of an optional Article 17(3) was first recommended in the 1992 Commentaries on the OCDE Model, whereas the first batch of treaties were primarily negotiated over the 1977 OCDE Model that did not address this matter. Among the variations of Article 17(3)

other similar remuneration (*dietas de asistencia y otras retribuciones similares*), fees (*honorarios*), emoluments (*emolumentos*) similar payments (*pagos análogos*), among others, to a varying degree. The usage of these terms seems to match those from the French version of the OECD model, which uses the terms *tantièmes* –“a percentage or proportional share, especially of profits or earnings– and *jetons de presence* –“fees paid for the attendance at the meetings of the meetings of either the corporate governance body, i.e. the board of management, or *conseil d'administration* in the French version, and the board of supervision, or *conseil de surveillance* in the French version” (see Pistone, Pascual, “Article 16 – Directors' Fees (Section 5.1.1.2.)”, in *Global Tax Treaty Commentaries: Model Conventions and Bilateral Tax Treaties in Theory and Practice*).

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contained in Venezuela's tax treaties, thirteen (13) treaties excludes source taxation, nine (9) treaties orders source tax exemptions and five (5) treaties provide for the application of Articles 7, 14 and 15 in place of Article 17.

Treaties signed with the United States (1999) and Mexico (1997) most deviate from the Model and from Venezuela's general policy on Article 17, regarding income covered thereunder.

Article 17(1) of the US Treaty limits the application of Article 17 rules to income that qualifies for Articles 14 or 15 for source tax exemption, and that exceeds a minimum threshold of six thousand United States dollars (USD 6,000.00). This implies an inverse priority of application than that found in the OCDE Model and in all other treaties signed by Venezuela, wherein Article 17 has priority over Articles 14 and 15, respectively, with regard to income from independent personal services and employment.

The Venezuela-Mexico Treaty (1997) is unique among Venezuelan treaties in providing a definition of income covered by Article 17. This definition was further expanded by a 1997 Protocol, which incorporated elements of income that were later included as subject to Article 17 in the Commentaries to the 2014 and 2017 OCDE Models.⁵³

1.17. Residence State taxing rights

Article 17 of the OCDE Model does not directly refer to residence State taxing rights, but merely implies a subsidiary taxing right as no exclusive source taxing rights are granted nor are any limits on residence taxation imposed.

Most treaties signed by Venezuela do however contain an Article 17(3) which follows the optional article first proposed in the 1992 Commentaries to the OCDE Model in governing taxation over events sponsored by public funds or organized by non-profit organizations or as a result of cultural exchange programs or treaties. Twenty-two (22) tax treaties provide for exclusive resident state taxation either through restrictions on source taxing rights⁵⁴ or exemptions on source state

⁵³ Para. 9 OCDE Model Commentaries on Article 17 (2014). Para. 15.5. OCDE Model Commentaries on Article 17 (2017).

⁵⁴ Treaties with France (1992), Germany (1995), Norway (1997), Barbados (1998), Denmark (1998), United States (1999), Spain (2001), Russia (2003), Brazil (2005), Iran (2005), Austria (2005), Malaysia (2006), and Vietnam (2008).

taxation⁵⁵. Treaties signed with Canada (2001), China (2001), Kuwait (2004), Qatar (2006) and Turkey (2018) do not expressly exclude source state taxation but merely call for the application of Article 14 or 15 distribution rules in place of Article 17.

1.18. Source State taxing right

Article 17 primarily serves to secure source state taxing rights over performances by non-resident entertainers and sportspersons through a more generous distribution that found in the otherwise applicable Articles 14 and 15. As found in all thirty-five (35) tax treaties signed by Venezuela, Article 17 grants source states the primary right to tax activities by non-resident artists or sportspersons, regardless of the length of their stay or the existing of any fixed base, in accordance with domestic law. This may be contrasted with the requirements imposed upon source taxation over independent personal services and employment income under Articles 14 and 15, as discussed previously.

In the specific case of the treaty concluded with the United States (1999) Article 17 grants source state taxing rights over otherwise exempt income, under Articles 14 and 15, provide such income exceeds a minimum threshold of six thousand United States dollars (USD 6,000.00).

Source State tax rights under Article 17 extend to all income derived from a taxable performance, including any portions accrued to persons or entities separate from the non-resident performer, regardless of such person's or entity's residence and of any otherwise applicable tax treaty, as per Article 17(2). Treaties signed with the United States (1999) and Switzerland (1996) contain amended Article 17(2) provisions, which limit source taxation over performance income derived by non-performing persons or entities whenever it may be demonstrated that such income shall not benefit the non-resident performer.

Source State taxing rights may be limited under Article 17(3), found in most Venezuelan tax treaties. As seen above, income derived from performances supported by public funds, organized by nonprofit corporations and/or related to cultural exchange programs and/agreements may be exclusively taxable in the residence state or exempted from taxation in the source State. Under the

⁵⁵Treaties with Belarus (2007), Indonesia (1997), Mexico (1997), Palestine (2014), Saudi Arabia (2015), Trinidad and Tobago (1996), and the United Arab Emirates (2010).

treaties with Canada (2001), China (2001), Kuwait (2004), Qatar (2006) and Turkey (2018), source state taxing rights over income derived such performances is determined by application of the Article 14 and 15 taxation rules.

1.19. Method of taxation

Venezuelan tax treaties provide limited guidance on the method of taxation permissible for income subject to Article 17. Source and residence taxation shall therefore be primarily determined by domestic law, within the limits set by Article 17.

1.19.1. Source state taxation

Venezuelan tax treaties generally provide for a priority right of source State taxation over income derived from artistic and/or athletic performances, unless funded through public funds, organized by nonprofit organizations, or related to cultural exchange agreements. In such circumstances, exercise of source State taxation may be fully excluded⁵⁶, constrained by obligatory exemptions⁵⁷ or subjected to the distributive rules found in Articles 14 or 15⁵⁸.

Rules governing applicable tax rate, tax base calculation (net or gross taxation) and collecting procedures, including tax withholdings, among other matters related to method of taxation, shall be determined by the domestic law of the source State.

Under Venezuelan domestic Law, taxable income derived from artistic and/or athletic performances by non-residents is determined over a presumptive tax base equivalent to ninety per cent (90%) of gross amounts paid to the performer, which is then subject to withholdings at a progressive rate of up to thirty-four per cent (34%).⁵⁹ The application of this presumption on taxable income, as well as of the applicable withholding rate, may however be lifted, on a case-by-case basis, by virtue of

⁵⁶ Treaties with France (1992), Germany (1995), Norway (1997), Barbados (1998), Denmark (1998), United States (1999), Spain (2001), Russia (2003), Cuba (2003), Brazil (2005), Iran (2005), Austria (2005), Malaysia (2006), and Vietnam (2008).

⁵⁷ Treaties with Belarus (2007), Indonesia (1997), Mexico (1997), Palestine (2014), Saudi Arabia (2015), Trinidad and Tobago (1996), Cuba (2003), South Korea (2006) and the United Arab Emirates (2010).

⁵⁸ Treaties with Canada (2001), China (2001), Kuwait (2004), Qatar (2006) and Turkey (2018).

⁵⁹ As per articles 39 of the Income Tax Law, 32 of the Regulations of the Income Tax Law (Extraordinary Official Gazette No. 5,662 of 24 September 2003) and 9(1) of the Regulations of the Income Tax Law on Withholdings (Official Gazette No. 63,203 on December 5, 1997).

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Non-Discriminatory Clauses contained in Venezuelan treaties, depending on the potential preferential treatment hypothetically granted to residents facing a similar situation.

Source states similarly enjoy a relatively broad freedom to determine which income is covered under Article 17, in absence of a treaty definition thereof in all but one (1) Venezuelan treaty, as discussed below.

1.19.2. Residence state taxation

As regards residence State taxation, guidance on applicable methods of taxation under Article 17 is similarly limited to source State taxing right priority and does not exclude residence taxation. In this regard, residence taxation over income derived from artistic and/or athletic performances shall be primarily limited by the Methods for Avoidance of Double Taxation contained in the relevant treaty, which may provide for tax exemptions or tax credits.

Nevertheless, Residence states include exclusive taxing rights over income derived from performances funded by its own public funds or related to cultural exchanges under several Venezuelan treaties.

Residence states enjoy exclusive taxation over income from performances funded through the use of public funds under the treaties with Austria (2006), Barbados (1998), Brazil (2005), Belarus (2007), Cuba (2003), Denmark (1998), France (1992), Indonesia (1997), Iran (2005), Malaysia (2006), Mexico (1997), Norway (1997), Palestine (2014), Russia (2003) Spain (2001), Saudi Arabia (2015), Trinidad and Tobago (1996), United Arab Emirates (2010), United States (1999), and Vietnam (2008).

In the treaties with Belarus (2007), South Korea (2006) Cuba (2003), Palestine (2014), residence States additionally enjoy exclusive taxation regarding income derived from performances organized as part of cultural exchange arrangements.

Lastly, the treaty with Austria (2006) provides that income derived from performances totally or partially funded by nonprofit organizations are exclusively taxable in the residence State.

1.20. Income covered

1.20.1. Income derived from personal activities as an entertainer or a sportsperson

Income covered under Article 17(1) of the Venezuelan tax treaties is defined as income derived from "*personal activities*" exercised by a non-resident person "as an entertainer, such as a theater, motion picture, radio or television artiste, or a musician" or "as a sportsman".

This formula is followed by all treaties with a few exceptions, such as the treaties with Netherlands (1995) and with the United Kingdom and Northern Ireland (1996), which omit radio and/or television artists, respectively, from the expressly listed examples of entertainers. The treaty with the United Kingdom and Northern Ireland (1996) is also unique among Venezuelan treaties in its use of the term "athlete" rather than "sportsman", in adherence to the OECD Models prior to 1992. However, these deviations from the general trend have thus far failed to elicit legal or judicial controversies in Venezuela.

The wording used in Article 17(1) of the Venezuelan tax treaties follow the OECD Model in treating sportsmen not as entertainers but as an autonomous category therefrom. Nonetheless, Venezuelan Income Tax Law gives the same treatment to income derived by sportsmen and to entertainers, rendering this treaty distinction moot.

Venezuelan treaties do not provide a precise, binding definition of "sportsmen" in strict adherence with the Article 17 of the OECD Model. Similarly, no definition is given of "entertainer" except for a *presumably* non-exhaustive list of examples, also in strict adherence to Article 17 of the OECD Model. Venezuelan domestic law, called upon by Article 3(2) to define any undefined treaty terms, is similarly unclear on binding definitions.

As regards the phrase, "income derived from personal activities" included in all Venezuelan treaties as the nexus between the performances realized in the source state and the taxable income generated thereby, no specific guidance is provided as to the ruling definition. OECD Commentaries on Article 17 has sought to attend to this treaty ambiguity by providing examples and nuanced notions –such as the "close connection" incorporated in the 2014 Commentaries, to assist in determining cover over a specific item of income on a case-by-case basis. Since Venezuela is not a member of the OECD nor has submitted any reservations upon specific articles or commentaries thereon, the binding nature

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of OECD Commentaries in Venezuela is subject to debate and relative uncertainty, especially with regard to developments that take place *after* a treaty has been signed.

One notable exception to this rule may be found in the treaty signed with Mexico (1997), Article 17(1) of which defines personal activities as those “related to an entertainer's or sportsperson's reputation”. The Protocol to the Venezuela-Mexico Treaty (1997) further extends this definition to incorporate income derived from services, temporary leases or sales related to an artistic or athletic performance. In this regard, the Article 17 of the Venezuelan treaty with Mexico (1997) features a broader scope with respect to other Venezuelan treaties, which furthermore more closely resembles recent OECD Commentaries on the matter particular with regard to royalties, sponsorship and advertising fees⁶⁰.

Considering the above, determining whether a specific item of income derives “from personal activities as an entertainer or a sportsperson”, for purposes of Venezuelan tax treaties must be conducted on a case-by-case basis.

Lastly, the treaty with the United States (1999) adds a caveat in requiring for income to be exempted from source taxation under Articles 14 or 15 that it exceeds six thousand United States dollars (USD 6,000.00) or its equivalent in Venezuelan bolivars, to be covered under this section. The *de minimis* rule contained in this treaty establishes a far lower threshold than that found in the then-prevalent 1996 US Model of twenty thousand United States dollars (USD 20,000.00).

1.20.2. Income accrued to a person other than the entertainer or sportsperson

Article 17(2) provides that any income derived from the personal activities of an entertainer or a sportsperson, but received by persons than the entertainer or sportspersons, shall also be subject to the distributive rules of Article 17 and therefore taxable in the source State. This treaty provision is essentially directed at conserving source taxation before the use of collective management companies and other similar entities, as well as serving specialized anti-avoidance provision in lieu of comparable mechanisms in domestic law.

Venezuelan treaties are generally unconcerned with the relationship (if any) between the performer and the persons receiving income from their performances when prescribing source taxation

⁶⁰ Para. 9 OCDE Model Commentaries on Article 17 (2014). Para. 15.5. OCDE Model Commentaries on Article 17 (2017).

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thereover, under Article 17(2). The sole exception to this rule is found in the treaties signed with Switzerland (1996) and the United States (1999), whereunder any income accrued to persons other than the performer shall not be covered by Article 17, if it demonstrated that neither the performer nor persons related thereto participate directly or indirectly in the profits of such third person. Both treaties include non-exhaustive examples of *direct or indirect participation*, however the applicable concepts for *related persons* may be composed of element from the source State's domestic law, as well as treaty provisions related to "Associated Enterprises."

1.20.3. Incomed derived from performances funded by through public funds or associated with nonprofit organizations or cultural exchanges

All but eight (8) Venezuelan treaties⁶¹ include some version of the Article 17(3) proposed in the OECD Commentaries to Article 17. Whilst most treaties provide that income from these performances are taxable exclusively in the Residence State, five (5) treaties opt for the alternative solution of excluding such income from the scope of Article 17.

- Article 17(3) of the treaties with China (2001) and Qatar (2006) exclude income derived from activities performed in the context of cultural exchange between both States from the scope of Article 17.
- Article 17(3) of the treaties with Austria (2006) Canada (2001), Kuwait (2004), Qatar (2006) and Turkey (2018) instead refer to the use of public funds by the residence State of the performer as the reason for excluding performance income from coverage under Article 17. The treaties with Canada (2001) and Kuwait (2004) employ the term *primarily* funded by public funds, whilst the more recent treaties with Qatar (2006) and Turkey (2018) employ the term *substantially*.
- The treaty with Qatar (2006) is further novel in extending non-coverage under Article 17 to performances substantially funded by public funds from *the source State*, in addition to the performer's resident State.
- Lastly, pertaining to nonprofit organizations, the treaty with Kuwait (2004) excludes *income received* by the nonprofit organizations from performances primarily funded using

⁶¹ Belgium (1993), Czech Republic (1996), Italy (1990), Netherlands (1995), Portugal (1996), Sweden (1993), United Kingdom and Northern Ireland (1996) and Switzerland (1996).

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public funds from its State of residence, provided no benefit is created from for its owners, founders or members. The treaty with Canada (2001) does not expressly exclude income received by nonprofit organizations, but rather income derived from *activities performed in the context of a visit by nonprofit organizations*, primarily funded by public funds.

5. Employment pensions

5.1. Article 18 – General rule

As stated before, Venezuela has a system materially equivalent to an Exempt-Exempt-Exempt (EEE) tax regime where contributions, returns on investment and pension income are all free from taxation⁶². This allows for a flexible treaty policy regarding the taxation of this type of income.

Article 18 (or its equivalent) is present in all Venezuelan tax treaties concluded to date. Leaving aside minor changes in numbering and terminological divergences, out of the thirty-five (35) treaties considered herein, ten (10) mainly follow the wording proposed by Article 18 of the OECD Model, fifteen (15) adopt an approach materially equivalent to that of Article 18(A) of the UN Model, one (1) adopts a solution comparable to that of Article 18(B) of the UN Model and nine (9) have significant deviations from the wording and rules proposed by both Models.

Though none of the treaties adopted the wording contained in the Andean Model⁶³, it is interesting to point out that unlike the OECD and UN Models, the Andean Model does expressly include the term “annuities” in its Article 15 (Pensions and Annuities) and this could be a potential explanation for the inclusion of such term in seventeen (17) out of the thirty-five (35) Venezuelan treaties concluded to date; especially with countries that do not seem to have a standard policy towards the inclusion of said term in its treaties concluded with other States (*e.g.*, China and United Arab Emirates).

The general rule followed by Venezuela’s treaties is allowing for the exclusive taxing right of private pensions by the residence State and exclusive taxing right of the source State regarding

⁶² OECD, “Chapter 2. Does the tax treatment of retirement savings provide an advantage when people save for retirement?” in OECD Pensions Outlook 2016. Available at: <https://bit.ly/38xcuMy>. Accessed on 25 April 2022.

⁶³ 1969 Andean Tax Model. “Article 15 - Pensions and *annuities*. Pensions, *annuities* and other similar periodic income shall be taxable only by the Contracting State in the territory of which their source is situated. The source shall be deemed to be situated in the territory of the State where the contract giving rise to the periodic income was signed and where there is no contract in the State from which the payment of such income is made”.

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payments made under a public program of social security. Out of the thirty-five (35) treaties reviewed, twenty-two (22) adopt this solution while ten (10) provide for exclusive taxation by the residence State and three (3) establish exclusive taxation by the source State.

This article presents many deviations when compared to the wording used by the OECD and UN Models. Out of the thirty-five (35) Venezuelan treaties concluded to date, only nine (9) reproduce the text of the Models verbatim. The area primarily affected by these deviations is the article's scope.

Common deviations are of a terminological nature, such as the inclusion of the term "*annuity*", as stated above, which is at times accompanied by an additional paragraph that includes a definition of said term (*e.g.*, Iran, 2005), but otherwise left undefined (*e.g.*, Austria, 2006) and the substitution of the term "*social security system*" with the term "*public social welfare program*" (*e.g.*, Russia, 2003).

Notably unique deviations are found in treaties concluded with:

- The treaty with Netherlands (1995), which establishes an exclusive taxing right in favor of the source State over non-periodical remunerations and lump sums.
- The treaty with United Kingdom (1996), which creates a temporary exclusive taxing right in favor of the source State conditioned to the term of employment in such State.
- The treaty with United States (1999), which adds the condition that the pensioner be the "beneficial owner" of the income; enables the source State to tax pensions of "US citizens"; broadens the term "resident of a Contracting State" to include "pension trusts" or other similar organizations; and adds a special allocation rule for periodic payments for the support of a minor child and whose Protocol broadens the term "social security benefits" to include special "US tier 1 Railroad Retirement benefits".
- The treaty with Canada (2001), which includes special allocation rules that affect "war pensions and allowances" in Article 18(3) and "pension plans" in Article 28(4).

Other worth mentioning deviations are found, for example, in treaties concluded with:

- Belgium (1993) and Cuba (2003), which allow the source State to non-exclusively tax the pensions and other payments created for the purposes of complementing the benefits under the social security legislation of those States.

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- Belgium (1993), Netherlands (1997), Trinidad and Tobago (1996), Indonesia (1997), United States (1999), Canada (2001), Brazil (2005), Qatar (2006), which in certain cases qualify income as “derived”, “sourced” or “originating” in a contracting State.
- Belarus (2007) and Palestine (2015), which add that the beneficiary must be an “individual”, in the case of payments made under a public program of social security.
- Sweden (1993), Brazil (2005) and Qatar (2006), which attribute exclusive taxing rights to the source State.
- Saudi Arabia (2015), which includes “other payments” rather than “similar remunerations”, which potentially broadens the scope of application of the article.
- Germany (1995), which uses the wording of the OECD Model of 1963.
- Indonesia (1997), which includes pensions caused by “previous services rendered” in addition to “previous employments”.

5.2. Article 19 – Government service pensions

Article 19 (or its equivalent) is present in all Venezuelan treaties. Of the thirty-five (35) treaties considered herein, thirty-one (31) treaties adhere to the provisions of the OECD or UN Models and four (4) deviate significantly from both Models because they exclude pensions from the scope of application of Article 19, leaving their regulation to Article 18 (or its equivalent), namely the treaties concluded with Sweden (1993), the United Kingdom (1996), Norway (1997), and Canada (2001).

Most of the thirty-one (31) treaties that adhere to the provisions of the OECD or UN Models, adopted the Model that was in force at the time the treaty was signed. Specifically, of these treaties, three (3) follow the wording of the 2005 OECD Model or 2011 UN Model; sixteen (16) of the 1995 OECD Model or 2001 UN Model; ten (10) of the 1977 OECD Model or 1980 UN Model and two (2) of the 1963 OECD Draft Model.

5.2.1. Article 19(2) – Main rule

Regarding the allocation rule, twenty-nine (29) out of the thirty-one (31) treaties that regulate government service pensions, follow the general rule establishing exclusive taxing rights over this income in favor of the source State and attributing the residence State the exclusive right to tax it when

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the beneficiary is a person who is both, a national *and* resident of such State. In this regard, there is a remarkable deviation in treaties concluded with Russia (2003) and Kuwait (2004), where taxation of this type of income is allowed by the residence State when the beneficiary is a national *or* resident of such State, potentially broadening the scope of application of this rule.

A significant deviation is found in the treaty entered with Spain (2003), whose protocol establishes that the provisions of this article shall not apply to workers whose contract was entered into prior to the treaty's entry into force.

Other noteworthy deviations are found in treaties concluded with Italy (1990) and South Korea (2006), where these States included an additional paragraph in reference to pensions paid by specific public institutions or entities to which this article would apply.

Finally, there is a minor deviation in Article 19(2) (a) of the treaty signed with Belgium (1993) which includes the adjective "constitutional" to refer to funds created by the source State.

5.2.2. Article 19(3) – Previous employment in government business

Article 19(3) (or its equivalent) is present in all Venezuelan treaties concluded to date. Out of the thirty-five (35) treaties considered herein, three (3) exclude "pensions" and "Article 18" from its scope of application, namely Sweden (1993), Norway (1997) and Canada (2001)⁶⁴. In the cases of the treaties with Norway and Canada, the explanation for this is that these States have expressly reserved the right to extend the provisions of Article 18 to government service pensions⁶⁵.

Article 20 – Students, teachers and professors

5.3. Policy and history

5.3.1. Students, business apprentices and trainees

The income of students and business apprentices is established in Article 20 of the OECD and UN Models. The wording of which is identical and which in both cases provides that the amounts received by students and business apprentices for maintenance, education or training, from sources outside the State in which they pursue their education or training, shall not be subject to taxation in the

⁶⁴ Sweden (1993), Norway (1997), Canada (2001).

⁶⁵ History. Para 12. OECD Model Tax Convention (Full Version): Commentaries on Article 19 (2017). Page C (19) 13.

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State in which the education or training are carried out. Article 20 of the models provides that the student or business apprentice should be or should have been, immediately, before arriving to the State in which they will pursue their education or training, a resident of the other State and be in the State in which they will pursue their education or training for the sole purpose of continuing their studies or training.

Out of the thirty-five (35) Venezuelan treaties, sixteen (16) include the terms students and business apprentice⁶⁶; besides the term students and business apprentice; seventeen (17) treaties include the term “trainee”^{67 68}; one (1) treaty includes only the terms “student” and “trainee”⁶⁹; one (1) treaty includes the terms “student”, “business apprentice” and “researcher”⁷⁰; one (1) treaty, besides including the terms student, business apprentice and trainees, includes “recipients of grants, living expenses or scholarships and collaborators in a technical cooperation program in which the Government participates”⁷¹ and none of the thirty-five (35) treaties uses the term students alone, nor do the Models.

None of Venezuela’s thirty-five (35) treaties includes the exact wording of the OECD and UN Models. However, all treaties align with the Model and include that the payments received by students for maintenance, studies or training, received from sources outside the State in which the students or business apprentice pursue their education or training, shall not be subject to taxation in the State in which the education or training are carried out.

Out of Venezuela’s thirty-five (35) treaties, ten (10) treaties have no deviations in relation to Article 20 of the OECD and UN Model⁷² using remarkably similar wording and four (4) treaties have a

⁶⁶ Austria (2006), Belgium (1993), (2005), China (2001), Cuba (2003), Czech Republic (1996), Denmark (1998), Iran (2005), Kuwait (2004), Malaysia (2006), Netherlands (1995), Qatar (2006), Spain (2003), Trinidad and Tobago (1996), United States (1999) and Vietnam (2008).

⁶⁷ “*Pasante*” as it reads in the official Spanish version of the treaties.

⁶⁸ Barbados (1998), Belarus (2007), Czech Republic (1996), Indonesia (1997), Italy (1990), Korea (2006), Mexico (1997), Norway (1997), Palestine (2014), Portugal (1996), Saudi Arabia (2015), Sweden (1993), Switzerland (1996), Trinidad and Tobago (1996), Turkey (2018), United Arab Emirates (2010), United Kingdom (1996), United Arab Emirates (2010) and United States (1999).

⁶⁹ France (1992).

⁷⁰ Russia (2003).

⁷¹ Germany (1995).

⁷² Canada (2001), Cuba (2003), France (1992), Italy (1990), Netherlands (1995), Norway (1997), Sweden (1993), United Kingdom (1996), Russia (2003), Switzerland (1996).

similar wording of Article 20 of the OECD and UN Model but include the provision for teachers and researchers⁷³.

Nine (9) out of thirty-five (35) treaties extended the article by adding a second paragraph that coincides with Article 20(2) of the 1980 UN Model which was removed from the 2001 UN Model⁷⁴, in which, in respect of grants, scholarships and remuneration from employment not covered by Article 20(1), a student or business apprentice described in Article 20(1) shall, in addition, be entitled during such education or training to the same exemptions, reliefs or reductions in respect of taxes available to residents of the State in which the education or training are carried out. Notwithstanding the removal of Article 20(2) in the 2001 UN Model, seven (7) out of nine (9) Venezuelan treaties that include Article 20(2) were concluded between 2005 and 2014⁷⁵.

Seven (7) out of thirty-five (35) treaties includes an exemption to remunerations received for services performed in the State in which the education or training are carried out⁷⁶; three (3) out of the mentioned seven (7) treaties requires that the services are related to their studies or training and the remunerations are necessary for their maintenance⁷⁷. In the case of Austria (2006) only requires that the services relate to his studies or training and in the case of Mexico (1997) does not require concurrence of both requirements.

Finally, the treaties with most notable deviations are the treaties concluded with:

- Spain (2003), which does not follow the wording of the OECD and UN Models. By regulating Students, Apprentices, Professors and Researchers in the same article, it does not use different paragraphs to separate the treatment of the income of students and apprentices from the income of professors and researchers. It establishes an annual limit of twenty-thousand euros (EUR 20,000.00) or its equivalent in bolivars, for the exemption of remunerations for maintenance, education, training or practice and remunerations for

⁷³ Barbados (1998), Belgium (1993), Iran (2005) and Turkey (2018).

⁷⁴ Belarus (2007), Brazil (2005), China (2001), Indonesia (1997), Korea (2006), United Arab Emirates (2010) Palestine (2014), Qatar (2006) and Vietnam (2008).

⁷⁵ Belarus (2007), Brazil (2005), Korea (2006), United Arab Emirates (2010), Palestine (2014), Qatar (2006) and Vietnam (2008).

⁷⁶ Austria (2006), Denmark (1998), Kuwait (2004), Mexico (1997), Saudi Arabia (2015), Spain (2003) and United States (1999)

⁷⁷ Denmark (1998), Kuwait (2004), Saudi Arabia (2015).

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personal services rendered in the State where the student, professor or researcher studies, teaches or carries out research. The exemption to remunerations for personal services rendered to obtain practical training has a time limit of two (2) consecutive years.

- The United States (1999), which does not follow the wording of the OECD and UN Models. It is composed of four (4) paragraphs, the first two (2) paragraphs being for students and trainees. It provides for an exemption in the State of study or training for a period not exceeding five (5) years and such additional period as is necessary to complete, as a full-time student, the educational requirements for a graduate or professional degree from a recognized educational institution. The exemptions apply to payments from abroad, other than compensation for personal services, for purposes of maintenance, education, study, research or training; a scholarship, grant or award; and income for personal services rendered in the country being visited for an annual amount not exceeding five-thousand United States dollars (USD 5,000.00) or its equivalent in bolivars. In addition, an exemption is granted to individuals who at the time are temporarily in the study country, as an employee of, or under contract with, a resident of the other, if the individual's visit in the host country was primarily for the purpose of (i) acquiring technical, professional or business experience from a person who is not a resident of the country of residence, or (ii) studying at a university or other recognized educational institution in the host country. In these cases, the person will be exempt for a period not to exceed twelve (12) months for a total amount not to exceed eight-thousand United States dollars (USD 8,000.00) or its equivalent in bolivars. This treaty has a Protocol that provides that the tax exemption amounts (*i.e.*, USD 5,000.00, and USD 8,000.00, respectively) are in addition to, and not in lieu of, any personal exemption otherwise allowed under the domestic law of the State being visited.
- Malaysia (2006) and Czech Republic (1996), which do not follow the wording of the OECD and UN Models. They establish that all remittances from abroad to cover their maintenance, education, study, research or apprenticeship, and the amounts of scholarships, grants or awards to support study, research or apprenticeship, granted by certain agencies, shall be exempt from taxation in the State of study or apprenticeship.

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- Mexico (1997), which includes a time limit for the exemption granted to income from employment if such employment is directly related to their studies or is carried out for the purpose of covering maintenance.
- Trinidad and Tobago (1996), which does not follow the wording of the OECD and UN Models, establishes that all (i) amounts remitted from abroad for maintenance, education, training or practice, (ii) remunerations for personal services rendered in that other State to obtain practical training, insofar that it shall in no case exceed a period of two (2) consecutive years, and (iii) the amount of scholarships, credits or awards to support studies, research or learning, granted by certain agencies, shall be exempt from taxation in the State of study or apprenticeship.

5.3.2. Professors, teachers and researchers

The OECD and UN Models do not include any article or paragraph that expressly covers the treatment of the income of professors, teachers and researchers.

However, the UN Group of Experts established a drafting committee to formulate a text to be included in the Commentaries to the Model, which was approved in 1999 and which includes some aspects to be considered by States wishing to include an article on professors, such as, avoiding double taxation and double exemption situations; limiting benefits temporarily, normally to two (2) years; determining whether benefits are to be limited to services rendered in certain “recognized” institutions; determining whether research remuneration is limited to those performed with the public sector; and determining whether an individual may avail himself of the benefits of the article more than once. On the other hand, it is clarified that in the case of treaties that do not include an article for such income, Articles 14 (independent personal services), 15 (dependent personal services), 19 (remuneration and pensions in respect of government service) or 23 (methods for the elimination of double taxation) of the UN Model will apply, as the case may be⁷⁸.

Out of the thirty-five (35) treaties in Venezuela, twenty-seven (27) treaties include the treatment of the income of professors, teachers and researchers⁷⁹, and only eight (8) do not expressly

⁷⁸ Para 12. UN Model Tax Convention (Full Version): Commentaries on Article 20.

⁷⁹ Austria (2006), Barbados (1998), Belarus (2007), Belgium (1993), Brazil (2005), China (2001), Cuba (2003), Denmark (1998), France (1992), Germany (1995), Indonesia (1997), Iran (2005) Italy (1990), Korea (2006), Kuwait (2004),

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discuss the income of professors, teachers and researchers⁸⁰. Out of the twenty-seven (27) treaties that include the treatment of the income of professors, teachers and researchers, nineteen (19) include a separate article from the student article⁸¹ and eight (8) include the treatment of the income of professors, teachers and researchers in the same article as the student article⁸².

It is not possible to identify a Venezuelan policy regarding the treatment of the income of professors and researchers, because the wording of the article tends to vary from treaty to treaty. Most of the treaties grant an exemption to the remunerations received by a teacher or researcher for a period of two (2) years, although only six (6) out of the thirty-five (35) treaties do not require that the remunerations come from another State or establish conditions for the exemption of research income⁸³. Six (6) out of the thirty-five (35) also grant an exemption to remuneration received by a teacher or researcher for a period of two (2) years, but only when the income comes from a State other than the one visited⁸⁴, and eleven (11) out of the thirty-five (35) treaties require that the income from research be in the public interest⁸⁵.

Finally, the treaties with the most notable variations are the treaties concluded with:

- Spain (2003), the wording of which is different from the wording used in most of the treaties. By regulating Students, Apprentices, Professors and Researchers *in the same article*, it does not use different paragraphs to separate the treatment of the income of students and apprentices from the income of professors and researchers. It establishes an annual limit of twenty-thousand euros (EUR 20,000.00) or its equivalent in bolivars, for the exemption of remunerations for maintenance, education, training or practice and the

Malaysia (2006), Mexico (1997), Netherlands (1995), Palestine (2014), Portugal (1996), Qatar(2006), Saudi Arabia (2015), Spain (2003), Turkey (2018), United Arab Emirates (2010) and United States (1999) and Vietnam (2008).

⁸⁰ Canada (2001), Norway (1997), Sweden (1993), United Kingdom (1996), Czech Republic (1996), Russia (2003), Switzerland (1996) and Trinidad and Tobago (1996).

⁸¹ Austria (2006), Belarus (2007), Brazil (2005), China (2001), Cuba (2003), Denmark (1998), France (1992), Indonesia (1997), Italy (1990), Korea (2006), Kuwait (2004), Malaysia (2006), Netherlands (1995), Palestine (2014), Portugal (1996), Qatar(2006) Saudi Arabia (2015), United Arab Emirates (2010) and Vietnam (2008).

⁸² Barbados (1998), Belgium (1993), Germany (1995), Iran (2005), Mexico (1997), Spain (2003), Turkey (2018) and United States (1999).

⁸³ Barbados (1998), Belgium (1993), Italy (1990), Kuwait (2004) Saudi Arabia (2015) and México (1997)

⁸⁴ Belarus (2007), Brazil (2005), Cuba (2003), Korea (2006), Germany (1995), Palestine (2014), Turkey (2018) and United Arab Emirates (2010).

⁸⁵ Austria (2006), Belarus (2007), China (2001), Cuba (2003), Denmark (1998), Indonesia (1997), Iran (2005), Korea (2006), Malaysia (2006), Netherlands (1995), Palestine (2014), Qatar (2006), and Vietnam (2008).

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remuneration for personal services rendered in the State where the person studies, teaches or conducts research. The exemption to remunerations for personal services rendered to obtain practical training has a time limit of two (2) consecutive years. The exemption to remuneration for income from research activities shall only be applicable to those whose purpose is in the public interest.

- France (1992), the wording of which is different from the wording used in most of the treaties. It establishes that only teaching or research income from any State other than the State in which they teach or do research will be taxable in the State in which they are or were resident before visiting the State in which they are going to teach or do research. No exemption is provided for the State in which they teach or do research.
- Iran (2005), the wording of which is different from the wording used in most of the treaties. It provides that there shall be exemption, in the State in which they are or were resident before visiting the State in which they are to teach or do research, of remuneration received by a teacher or instructor, because such payments are from sources outside that State. No exemption is provided for the State in which teaching or research is being conducted. The exemption for remuneration for income from research activities will only be applicable to those whose purpose is in the public interest.
- Malaysia (2006), the wording of which is different from the wording used in most of the treaties. It provides that any remuneration for such teaching or research is exempt in the State in which the teaching or research is carried out but sets out the condition that such remuneration must be taxable in another State.

5.4. Residence state taxing rights

5.4.1. Students, business apprentices and trainees

Article 20 of the OECD and UN Models does not require that the student, business apprentice or trainee be a resident of one of the two contracting States when receiving payments for maintenance, education or training. However, it does require that the student, business apprentice or trainee be, or have been immediately prior to their arrival in the State in which they will pursue their education or training, a resident of the other State. Therefore, this article may apply to a student, business apprentice

or trainee who is not a resident of either contracting State at the time he or she receives payment for maintenance, education or training.

5.4.2. Professors, Teachers and Researchers.

None of the twenty-seven (27) treaties that discuss the income treatment of professors, teachers and researchers requires that the professors, teachers or researchers be a resident of one of the two contracting states when receiving payments of remuneration subject to the benefit of the article. However, it does require that the professors, teachers or researchers, be or have been immediately prior to their arrival in the State in which they will pursue their teaching or research, a resident of the other State. Therefore, this article may apply to professors, teachers or researchers who are not residents of either contracting State at the time they receive the remuneration subject to the benefit of the article.

5.5. Source state taxing rights

5.5.1. Students, business apprentices and trainees

Article 20 of the OECD and UN Models allows the State in which the studies or internships are carried out to tax the income of students or trainees, other than those of foreign origin received for studies or training, which are not subject to taxation in that State. However, the State of the source of such income may be entitled to tax it, since the article is silent on the matter.

Likewise, the source State may exempt such remunerations from taxation in accordance with the provisions of its domestic law, which could generate an assumption of double taxation.

In this sense, Venezuela establishes an exemption in its domestic law for scholarship students for the amounts they receive to cover their living, study or training expenses⁸⁶. Therefore, in the Venezuelan case, it is possible that a double non-taxation hypothesis is generated.

In the case of countries that grant an exemption in the State in which the studies or internships are carried out for income received for the rendering of services or because of an employment in that State, which are related to the education or internship and/or are necessary for maintenance purposes; a limit is established for the State of the source to tax such enrichments. This is the case of the treaties

⁸⁶ Article 14(13) of the Income Tax Law.

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between Venezuela and Austria (2006), Denmark (1998), Kuwait (2004), Mexico (1997), Saudi Arabia (2015), Spain (2003) and United States (1999).

5.5.2. Professors, teachers and researchers

Most treaties grant an exemption to professors, teachers or researchers for the remunerations they receive from these activities in the State they are visiting for a limited period of time. If such remunerations originate in the same State they are visiting, then the source state may not tax such income, but if the income comes from another state, then the source state may tax, since nothing is established in this regard in most of the articles.

In relation to the articles that limit the exemption to income from states other than the State visited for the purpose of teaching or research. If the income originates in the State visited for teaching or research purposes, this State, which will be the State of the source, will be entitled to tax the income of the professor, teacher or researcher. This is the case of the treaties between Venezuela and Belarus (2007), Brazil (2005), Palestine (2014), Turkey (2018) and United Arab Emirates (2010).

Likewise, in the event that the domestic law establishes exemptions for professors or researchers, these may be applicable. In the Venezuelan case, domestic law does not establish an exception for professors or researchers.

5.6. Method of taxation

In the case of students, business apprentices and trainees, as well as in the case of professors, teachers and researchers, the articles exempt or limit the right of the State visited for these purposes to tax certain incomes detailed in the corresponding articles, but no method of taxation is expressly prescribed either the source State or the residence State.

5.7. Income covered

5.7.1. Type of income - Students, business apprentices and trainees

The common elements in most treaties are as follows:

- Regarding the persons covered by the treaties, the Venezuelan treaties mostly include “students”, “business apprentices” and “trainees”, although such terms are not defined in

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the OECD or UN Models and subsequently are not defined in any of the Venezuelan treaties either.

- Regarding the purpose of the benefit, the OECD or UN Models specify that the exemption will only be applicable for students and trainees must be present in the State they are visiting “solely for the purpose of education or training”. This is present in most Venezuelan treaties, in some using similar wording, except for the treaties with Brazil (2005), Czech Republic (1996), Spain (2003), Trinidad and Tobago (1996), and United States (1999) where it is required that they are present in the State they are visiting for the “principal purpose” of education or training.
- Regarding the duration of the benefit, the treaties between Venezuela and Austria, Spain, United States, Mexico, establish a time limit for certain benefits.
- Regarding qualifying incomes, the OECD or UN Models specify that the purpose of payments received by students or trainees must be maintenance, education or training. This is present in most Venezuelan treaties, in some using similar wording of the OECD and UN Models.

5.7.2. Type of income - Professors, teachers and researchers

The common elements in most of the treaties are as follows:

Regarding persons covered, the Venezuelan treaties mostly include “professors” and “researchers” although such terms are not defined in any of the treaties. In the treaties with Barbados (1998), Belgium (1993), Mexico (1997), Netherlands (1995) and Turkey (2018), “researchers” are generally not included but research carried out by professors is. On the other hand, almost half of Venezuela’s treaties require the professor or researcher in question to have been invited to the other State for educational or research purposes⁸⁷, and some of these treaties even specify who may make such an invitation.

Regarding activities covered, most of Venezuela’s treaties cover teaching and research activities. Even in treaties that do not include researchers as covered persons, research activities of

⁸⁷ Austria (2006), Belarus (2007), Brazil (2005), China (2001), Cuba (2003), Denmark (1998), Germany (1995), Korea (2006), Kuwait (2004), Malaysia (2006), Saudi Arabia (2015), Palestine (2014) and United Arab Emirates (2010)

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covered persons are included. In three (3) of the twenty-seven (27) treaties that discuss the income of professors and researchers, it is not specified that it should be only teaching or research activities.⁸⁸

Regarding the duration of the benefit, most of Venezuela's treaties establish a limit of two (2) years. The exceptions are the treaties with the United States (1999) and Qatar (2006); the United States (1999) establishes a maximum limit of five (5) years and Qatar (2006) establishes a limit of three (3) years. Some treaties establish that this time must be counted from the date of arrival; others establish that it must be two (2) consecutive years⁸⁹ and others do not establish anything in this regard.

Regarding the purpose or main objective of the visit, (i) ten (10) out of the twenty-seven (27) treaties state that the principal objective of the visit to the other State must be teaching or research⁹⁰, (ii) eight (8) of the twenty-seven (27) treaties require teaching or research to be the sole purpose of the visit⁹¹, and (iii) the remaining nine (9) do not state anything in this regard⁹².

CONCLUSIONS

Venezuela is not an OECD member; has been a UN Member since 1945 and was a member of the Andean Community from 1973 to 2011, which had its own regional and international Tax Models. Venezuela's membership in the Andean Community led Venezuela to restrain from negotiating tax treaties with non-member countries for a period, as these did not follow the Andean Tax Model. It was not until late 1980's when Venezuela began negotiating tax treaties with non-member countries, following the wording of the OECD and UN Models, preferring the latter.

Even though we did not find any treaties in the Venezuelan tax treaty network that follow the wording of the Andean Tax Models, a rare and potential exception could be noted in the case of Article 18 (employment pensions), where the term "annuities" –present in Article 15 (pensions and annuities) of the Andean Tax Models of 1969, is included in treaties concluded with countries that do

⁸⁸ Barbados (1998), Belgium (1993) and Spain (2003).

⁸⁹ Brazil, United Arab Emirates, Palestine and Vietnam.

⁹⁰ Austria (2006), China (2001), Denmark (1998), Spain (2003), Indonesia (1997), Kuwait (2004), Palestine (2014), Qatar (2006), Turkey (2018) and Vietnam (2008).

⁹¹ Germany (1995), Brazil (2005), Korea (2006), Cuba (2003), United Arab Emirates (2010), Iran (2005), Malaysia (2006) and Portugal (1996).

⁹² Barbados (1998), Belarus (2007), Belgium (1993), France (1992), Mexico (1997), Netherlands (1995), Saudi Arabia (2015) and United States (1999).

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not seem to have a standard policy regarding the inclusion of this particular term in treaties concluded with other States (e.g., China).

Notwithstanding the above, as was *unofficially* informed to us by an officer of the Venezuelan National Tax Administration, Venezuela's most up to date tax treaty policy may be observed in the provisions of the treaty concluded with Turkey (2018) which generally follows the OECD Model of 2017 but also has various aspects of the UN Model of 2017⁹³.

In the specific case of the analyzed provisions, we found that:

- *Article 15 (Employment Income)*: both the main rule and the rule that allocates taxing rights to the source state follow the OECD/UN Models. There are various deviations when it comes to Article 15(3) (Employment in International Traffic), mainly because the previous Models used the POEM to allocate taxing powers.
- *Article 16 (Directors' Fees)*: Venezuela's treaties generally follow the OECD Model, except for the treaty with Qatar (2006) which includes Article 16(2) of the UN model, but instead of providing for dual taxing powers, it deviates from that model by allocating exclusive taxing powers to the company's residence State.
- *Article 17 (Entertainers and Sportspersons)*: OCDE 2017 Model is followed.
- *Article 18 (Employment Pensions)*: from a material standpoint (*i.e.*, allocation rule), most of the treaties concluded by Venezuela adopt the UN Model of 2017 variant "A" clause (even though this could also be considered an alternative OECD Model clause).
- *Article 19 (Remuneration resulting from Government Service)*: most treaties follow the wording of the OECD Model 1977/UN Model 1980 (then-current models).
- *Article 20 (Students, Teachers, and Professors)*: the wording used by the OECD/UN 2017 models is identical. Accordingly, most of the treaties concluded by Venezuela adjust to both models. However, some Venezuelan treaties add additional provisions regarding (i)

⁹³ Report from Dr René Offermanns, Principal Associate, IBFD, "Tax Treaty Between Turkey and Venezuela – Details", available at: <https://bit.ly/3MLFS0s>.

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services rendered in the State being visited; (ii) grants, scholarships, and remuneration from employment, and (iii) professors and researchers.

- *Article 28 (Members of Diplomatic Missions and Consular Posts)*: notwithstanding varying numbering and the use of similar or analogous terms, remains virtually unchanged when compared to the OECD and UN Model Conventions. Only Germany (1995), Netherlands (1995), Switzerland (1996), and Sweden (1993) contain deviations.

Venezuela's domestic tax law do not seem to have an impact on its treaty policy regarding these provisions. In accordance with Article 2 of the Organic Tax Code, international tax treaties concluded by Venezuela prevail over domestic laws. However, we did not identify any cases in which the domestic treatment of the income under analysis could be the cause of a deviation from the Models. On the contrary, for example, concerning Article 18 (Employment Pensions), we believe that the fact that Venezuela has a system materially equivalent to an Exempt-Exempt-Exempt (EEE) tax regime that allows for a flexible treaty policy regarding the taxation of this type of income.

Furthermore, when comparing Venezuela's treaties, the text of the Models that were current at that time, we were able to ascertain that –with few exceptions, Venezuela consistently follows the most recent version of the OECD or UN Model available at the time of negotiation.

We were also able to find that the alternative versions of the provisions contained in the comments added to the updates of the OECD and UN Models were a key element to explain deviations, for example, in the case of Article 28 (Members of Diplomatic Missions and Consular Posts) where the inclusion of a comment suggesting an alternative provision to consider that an accredited diplomatic agent of the sending State may be considered a resident of the other State, especially when the domestic law does not establish anything in this respect, resulted in verifiable deviations in the treaties concluded with Switzerland (1995) and Canada (2001).

Venezuela's economy has depended almost exclusively on the oil industry, and the country's politics have changed accordingly. On the other hand, although there is a substantial well-educated Venezuelan workforce employed abroad, this is not a direct consequence of State policies promoting such conditions, but the result of the country's political and economic situation. The same can be said

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of Venezuela's tax treaty policy, which is affected by the country's broader politics and economics, instead of a specific tax treaty policy.

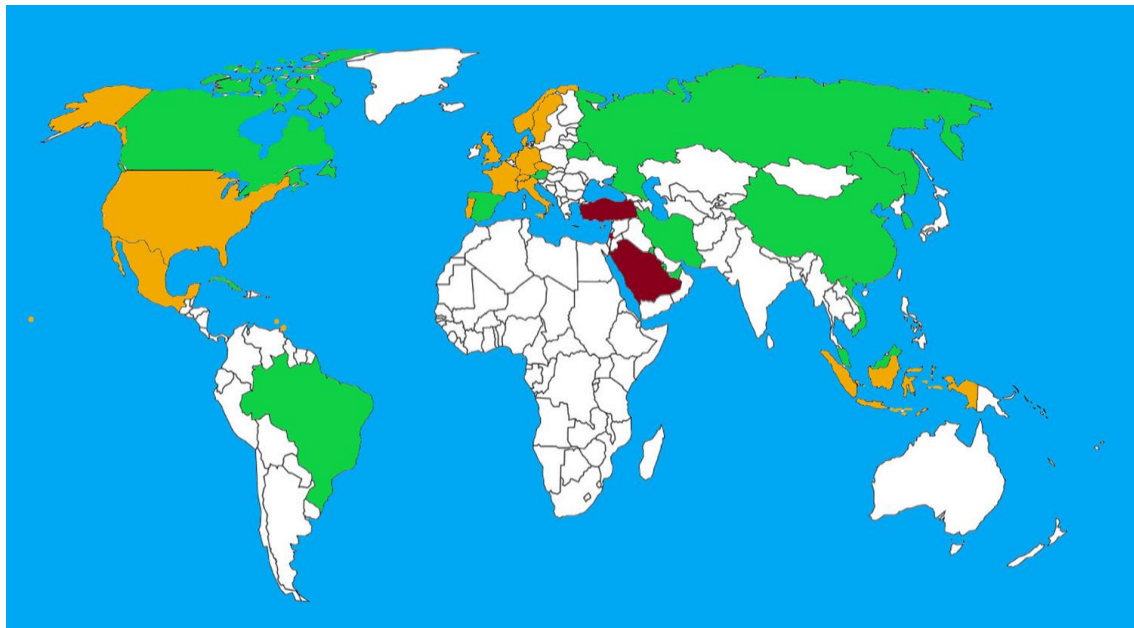
That said, Venezuela's tax treaty policy regarding deviations is unclear, and deviations seem to be a requirement of the other Contracting State. In this regard, we were also able to distinguish some deviations that were included at the request of the other party. For example, in Articles 17 (Artists), 18 (Pensions) and 20 (Students) the treaty concluded with the United States (1999) is noteworthy. In the case of Article 19(3) (Wages in International Traffic), examples of this are the treaties signed with Denmark (1998), Norway (1997), and Sweden (1993); and lastly in with respect to Article 16 (Directors' Fees) an example can be found in the treaty concluded with Belgium (1993).

However, when analyzed under the country's then-current broader political and economic landscapes, we uncovered a potential trend that may bring light to Venezuela's current tax treaty network. Changes in politics and economic objectives have heavily influenced Venezuela's tax treaty policy, particularly when considering the States with which Venezuela has concluded tax treaties.

This trend can be seen in the countries with which Venezuela concluded treaties: (i) from 1990 to January 1999, Venezuela concluded treaties mainly with Western Europe and the Americas; (ii) from February 1999 to February 2013, Venezuela concluded treaties with Asian and Middle Eastern countries; and (iii) from March 2013 until today, where economic sanctions by the United States exist, Venezuela concluded treaties with other Middle Eastern countries, two of which are currently Venezuela's prime business partners.

APPENDIX I – CLASSIFICATION OF TREATIES BY PERIODS

Color	Period	Number of Treaties	Country
	1990 – January 1999	17	Barbados (1998), Belgium (1993), Czech Republic (1996), Denmark (1998), France (1992), Germany (1995), Indonesia (1997), Italy (1990), Mexico (1997), Netherlands (1995), Norway (1997), Portugal (1996), Sweden (1993), Switzerland (1996), Trinidad and Tobago (1996), United Kingdom and Northern Ireland (1996), United States of America (1999).
	1999 – February 2013	15	Austria (2006), Belarus (2007), Brazil (2005), Canada (2001), China (2001), Cuba (2003), Iran (2005), Korea (2006), Kuwait (2004), Malaysia (2006), Qatar (2006), Russia (2003), Spain (2003), United Arab Emirates (2010), Vietnam (2008).
	March 2013 – Present	3	Palestine (2014), Saudi Arabia (2015), Turkey (2018).



APPENDIX II – TABLES: DEVIATIONS FROM OECD MODEL AND UN MODEL

1. Article 15 – Income from employment

Clause	Number of Treaties	States
Treaties that follow the main rule to primary allocate taxing rights to the residence State and the exception in subparagraph b.	35	Austria (2006), Barbados (1998), Belarus (2007), Belgium (1993), Brazil (2005), Canada (2001), China (People’s Rep.) (2001), Cuba (2003), Czech Republic (1996), Denmark (1998), France (1990), Germany (1995), Indonesia (1997), Iran (2005), Italy (1990), Korea (Rep.) (2006), Kuwait (2004), Malaysia (2006), Mexico (1997), Netherlands (1995), Norway (1998), Palestine (2014), Portugal (1996), Qatar (2006), Russia (2003), Saudi Arabia (2015), Spain (2003), Sweden (1993) Switzerland (1996), Trinidad and Tobago (1996), Turkey (2018), United Arab Emirates (2010), United Kingdom (1996), United States (1999) and Vietnam (2008).
Treaties that include the expressions “subject to the provision of articles 16, 18, 19, 20 and 21”, or “subject to the provision of articles 16,18, 19 and 20”, or “subject to the provision of articles 16,18, 19, and 21”.	17	Austria (2006), China (People’s Rep.) (2001), Cuba (2003), France (1990), Indonesia (1997), Iran (2005), Kuwait (2004), Malaysia (2006), Netherlands (1995), Portugal (1996), Saudi Arabia (2015), Spain (2003), Trinidad and Tobago (1996), Turkey (2018), United Arab Emirates (2010), United States (1999) and Vietnam (2008).
Do not follow the wording of the OECD or UN Models for Article 15(1).	1	Germany (1995).

<p>Allocate taxing rights to the source state when the conditions of Article 15(2) are not met.</p>	<p>35</p>	<p>Austria (2006), Barbados (1998), Belarus (2007), Belgium (1993), Brazil (2005), Canada (2001), China (People’s Rep.) (2001), Cuba (2003), Czech Republic (1996), Denmark (1998), France (1990), Germany (1995), Indonesia (1997), Iran (2005), Italy (1990), Korea (Rep.) (2006), Kuwait (2004), Malaysia (2006), Mexico (1997), Netherlands (1995), Norway (1998), Palestine (2014), Portugal (1996), Qatar (2006), Russia (2003), Saudi Arabia (2015), Spain (2003), Sweden (1993) Switzerland (1996), Trinidad and Tobago (1996), Turkey (2018), United Arab Emirates (2010), United Kingdom (1996), United States (1999) and Vietnam (2008).</p>
<p>Use a different wording from article 15(2.a), for example: “in the fiscal year concerned”, “in the calendar year concerned”, “in the fiscal year of that State”, “in any 12-month period”, “within any period of 12 month” or “in the year of income”.</p>	<p>14</p>	<p>Barbados (1998), Belarus (2007), Belgium (1993), Czech Republic (1996), France (1992), Germany (1995), Indonesia (1997), Italy (1990), Mexico (1997), Netherlands (1991), Sweden (1993), Switzerland (1996), Trinidad y Tobago (1996), United Kingdom (1996), United States (1999)</p>
<p>Include the reference that the activity does not consist of the hiring out of labor.</p>	<p>1</p>	<p>Norway (1997).</p>
<p>Include the expression “a fixed base” in Article 15(2.c).</p>	<p>30</p>	<p>Austria (2006), Barbados (1998), Belarus (2007), Belgium (1993), Brazil (2005), Canada (2001), China (People’s Rep.) (2003), Czech Republic (1996), Denmark (1998), France (1992), Germany (1995), Indonesia (1997), Iran (2005), Italy (1990), Korea (Rep.) (2006), Kuwait</p>

		(2004), Malaysia (2006), Mexico (1997), Netherlands (1991), Norway (1997), Portugal (1996), Russia (2003), Saudi Arabia (2015), Sweden (1993), Switzerland (1996), Turkey (2018), United Arab Emirates (2010), United Kingdom (1996), United States (1999) and Vietnam (2008).
Defines the term “similar remuneration”.	1	United States (1999) (Protocol)
Defines the term “employer”.	1	Czech Republic (1996).
Include the computation of the 183 days.	1	Czech Republic (1996).
Do not follow the wording of the OECD or UN Models for Article 15(3).	35	Austria (2006), Barbados (1998), Belarus (2007), Belgium (1993), Brazil (2005), Canada (2001), China (People’s Rep.) (2001), Cuba (2003), Czech Republic (1996), Denmark (1998), France (1990), Germany (1995), Indonesia (1997), Iran (2005), Italy (1990), Korea (Rep.) (2006), Kuwait (2004), Malaysia (2006), Mexico (1997), Netherlands (1995), Norway (1998), Palestine (2014), Portugal (1996), Qatar (2006), Russia (2003), Saudi Arabia (2015), Spain (2003), Sweden (1993) Switzerland (1996), Trinidad and Tobago (1996), Turkey (2018), United Arab Emirates (2010), United Kingdom (1996), United States (1999) and Vietnam (2008).
Allocate taxing rights to the residence state regarding Article 15(3).	11	Barbados (1998), Canada (2001), Denmark (1998), Indonesia (1997), Netherlands (1991), Norway (1997), Russia (2003), United Arab Emirates

		(2010), United Kingdom (1996), United States (1999) and Vietnam (2008).
Allocate taxing rights under the criterion of POEM or place of head office regarding Article 15(3).	22	Austria (2006), Belarus (2007), Belgium (1993), China (People's Rep.) (2001), Cuba (2003), Czech Republic (1996), France (1990), Germany (1995), Iran (2005), Italy (1990), Korea (Rep.) (2006), Kuwait (2004), Malaysia (2006), Palestine (2014), Portugal (1996), Qatar (2006), Saudi Arabia (2015), Spain (2003), Sweden (1993), Switzerland (1996), Trinidad and Tobago (1996), Turkey (2018)
Allocate taxing rights to the resident state based on a special provision regarding Article 15(3).	3	Denmark (1998), Norway (1998), and Sweden (1993).
Extend the application of Article 15(3) to other means of transportation or to ground staff.	3	Brazil (2005), Kuwait (2004) and United Arab Emirates (2010).

Article 16 – Directors' fees

Clause	Number of Treaties	States
Treaties with Articles 16 of the OECD Model and 16(1) of the UN Model.	35	Austria (2006), Barbados (1998), Belarus (2007), Belgium (1993), Brazil (2005), Canada (2001), China (People's Rep.) (2001), Cuba (2003), Czech Republic (1996), Denmark (1998), France (1992), Germany (1995), Indonesia (1997), Iran (2005), Italy (1990), Korea (Rep.) (2006), Kuwait (2004), Malaysia (2006), Mexico (1997), Netherlands (1995), Norway (1998), Palestine (2014), Portugal

		(1996), Qatar (2006), Russia (2003), Saudi Arabia (2015), Spain (2003), Sweden (1993), Switzerland (1996), Trinidad y Tobago (1996), Turkey (2018), United Arab Emirates (2010), United Kingdom (1996), United States of America (1999), Vietnam (2008).
Treaties with second paragraph under which the income that (i) a Director obtains from a company for daily management or technical functions, and (ii) a Director obtains from his personal activity as a partner of a company, other than a company with share capital, may be taxed under Article 15.	2	Belgium (1993) and Indonesia (1997).
Treaties that are expressly applicable to those persons who, according to the legislation of the State of Residence, are considered Directors.	1	Belgium (1993).
Treaties defining "similar payments".	1	United States of America (Protocol) (1999).
Treaties extending scope to remunerations or other similar payments obtained by a resident of Venezuela in his capacity as "administrator" (<i>administrador</i>) or "comptroller" (<i>comisario</i>).	1	Mexico (Protocol) (1997).
Treaties including the terms " <i>bestuurder</i> " and " <i>commissaris</i> " and defining what these terms mean.	1	Netherlands (Treaty and Protocol) (1995).
Treaties adding Article 16(2) of the UN Model but, instead of	1	Qatar (2006).

<p>attributing dual taxing rights over salaries, wages, and other similar remuneration derived by an official in a top-level managerial position of a company, it attributes exclusive taxing rights to the source state (<i>i.e.</i>, the company's State of residence).</p>		
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Article 17 – Entertainers and sportspersons

Model	Number of treaties	States
<p>Mainly follow the wording proposed by Article 17 of the OECD Model</p>	<p>35</p>	<p>Austria (2006), Barbados (1998), Belarus (2007), Belgium (1993), Brazil (2005), Canada (2001), China (People's Rep.) (2001), Cuba (2003), Czech Republic (1996), Denmark (1998), France (1992), Germany (1995), Indonesia (1997), Iran (2005), Italy (1990), Korea (Rep.) (2006), Kuwait (2004), Malaysia (2006), Mexico (1997), Netherlands (1995), Norway (1998), Palestine (2014), Portugal (1996), Qatar (2006), Russia (2003), Saudi Arabia (2015), Spain (2003), Sweden (1993),Switzerland (1996), Trinidad y Tobago (1996), Turkey (2018), United Arab Emirates (2010), United Kingdom (1996), United States of America (1999) and Vietnam (2008).</p>
<p>Covers “income derived from personal activities”</p>	<p>35</p>	<p>Austria (2006), Barbados (1998), Belarus (2007), Belgium (1993), Brazil (2005), Canada (2001), China (People's Rep.) (2001), Cuba (2003), Czech Republic (1996), Denmark (1998), France (1992), Germany (1995), Indonesia (1997), Iran (2005), Italy</p>

		(1990), Korea (Rep.) (2006), Kuwait (2004), Malaysia (2006), Mexico (1997), Netherlands (1995), Norway (1998), Palestine (2014), Portugal (1996), Qatar (2006), Russia (2003), Saudi Arabia (2015), Spain (2003), Sweden (1993), Switzerland (1996), Trinidad y Tobago (1996), Turkey (2018), United Arab Emirates (2010), United Kingdom (1996), United States of America (1999) and Vietnam (2008).
Defines “income derived from personal activities”	1	Mexico (1997).
Extends income covered to include incorporate income derived from services, temporary leases or sales related to an artistic or athletic performance	1	Mexico (1997).
Contains a <i>de minimis</i> rule for assigning income covered by Article 17	1	United States of America (199)
Include Article 17(3) as proposed by OECD Commentaries	27	Austria (2006), Barbados (1998), Belarus (2007), Brazil (2005), Canada (2001), China (People's Rep.) (2001), Cuba (2003), Denmark (1998), France (1992), Germany (1995), Indonesia (1997), Iran (2005), Korea (Rep.) (2006), Kuwait (2004), Malaysia (2006), Mexico (1997), Norway (1998), Palestine (2014), Qatar (2006), Russia (2003), Saudi Arabia (2015), Spain (2003), Trinidad y Tobago (1996), Turkey (2018), United Arab Emirates (2010), United States of America (1999) and Vietnam (2008).

Article 18 – Employment pensions

Model	Number of treaties	States
Mainly follow the wording proposed by Article 18 of the OECD Model	10	Barbados (1998), Czech Republic (1996), Germany (1997), Kuwait (2004), Mexico (1997), Norway (1997), Portugal (1996), Spain (2003), Switzerland (1996) and Trinidad and Tobago (1996).
Adopt an approach materially equivalent to that of Article 18(A) of the UN Model	15	Austria (2006), Belarus (2007), China (2001), Cuba (2003), France (1992), Iran (2005), Italy (1990), Korea (2006), Malaysia (2006), Palestine (2014), Russia (2003), Saudi Arabia (2015), Turkey (2018), United Arab Emirates (2010) and Vietnam (2008).
Adopts a solution comparable to that of Article 18(B) of the UN Model	1	Denmark (1998).
Have significant deviations from the wording and rules proposed by both models	9	Belgium (1993), Brazil (2005), Canada (2001), Indonesia (1997), Sweden (1993), The Netherlands (1995), United Kingdom (1996), United States of America (1999) and Qatar (2006).

General rule	Number of treaties	States
Allow the exclusive taxing right of private pensions by the residence State and exclusive taxing right of the source State regarding payments made under a public program of social security	22	Belarus (2007), Belgium (1993), Canada (2001), China (2001), Cuba (2003), Denmark (1998), France (1992), Indonesia (1997), Iran (2005), Italy (1990), Korea (2006), Malaysia (2006), Palestine (2014), Russia (2003), Saudi Arabia (1996), The Netherlands (1995), Trinidad and Tobago (1996),

		Turkey (2018), United Arab Emirates (2010), United Kingdom (1996), United States (1999) and Vietnam (2008).
Exclusive taxation by the residence State	10	Austria (2006), Barbados (1998), Czech Republic (1996), Germany (1997), Kuwait (2004), Mexico (1997), Norway (1997), Portugal (1996), Spain (2003) and Switzerland (1996).
Exclusive taxation by the source state	3	Brazil (2005), Sweden (1993) and Qatar (2006).
Deviation Analysis	Number of treaties	States
Article reproduces the text of the OECD or UN Models verbatim	9	Barbados (1998), Czech Republic (1996), Kuwait (2004), Germany (1997), Mexico (1997), Portugal (1996), Saudi Arabia (2015), Spain (2003) and Switzerland (1996).
Article includes the term "annuity" and defines it	9	Brazil (2005), Indonesia (1997), Iran (2005), Malaysia (2006), Netherlands (1995), Sweden (1993), United Kingdom (1996), United States (2001) and Qatar (2006).
Article includes the term "annuity" but does not define it	8	Austria (2006), Canada (2001), China (2001), Norway (1997), United Arab Emirates (2010), Russia (2003), South Korea (2006) and Turkey (2018).
Article substitutes the term "social security system" with the term "public social welfare program"	7	Austria (2006), China (2001), Iran (2005), Malaysia (2006), Russia (2003), Turkey (2018) and Vietnam (2008).
Notably unique deviations	4	Canada (2001), Germany

		(1995), Netherlands (1995), United Kingdom (1996) and, Saudi Arabia (2015) United States (1999).
Article refers to the pensions and other payments created for the purpose of "complementing" the benefits under the social security legislation of that State.	2	Belgium (1993) and Cuba (2003).
Article qualifies income as "derived", "sourced" or "originating" in a Contracting State.	11	Belgium (1993), Brazil (2005), Canada (2001), Indonesia (1997), Netherlands (1997), Saudi Arabia (2015), Sweden (1993), United Kingdom (1996) United States (1999), Trinidad and Tobago (1996) and Qatar (2006).

Article 19 – Government service pensions

Clause	Number of Treaties	States
Mainly follow the wording of the OECD or UN Model regarding Article 19(1).	31	Austria (2006), Barbados (1998), Belarus (2007), Belgium (1993), Brazil (2005), Canada (2001), China (People's Rep.) (2001), Cuba (2003), Czech Republic (1996), Denmark (1998), Indonesia (1997), Iran (2005), Italy (1990), Korea (Rep.) (2006), Kuwait (2004), Malaysia (2006), Mexico (1997), Norway (1998), Palestine (2014), Portugal (1996), Qatar (2006), Russia (2003), Saudi Arabia (2015), Spain (2003), Sweden (1993) Switzerland (1996), Trinidad y Tobago (1998), United Arab Emirates (2010), United Kingdom (1996), United States (1999) and Vietnam (2008).
Exactly follow the wording of the OECD or UN Model regarding Article 19(1).	1	Turkey (2018).

<p>Include the expression “remuneration” instead of “salaries, wages and other similar remuneration” regarding Article 19(1).</p>	<p>12</p>	<p>Barbados (1998), Belgium (1993), Cuba (2003), France (1992), Germany (1995), Indonesia (1997), Italy (1990), Netherlands (1991), Norway (1997), Sweden (1993), United Kingdom (1996) and United States (1999).</p>
<p>Include pension in Article 19(1).</p>	<p>2</p>	<p>France (1992) and Germany (1995),</p>
<p>Allocate exclusive taxing rights to the paying state regarding Article 19(1)(a).</p>	<p>34</p>	<p>Austria (2006), Barbados (1998), Belarus (2007), Belgium (1993), Brazil (2005), Canada (2001), China (People’s Rep.) (2001), Cuba (2003), Czech Republic (1996), Denmark (1998), France (1992), Germany (1995), Indonesia (1997), Iran (2005), Italy (1990), Korea (Rep.) (2006), Kuwait (2004), Malaysia (2006), Mexico (1997), Norway (1998), Palestine (2014), Portugal (1996), Qatar (2006), Russia (2003), Saudi Arabia (2015), Spain (2003), Sweden (1993) Switzerland (1996), Trinidad y Tobago (1998), Turkey (2018), United Arab Emirates (2010), United Kingdom (1996), United States (1999) and Vietnam (2008).</p>
<p>Allocate taxiing rights to the receiving state when certain conditions are met regarding Article 19(1)(b).</p>	<p>33</p>	<p>Austria (2006), Barbados (1998), Belarus (2007), Belgium (1993), Brazil (2005), Canada (2001), China (People’s Rep.) (2001), Cuba (2003), Czech Republic (1996), Denmark (1998), Germany (1995), Indonesia (1997), Iran (2005), Italy (1990), Korea (Rep.) (2006), Kuwait (2004), Malaysia (2006), Mexico (1997), Norway (1998), Palestine (2014), Portugal (1996), Qatar (2006), Russia (2003), Saudi Arabia (2015), Spain (2003), Sweden (1993) Switzerland (1996), Trinidad y Tobago (1998), Turkey (2018), United Arab Emirates (2010), United Kingdom (1996), United States (1999) and Vietnam</p>

		(2008).
Shared allocation of taxing rights regarding article 19(1.a).	1	Netherlands (1991).
Apply Article 19(1) in case of services rendered under a cooperation agreement or development program.	3	Barbados (1998), Belgium (1993) and Germany (1995).
Allocate taxing rights according to the articles pertaining to each type of income when it is an employment in government service in Article 19(3).	35	Austria (2006), Barbados (1998), Belarus (2007), Belgium (1993), Brazil (2005), Canada (2001), China (People's Rep.) (2001), Cuba (2003), Czech Republic (1996), Denmark (1998), France (1990), Germany (1995), Indonesia (1997), Iran (2005), Italy (1990), Korea (Rep.) (2006), Kuwait (2004), Malaysia (2006), Mexico (1997), Netherlands (1995), Norway (1998), Palestine (2014), Portugal (1996), Qatar (2006), Russia (2003), Saudi Arabia (2015), Spain (2003), Sweden (1993) Switzerland (1996), Trinidad and Tobago (1996), Turkey (2018), United Arab Emirates (2010), United Kingdom (1996), United States (1999) and Vietnam (2008).
Mainly follow the wording of the OECD or UN Model.	19	Austria (2006), Belarus (2007), Belgium (1993), Brazil (2005), China (People's Rep.) (2001), Denmark (1998), Germany (1995), Iran (2005), Korea (Rep.) (2006), Kuwait (2004), Malaysia (2006), Palestine (2014), Portugal (1996), Qatar (2006), Saudi Arabia (2015), Spain (2003), Turkey (2018), United Arab Emirates (2010), and Vietnam (2008).
Use the expression "remuneration" instead of "salaries, wages, and other similar remuneration" in Article 19(3).	18	Barbados (1998), Cuba (2003), Czech Republic (1996), Germany (1995), Indonesia (1997), Iran (2005), Italy (1990), Korea (Rep.) (2006), Mexico (1997), Netherlands (1995), Norway (1998), Russia (2003), Sweden (1993) Switzerland

		(1996), Trinidad and Tobago (1996), United Kingdom (1996), United States (1999) and Vietnam (2008).
Do not include pensions in article 19(3).	3	Canada (2001), Norway (1998) and Sweden (1993).
Do not refer to Article 17 in Article 19(3).	14	Barbados (1998), Belgium (1993), Cuba (2003), Czech Republic (1996), France (1992), Indonesia (1997), Italy (1990), Mexico (1997), Netherlands (1995), Russia (2003), Sweden (1993) Switzerland (1996), Trinidad and Tobago (1996) and United Kingdom (1996).

Article 20 – Students, Teachers and Professors

Deviation Analysis	Number of treaties	States
Include a provision only for students and business apprentices.	8	Canada (2001), Norway (1997), Sweden (1993), United Kingdom (1996), Czech Republic (1996), Russia (2003), Switzerland (1996) and Trinidad and Tobago (1996).
Include a provision for teachers and researchers.	27	Austria (2006), Barbados (1998), Belarus (2007), Belgium (1993), Brazil (2005), China (2001), Cuba (2003), Denmark (1998), France (1992), Germany (1995), Indonesia (1997), Iran (2005), Italy (1990), Korea (2006), Kuwait (2004), Malaysia (2006), Mexico (1997), Netherlands (1995), Palestine (2014), Portugal (1996), Qatar (2006), Saudi Arabia (2015), Spain (2003), Turkey (2018), United Arab Emirates (2010) and United States (1999) and Vietnam (2008).
Include a provision for teachers and researchers in the same article as the provision for students and business	8	Barbados (1998), Belgium (1993), Germany (1995), Iran (2005), Mexico (1997), Spain (2003), Turkey (2018) and United States

apprentices.		(1999).
Include a provision for teachers and researchers in a separate article from provision for students and business apprentices.	19	Austria (2006), Belarus (2007), Brazil (2005), China (2001), Cuba (2003), Denmark (1998), France (1992), Indonesia (1997), Italy (1990), Korea (2006), Kuwait (2004), Malaysia (2006), Netherlands (1995), Palestine (2014), Portugal (1996), Qatar (2006) Saudi Arabia (2015), United Arab Emirates (2010) and Vietnam (2008).
Does not include deviations from the 2017 OECD Model.	10	Canada (2001), Cuba (2003), France (1992), Italy (1990), Netherlands (1995), Norway (1997), Sweden (1993), United Kingdom (1996), Russia (2003), Switzerland (1996).
Include the 2017 OECD Model clause but including a provision for teachers and researchers.	4	Barbados (1998), Belgium (1993), Iran (2005) and Turkey (2018).
Include Article 20(2) of the 1980 UN Model.	9	Belarus (2007), Brazil (2005), China (2001), Indonesia (1997), Korea (2006), United Arab Emirates (2010) Palestine (2014), Qatar (2006) and Vietnam (2008).
Include Article 20(2) of the 1980 UN Model and were concluded after 2001.	7	Belarus (2007), Brazil (2005), Korea (2006), United Arab Emirates (2010) Palestine (2014), Qatar (2006) and Vietnam (2008).
Include an exemption to remunerations received for services performed in the country where the student or business apprentice is present.	7	Austria (2006), Denmark (1998), Kuwait (2004), Mexico (1997), Saudi Arabia (2015), Spain (2003) and United States (1999).
Include an exemption to remunerations received for services performed in the country where the	1	Austria (2006).

student or business apprentice is present only if the professional services are related to the education or training.		
Include an exemption to remunerations received for services performed in the State where the student or business apprentice is present only if the professional services are related to the education or training and are necessary for maintenance purposes.	3	Denmark (1998), Kuwait (2004), Saudi Arabia (2015).
Include an exemption to remuneration received for services performed in the State where the student or business apprentice is present only if the professional services are related to the education or training or are necessary for maintenance purposes.	1	Mexico (1997).
Include an exemption to remunerations received for services performed in the State where the student or business apprentice is present but limit the exemption to a specified amount of remuneration.	2	Spain (2003), United States (1999).
Include an exemption to remuneration received for services performed in the State where the student or business apprentice is present but places a time limit on the exemption.	4	Austria (2006), Mexico (1997), Spain (2003), United States (1999).
Include an exemption for professors and researchers with a time limit (without any other restrictions).	6	Barbados (1998), Belgium (1993), Italy (1990), Kuwait (2004) Saudi Arabia (2015) and Mexico (1997).
Include an exemption for professors and researchers with a time limit	8	Belarus (2007), Brazil (2005), Cuba (2003), Korea (2006), Germany

only if the income comes from other States.		(1995), Palestine (2014), Turkey (2018) and United Arab Emirates (2010).
Include an exemption for researchers that limits the benefits for research conducted in the public (as opposed to private) interest.	13	Austria (2006), Belarus (2007), China (2001), Cuba (2003), Denmark (1998), Indonesia (1997), Iran (2005), Korea (2006), Malaysia (2006), Netherlands (1995), Palestine (2014), Qatar (2006), and Vietnam (2008).
Include an exemption for professors and researchers if they were invited by the other State.	15	Austria (2006), Belarus (2007), Brazil (2005), China (2001), Cuba (2003), Denmark (1998), Germany (1995), Indonesia (1997), Kuwait (2004), Malaysia (2006), Palestine (2014), Qatar (2006), Saudi Arabia (2015), United Arab Emirates (2010) and Vietnam (2008).
Include an exemption for professors and researchers if they, alternatively to the invitation by the other State, came under an official cultural exchange program.	5	Belarus (2007), Brazil (2005), Kuwait (2004), Malaysia (2006) and Vietnam (2008).
Include a time limit for the exemption of professors and researchers other than two years.	2	Qatar (2006) and United States (1999).

Article 28 – Members of diplomatic missions and consular posts

Clause	Number of Treaties	States
Treaties including special provisions that establish, for the purpose of the Convention, the sending State as the State of Residence of the members of the diplomatic missions and consular	4	Canada (2001), Germany (1995), Netherlands (1995), Switzerland (1996).

posts of the Contracting States.		
Treaties including special provisions under which international organizations, organs or officials who are liable in a Contracting State in respect only of income from sources therein should not have the benefit of the Convention.	3	Canada (2001), Netherlands (1995), Switzerland (1996).
Treaties which expressly including the Vienna Conventions on Diplomatic Relations and Consular Relations signed at Vienna on 18 April 1961 and 24 April 1963, respectively, or under the provisions of special agreements.	1	Sweden (1993).

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2. Local legislation and regulations

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Regulations of the Income Tax Law, published in the Extraordinary Official Gazette No. 5662 on 24 September 2003.

Regulations of the Income Tax Law on Withholdings, published in the Official Gazette No. 36203 on 5 December 1997.

3. Double taxation treaties concluded by Venezuela (date of conclusion)

Agreement between the Republic of Venezuela and the Republic of Austria for the avoidance of double taxation in income and capital taxes (2006).

Agreement between the Government of the Republic of Venezuela and the Government of Barbados for the avoidance double taxation and preventing tax evasion in income tax (1998).

Agreement between the Government of the Bolivarian Republic of Venezuela and the Government of the Republic of Belarus to avoid double taxation and prevent tax evasion with respect to income and capital taxes (2007).

Agreement between the Republic of Venezuela and the Kingdom of Belgium for the avoidance of double taxation and prevention of fiscal evasion with respect to income tax (1993).

Agreement between the Government of the Bolivarian Republic of Venezuela and the Government of the Federative Republic of Brazil for the avoidance of double taxation and prevention of tax evasion in income tax (2005).

Agreement between the Government of Canada and the Government of the Bolivarian Republic of Venezuela for the purpose of avoiding double taxation and preventing tax evasion and avoidance with respect to income and capital taxes (2001).

Agreement between the Government of the Bolivarian Republic of Venezuela and the Government of the People's Republic of China for the avoidance of double taxation and the prevention of fiscal evasion with respect to income and capital taxes (2001).

Agreement between the Government of the Republic of Cuba and the Government of the Bolivarian Republic of Venezuela for the avoidance of double taxation and the prevention of tax evasion and avoidance with respect to income and capital taxes (2003).

Agreement between the Republic of Venezuela and the Czech Republic for the purpose of avoiding double taxation and preventing tax evasion with respect to income and capital taxes (1996).

Agreement between the Kingdom of Denmark and the Republic of Venezuela for the Avoidance of Double Taxation (1998).

Agreement between the Government of the Republic of Venezuela and the Government of the French Republic for the purpose of avoiding double taxation and preventing income tax evasion and avoidance (1992).

Agreement between the Republic of Venezuela and the Federal Republic of Germany for the avoidance of double taxation in income and capital taxes (1995).

Agreement between the Republic of Venezuela and the Republic of Indonesia for the purpose of avoiding double taxation and preventing tax evasion and avoidance in the field of income tax (1997).

Agreement between the Government of the Bolivarian Republic of Venezuela and the Government of the Islamic Republic of Iran for the avoidance of double taxation in income and capital taxes (2005).

Agreement between the Republic of Venezuela and the Government of the Italian Republic for the purpose of avoiding double taxation in income tax matters and preventing tax avoidance, evasion and avoidance (1990).

Agreement between the Government of the Bolivarian Republic of Venezuela and the Government of the Republic of Korea for the avoidance of double taxation and the prevention of tax evasion and fraud of income and capital taxes (2006).

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Agreement between the Government of the Bolivarian Republic of Venezuela and the Government of the State of Kuwait for the avoidance of double taxation and the prevention of income and capital taxes evasion and avoidance (2004).

Agreement between the Government of the Bolivarian Republic of Venezuela and the Government of Malaysia for the avoidance of double taxation and the prevention of fiscal evasion with respect to income taxes (2006).

Agreement between the Government of the Bolivarian Republic of Venezuela and the Government of Mexico for the avoidance of double taxation and the prevention of fiscal evasion with respect to income taxes (1997).

Agreement between the Republic of Venezuela and the Kingdom of the Netherlands for the avoidance of double taxation and tax evasion with respect to income tax (1995).

Agreement between the Republic of Venezuela and the Kingdom of Norway for the purpose of avoiding double taxation and preventing tax evasion and avoidance with respect to income and capital taxes (1997).

Agreement between the Republic of Venezuela and Palestine for the avoidance of double taxation and tax evasion with respect to income tax (2014).

Agreement between the Republic of Venezuela and the Republic of Portugal for the purpose of avoiding double taxation and preventing tax evasion in income tax matters (1996).

Agreement between the Government of the Bolivarian Republic of Venezuela and the Government of the State of Qatar for the avoidance of double taxation and the prevention of fiscal evasion in the field of income tax (2006).

Agreement between the Government of the Bolivarian Republic of Venezuela and the Government of the Russian Federation for the avoidance of double taxation and the prevention of tax evasion in income tax and wealth tax matters (2003).

Agreement between the Bolivarian Republic of Venezuela and the Kingdom of Saudi Arabia to Avoid Double Taxation and Prevent Tax Evasion and Tax Fraud in Income Tax and Wealth Tax Matters (2015).

Agreement between the Bolivarian Republic of Venezuela and the Kingdom of Spain for the avoidance of double taxation and the prevention of tax evasion and avoidance of income tax and wealth tax fraud (2003)

Agreement between the Republic of Venezuela and the Kingdom of Sweden for the purpose of avoiding double taxation in income tax matters and preventing tax evasion and avoidance and tax avoidance (1993).

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Agreement between the Swiss Confederation and the Republic of Venezuela for the purpose of avoiding double taxation in income tax and wealth tax matters (1996).

Agreement between the Government of the Republic of Trinidad and Tobago and the Government of the Republic of Venezuela for the purpose of avoiding double taxation and preventing tax evasion and avoidance with respect to income taxes and promoting international trade and investment (1996).

Agreement between the Bolivarian Republic of Venezuela and Turkey for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion in Income Tax and Wealth Tax Matters (2018).

Agreement between the Bolivarian Republic of Venezuela and the United Arab Emirates for the avoidance of double taxation and the prevention of fiscal evasion with respect to income and wealth taxes (2010).

Agreement between the Government of the Republic of Venezuela and the Government of the United Kingdom of Great Britain and Northern Ireland for the avoidance of double taxation and the prevention of fiscal evasion with respect to income tax and capital gains tax (1996).

Agreement between the Government of the Republic of Venezuela and the Government of the United States of America for the purpose of avoiding double taxation and preventing tax evasion with respect to income tax and wealth tax (1999).

Agreement between the Government of the Bolivarian Republic of Venezuela and the Government of the Socialist Republic of Vietnam for the avoidance of double taxation and the prevention of fiscal evasion with respect to income tax and wealth tax (2008).

4. Tax treaty models

1969 Andean Community Income and Capital Tax Convention.

1963 OECD Model Tax Convention on Income and on Capital.

1977 OECD Model Tax Convention on Income and on Capital.

1995 OECD Model Tax Convention on Income and on Capital.

2005 OECD Model Tax Convention on Income and on Capital.

2017 OECD Model Tax Convention on Income and on Capital.

1980 UN Model Tax Convention on Income and on Capital.

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2001 UN Model Tax Convention on Income and on Capital.

2011 UN Model Tax Convention on Income and on Capital.