POSITIONS ON ARTICLE 6
(INCOME FROM IMMOVABLE PROPERTY)
AND ITS COMMENTARY

Positions on the Article

Paragraph 1

1. *India* and *Indonesia* wish to address the issue of the inclusion of the words "including income from agriculture or forestry" through bilateral negotiations.

(Replaced on 22 July 2010; see HISTORY)

Paragraph 2

2. Given the meaning of the term "immovable property" under its domestic law, *Belarus* reserves the right to omit the second sentence of this paragraph.

(Renumbered on 17 July 2008; see HISTORY)

2.1 *Latvia* and *Lithuania* reserve the right to include in the definition of the term "immovable property" any option or similar right to acquire immovable property.

(Renumbered and amended on 17 July 2008; see HISTORY)

2.2 *Colombia* reserves the right to include rights relating to all natural resources under this Article. Colombia also reserves the right to amend the definition of "immovable property" to include expressly other property.

(Replaced on 15 July 2014; see HISTORY)

3. *Lithuania* reserves the right to modify the second sentence of the definition of the term "immovable property" to make clear that the sentence does not apply for domestic law purposes.

(Added on 23 October 1997; see HISTORY)

3.1 *Morocco* wishes to retain the possibility of applying the provisions in its domestic laws relative to the taxation of income from shares or rights, which are treated therein as income from immovable property.

(Added on 28 January 2003; see HISTORY)

Paragraph 3

4. *Latvia* and *Lithuania* reserve the right to include in paragraph 3 a reference to income from the alienation of immovable property.

(Amended on 22 July 2010; see HISTORY)

5. *Latvia* and *Lithuania* also reserve the right to tax income of shareholders in resident companies from the direct use, letting, or use in any other form of

the right to enjoyment of immovable property situated in their country and held by the company, where such right is based on the ownership of shares or other corporate rights in the company.

(Amended on 15 July 2005; see HISTORY)

HISTORY

Paragraph 1: Amended on 22 July 2010, by adding Indonesia as a country indicating the position, by the report entitled "The 2010 Update to the Model Tax Convention", adopted by the OECD Council on 22 July 2010. After 17 July 2008 and until 22 July 2010, paragraph 1 read as follows:

> "1. *India* wishes to address the issue of inclusion of the words "including income from agriculture or forestry" through bilateral negotiations."

Paragraph 1 was replaced on 17 July 2008 when it was renumbered as paragraph 2 (see history of paragraph 2) and a new paragraph 1 was added by the report entitled "The 2008 Update to the Model Tax Convention", adopted by the OECD Council on 17 July 2008.

Paragraph 2: Corresponds to paragraph 1 as it read before 17 July 2008. On that date paragraph 2 was renumbered as paragraph 2.1 (see history of paragraph 2.1), paragraph 1 was renumbered as paragraph 2 and the heading preceding paragraph 1 was moved with it, by the report entitled "The 2008 Update to the Model Tax Convention", adopted by the OECD Council on 17 July 2008.

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

Paragraph 2.1: Corresponds to paragraph 2 as it read before 17 July 2008. On that date paragraph 2 was amended by deleting Estonia from the list of countries indicating the position, and renumbered as paragraph 2.1 by the report entitled "The 2008 Update to the Model Tax Convention", adopted by the OECD Council on 17 July 2008. After 23 October 1997 and until 17 July 2008, paragraph 2 read as follows:

> "2. *Estonia*, *Latvia* and *Lithuania* reserve the right to include in the definition of the term "immovable property" any option or similar right to acquire immovable property."

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

Paragraph 2.2: Replaced on 15 July 2014 when paragraph 2.2 was deleted and a new paragraph 2.2 was added by the Report entitled "The 2014 Update to the Model Tax Convention", adopted by the Council of the OECD on 15 July 2014. After 22 July 2010 and until 15 July 2014, paragraph 2.2 read as follows:

> "2.2 *Estonia* reserves the right to include in the definition of the term "immovable property" any right of claim in respect of immovable property because such right of claim may not be included in its domestic law's meaning of the term."

Paragraph 2.2 was amended on 22 July 2010 by the report entitled "The 2010 Update to the Model Tax Convention", adopted by the OECD Council on 22 July 2010. After 17 July 2008 and until 22 July 2010, paragraph 2.2 read as follows:

> "2.2 *Estonia* reserves the right to include in the definition of the term "immovable property" any right of claim in respect of immovable property."

Paragraph 2.2 was added on 17 July 2008 by the report entitled "The 2008 Update to the Model Tax Convention", adopted by the OECD Council on 17 July 2008.

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

Paragraph 3.1: Added on 28 January 2003 by the report entitled "The 2002 Update to the Model Tax Convention", adopted by the OECD Council on 28 January 2003.

Paragraph 4: Amended on 22 July 2010, by deleting Estonia from the list of countries indicating the position, by the report entitled "The 2010 Update to the Model Tax Convention", adopted by the OECD Council on 22 July 2010. After 23 October 1997 and until 22 July 2010, paragraph 4 read as follows:

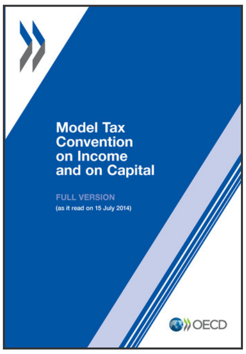
> "4. *Estonia*, *Latvia* and *Lithuania* reserve the right to include in paragraph 3 a reference to income from the alienation of immovable property."

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

Paragraph 5: Amended on 15 July 2005 by deleting Estonia from the list of countries indicating the position, by the report entitled "The 2005 Update to the Model Tax Convention", adopted by the OECD Council on 15 July 2005. After 23 October 1997 and until 15 July 2005, paragraph 5 read as follows:

> "5. *Estonia*, *Latvia* and *Lithuania* also reserve the right to tax income of shareholders in resident companies from the direct use, letting, or use in any other form of the right to enjoyment of immovable property situated in their country and held by the company, where such right is based on the ownership of shares or other corporate rights in the company."

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



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