



OECD releases revised discussion draft on follow up work on treaty abuse under BEPS Action 6

Executive summary

On 22 May 2015, the Organisation for Economic Co-operation and Development (OECD) released a revised discussion draft in connection with the follow up work on Action 6 on the prevention of treaty abuse under the Base Erosion and Profit Shifting (BEPS) Action Plan. The document titled, *BEPS Action 6: Preventing Treaty Abuse* (the Revised Discussion Draft or the Revised Draft) describes proposals developed by the OECD after the issuance of a discussion draft on 21 November 2014 titled, *Follow Up Work on BEPS Action 6: Preventing Treaty Abuse* (the Discussion Draft).¹ The Discussion Draft identified 20 different issues to be addressed as part of the OECD's follow-up work on its 16 September 2014 report, *Preventing the Granting of Treaty Benefits in Inappropriate Circumstances* (the September 2014 Report).² Specifically, the Discussion Draft highlighted issues with respect to the proposed limitation on benefits (LOB) provision, in particular regarding the treaty entitlement of collective investment vehicles (CIVs) and Non-CIV funds; the proposed general anti-abuse rule based on a principal purpose test (PPT); and other issues involving the proposed new treaty tie-breaker rule, the treatment of permanent establishments in third countries, and the interaction between tax treaties and domestic anti-abuse rules.

The Revised Discussion Draft describes the current status of the discussions of OECD Working Party 1, the working group responsible for treaty matters (the Working Party), on each of the 20 issues. In some instances, new proposals that have been agreed by the Working Party are presented in the Revised Draft. In other instances, the Revised Draft includes proposed approaches that are to be further considered at the Working Party meeting scheduled for 22-26 June 2015 (the June meeting).

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Last, the Revised Draft describes some issues that are to be discussed at the June meeting for which there is no specific proposal at this time. As with other BEPS discussion drafts, the Revised Draft includes the caveat that the views and proposals do not represent consensus views of the OECD's Committee on Fiscal Affairs or its subsidiary bodies.

Comments on the proposals in the Revised Draft should be submitted to the OECD by 17 June 2015. No public consultation meeting will be held on the proposals included in the Revised Draft, but issues raised in comments will be discussed at the June meeting. The OECD has indicated its intention to produce a final report on the recommendations under Action 6 by September 2015.

Detailed discussion

Action 6 of the OECD Action Plan on BEPS focuses on the prevention of treaty abuse. The OECD issued its September 2014 Report with a series of recommendations for addressing treaty abuse. In particular, the September 2014 Report set forth a "minimum standard" that could be met in one of the following three ways: (1) adopting both the LOB provision and the PPT provision; (2) adopting the PPT provision; or (3) adopting the LOB provision supplemented by a mechanism to address specific treaty shopping situations, such as conduit financing arrangements, which are not already addressed in tax treaties. In November 2014, the OECD issued the Discussion

Draft describing the follow-up work the OECD intended to do after releasing the September 2014 Report and identifying 20 issues on which comments were specifically invited. A public consultation on the Discussion Draft and the comments received was held on 22 January 2015. The Working Party further considered the Discussion Draft and comments at its March 2015 meeting.

The Revised Discussion Draft reflects the work that has been done to date and contains both proposals on which the Working Party has agreed and proposals and issues which are to be given further consideration at the June meeting.

Alternative "simplified" LOB rule

The Revised Discussion Draft contains a new proposal for an alternative "simplified" LOB that is intended to be used in combination with the PPT. The Revised Draft states that the simplified LOB would provide a rule that could be used to address the most obvious cases of treaty-shopping, with other cases to be addressed under the PPT. The Revised Draft notes that the LOB rule that was included in the September 2014 Report may be more appropriate for countries that would prefer to meet the minimum standard through the combination of an LOB rule and a mechanism dealing with conduit arrangements and without a PPT provision.

The simplified LOB provides for qualification for treaty benefits based on a series of alternative

tests focused on "qualifying person" status (individuals, certain state-owned entities, certain publicly-traded entities) or ownership by qualified persons; active conduct of a trade or business; ownership by equivalent beneficiaries; and discretionary relief.

Issues related to the LOB provision

1. CIVs: application of the LOB and treaty entitlement

Subparagraph 2(f) of the LOB provision in the September 2014 Report is a placeholder for a provision that would treat a CIV as a "qualified person." In this respect, the September 2014 Report notes that the subparagraph should be drafted based on how CIVs are otherwise treated in the applicable treaty and how they are used and treated in each Contracting State. The proposed Commentary to the LOB provision in the September 2014 Report also includes a number of alternative provisions that correspond to various approaches included in the 2010 OECD report, *The Granting of Treaty Benefits with Respect to the Income of Collective Investment Vehicles* (the 2010 CIV Report). The Discussion Draft indicated that the OECD would review those alternative approaches and examine whether it would be feasible or advisable to have a single approach with respect to the treaty entitlement of CIVs, taking into account developments since 2010 and the results of the work on the OECD's Treaty Relief and Compliance Enhancement (TRACE) project.

The Revised Discussion Draft notes the general support reflected in the comments for the conclusions of the 2010 CIV Report concerning the treaty entitlement of CIVs and concludes that because the proposals contained in the September 2014 Report reflected the conclusions of the 2010 CIV Report, there is no need for additional changes. It was also agreed that the implementation of the TRACE project recommendations is important for the practical application of these conclusions.

2. Non-CIV funds: application of the LOB and treaty entitlement

In respect of non-CIV funds, including Real Estate Investment Trusts (REITs), sovereign wealth funds (SWFs), alternative funds, and private equity funds, the Revised Discussion Draft notes that it was agreed to continue to explore solutions to issues related to the treaty entitlement at the June meeting. Additionally, the Revised Draft includes specific proposals and issues in respect of REITs and pension funds that will be considered at the June meeting.

In respect of REITs, it was agreed to further consider a proposal to add a specific reference to the conclusions of the 2008 REIT Report (Tax Treaty Issues related to REITs) in the Commentary to subparagraph 2(f) of the LOB provision. With respect to pension funds, the Revised Draft notes that an issue to be considered, but for which there is no specific proposal, is the potential for changes to the OECD Model that would ensure that

a pension fund is considered to be a resident of the country in which it is constituted, regardless of whether the pension fund benefits from a limited or complete exemption from taxation in that country.

The Revised Draft observes that the proposed treaty provision on transparent entities included in the Report on Action 2 (Hybrid Mismatch Arrangements) may be relevant to treaty entitlement of non-CIVs that are treated as fiscally transparent by one or the two Contracting States. Moreover, the Revised Draft refers to the possible inclusion of a derivative benefits provision in the LOB provision (see discussion below) as a way to address some of the concerns regarding treaty entitlement of non-CIV funds in which there are nonresident investors.

The continuing work described in the Revised Draft will address two general concerns raised by governments about granting treaty benefits to non-CIVs: (1) the potential use of non-CIVs to provide treaty benefits to investors that are not themselves entitled to treaty benefits, and (2) the potential use of non-CIVs by investors to defer recognition of income on which treaty benefits have been granted. Proposals to be considered include adding a specific provision on non-CIVs in the proposed LOB provision, as well as adding one or more examples on non-CIVs to the Commentary on the PPT provision. Importantly, the Working Party agreed that work on these proposals and other options may

continue after the September 2015 deadline for adoption of the final report on Action 6, but should be finalized by December 2016, which is the deadline for the negotiation of the multilateral instrument through which the conclusions of the work on Action 6 may be implemented.

3. Commentary on the discretionary relief provision of the LOB rule

The LOB provision proposed in the September 2014 Report allows a competent authority to grant treaty relief at its discretion to a resident when such person is denied treaty benefits under the LOB provision. The proposed Commentary with respect to this rule in the September 2014 Report contained a general assertion that in order to request discretionary relief under this rule, a clear identification of reasons unrelated to obtaining benefits under the treaty should be established. The Discussion Draft suggested that consideration be given to clarifications to the Commentary addressing factual and procedural aspects of discretionary relief.

In response to comments requesting more guidance, the Revised Discussion Draft indicates that the Working Party agreed to propose additional guidance concerning the relevant factors that should be taken into account by a competent authority in considering a request for discretionary relief. It was agreed that more guidance should be provided on the factors that should be taken into account by competent authorities

in considering requests for discretionary relief; such guidance on the factors will be drafted for consideration at the June meeting. The amended Commentary proposed in the Revised Draft also includes clarification that a decision of the competent authority should not be considered an action that results in taxation not in accordance with the provisions of the applicable treaty. Further, the proposed Commentary contains a reference to a consultation process under which the competent authority of the country to which the request is made must consult with the other competent authority before rejecting a request to grant benefits under the treaty.

4. Alternative LOB provisions for EU countries

The Revised Discussion Draft refers to a general concern that the proposed LOB provision, as presented in the September 2014 Report, might need to be adapted to reflect European Union (EU) law requirements. The Working Party decided that a preferable approach would be not to make changes to the LOB provision, but rather to allow the inclusion of alternatives in the Commentary or changes to the model provision that would deal with EU law issues while addressing other concerns, such as possible changes to the pension fund provisions under the LOB provision that would address other concerns related to the treaty entitlement of non-CIV funds or other changes that would address concerns raised by smaller countries. The Revised Draft also notes the agreement that

to the extent possible, alternatives to be included in the Commentary should not be restricted to EU or European Economic Area (EEA) countries but should address issues more generically to avoid giving preferential treatment.

In addition, the Revised Draft proposes a revision to the Commentary with respect to the publicly-listed rule in the LOB provision. The Working Party decided that a specific mention to EU or EEA stock exchanges in the definition of “recognized stock exchange” was not necessary because the definition is open-ended. The Working Party also noted that the relevant paragraph of the Commentary to the LOB provision in the September 2014 Report already allows alternative provisions to the publicly-listed entity exception to accommodate concerns of countries that are part of a regional grouping. Thus, the Revised Draft eliminates the mention to a regional grouping and instead refers to stock exchanges situated in “other” States.

Finally, the Revised Draft includes a proposal to be considered at the June meeting that could allow for greater foreign participation in a pension fund that constitutes a “qualified person” without removing all restrictions with respect to the residence of beneficiaries, which the Working Party agreed would raise treaty-shopping concerns. In particular, the proposal would add alternative requirements that could be satisfied for a pension fund to be considered a “qualified person” under

the LOB provision. Subparagraph 2(d)(ii) of the LOB rule included in the September 2014 Report stated that an entity constituted and operated exclusively to administer or provide pension or other similar benefits would be a “qualified person” provided that more than 50% of the beneficial interests of that person are owned by individuals resident in either Contracting State. The proposed language included in the Revised Draft would also consider a pension fund to be a “qualified person” if more than 90% of the beneficial interests of that person are owned by individuals resident in either Contracting State or a State with respect to which two additional conditions are met: (1) individuals residents of such third State are entitled to benefits of a comprehensive tax treaty between that State and the State from which the benefits are claimed, and (2) with respect to dividends and interest income the individual would be entitled, under such comprehensive tax treaty, to a rate of tax that is at least as low as the rate applicable under the treaty.

5. Requirement that each intermediate owner be a resident of either Contracting State

The LOB provision in the September 2014 Report contains a rule dealing with indirect ownership in both the “Subsidiary of a Publicly-Listed Entity” test (subparagraph 2(c)(ii)) and the ownership prong of the “Ownership/Base Erosion” test (Subparagraph 2(e)(i)) that would require that each intermediate owner of the entity being tested be a resident of either Contracting

State. This indirect ownership rule is bracketed, indicating that some countries view the rule as unduly restrictive.

Several comments were received expressing concern about the inclusion of such an indirect ownership rule. Thus, the Revised Discussion Draft indicates that the Working Party has agreed to continue to evaluate this provision at the June meeting. Because the intermediate ownership rule is primarily relevant to the scope of the derivative benefits test it will be considered in that context (see discussion below).

The Revised Draft also addresses how the simplified LOB rule would deal with intermediate entities, noting that it was agreed that such alternative LOB would rely on the PPT to address the situation of an interposed entity located in a tax haven.

6. Issues related to the derivative benefits provision

The Discussion Draft noted that there were still unresolved issues that would need to be addressed before a decision could be reached on the way that a derivative benefits test would be reflected in the LOB provision. In this respect, it was noted that it was intended that changes that are proposed as a result of the work done under other Actions would be examined to ensure that the inclusion of a derivative benefits test would not raise BEPS concerns. Moreover, the Discussion Draft also indicated an intention to examine whether

changes could be made to broaden the scope of the derivative benefit provision without creating opportunities for treaty shopping.

As noted above, the Revised Discussion Draft notes that the intermediate ownership rule is primarily relevant to scope of the derivative benefits test. The Revised Draft includes two new proposals presented by the US delegate that were not included in prior discussion drafts. These proposals would deal with special tax regimes and would make a treaty responsive to certain future changes in a country's domestic tax law. According to the Revised Draft, it was argued that these proposals could address some of the objections to the inclusion of a derivative benefits test in the LOB provision.

The first proposal would modify Article 3 of the OECD Model to include a definition of "special tax regime." Further, new provisions would be added to Articles 11 (Interest), 12 (Royalties), and 21 (Other Income) of the OECD Model that would deny treaty benefits with respect to interest, royalty payments, or other income beneficially owned by residents benefiting from a "special tax regime" in their country of residence at any time during the taxable year in which such income was paid. The wording proposed in the Revised Discussion Draft is similar, though not identical, to the proposal on special tax regimes in the 2015 Proposed Revisions to

the US Model that were released 20 May 2015. In particular on the exclusions to the definition of special tax regimes, the Revised Draft excludes from the definition of "special tax regime" any legislation, regulation or administrative practice that satisfies a substantial activity requirement with respect to financing income. The Proposed Revisions to the US Model excludes instead any legislation, regulation, or administrative practice that satisfies the substantial activity requirement with respect to royalties. In addition, the Revised Draft includes an exception in respect to any legislation, regulation, or administrative practice designed to prevent double taxation, which is not included in the Proposed Revisions to the US Model. Further, with respect to the new provisions to be added to Articles 11, 12, and 21, the proposal in the Revised Draft would apply to payments or income arising in a country and beneficially owned by a resident of the other country, while the Proposed Revisions to the US Model in this area would only apply to related party payments.

The second proposal provides a new general treaty rule to be included in the OECD Model that would "turn off" the treaty provisions on dividends, interest, royalties, and other income if certain changes to a country's domestic law are made in the future. This proposal is also similar to one contained in the 2015 Proposed Revisions to the US Model Tax Treaty, but

the rule described in the Revised Discussion Draft would only apply if a country provides an exemption from taxation to resident companies for substantially all foreign source income, while the US Model proposal would also apply if the company or highest individual marginal rate of tax applicable in a country is reduced below 15% with respect to substantially all of the income of resident companies or individuals, as the case may be. As in the US Model proposal, this OECD proposal includes the option for a treaty country to notify the other treaty country of the change in domestic law that would trigger this provision and provides that the specified Articles would cease to have effect six months after the written notification during which period the countries would be encouraged to consult on potential amendments that would restore the balance of benefits provided.

Given that there are two new proposals for which comments are requested, it was agreed that a decision with respect to the scope of the derivative benefits provision would be reached at the June meeting.

7. Provisions dealing with “dual-listed company arrangements”

The September 2014 Report included a new provision in the LOB provision to address the situation of “dual-listed company arrangements” (defined in the September 2014 Report) in the context of the publicly traded test. These provisions were discussed at the March 2015 meeting of the Working Party, where delegates

from Australia and the United Kingdom provided more details on the types of arrangements found in these countries. Subject to confirmation at the June meeting, it was agreed that the proposals with respect to dual-listed company arrangements should be preserved, with some modification to the definition of “principal class of shares” as it relates to dual-listed company arrangements.

8. Timing issues related to the various provisions of the LOB rule

The Revised Discussion Draft acknowledges that timing issues are dealt with differently under the various provisions of the LOB rule proposed in the September 2014 Report and notes the inconsistencies. For example, it may be possible to meet the definition of “qualified person” in paragraph 2 as of a particular moment in time, whereas, other tests such as the publicly-listed test would require that the conditions to be a qualified person be satisfied throughout the taxable period. Thus, if a company becomes publicly traded in the middle of the taxable year, it would fail that test. Despite in this regards comments pointing out the potential conflicts and generally asking for the removal or modification of such requirements, it was agreed not to propose any changes to the September 2014 Report.

9. Conditions for the application of the provision on publicly-listed entities

The Revised Discussion Draft observes that the alternative conditions in the publicly-listed

entity test of the LOB provision (i.e., primary trading test and the primary place of management and control test) may be too restrictive for small countries that do not have important stock exchanges and whose companies are listed on foreign stock exchanges. Subject to final review at the June meeting, it was agreed to include in the Commentary on the definition of “recognised stock exchange” a list of factors that should be considered when determining whether a stock exchange should be included in that definition. The Revised Discussion Draft contains a list of the proposed factors, which include, for example, standards or requirements to list a company on the stock exchange, requirements to maintain such listed status, and reporting and disclosure requirements.

10. Clarification of the “active business” provision

The Revised Discussion Draft notes that it was agreed that the Commentary on the “active business” provision of the LOB provision should clarify the concept of “business” in order to deal with situations where, for example, the same company carries on both investment and manufacturing operations.

The Revised Discussion Draft also reflects two proposals presented by the US delegate that would modify the active trade or business test. The first relates to “special tax regimes” (see section 6 above) and is intended to prevent the attribution of activities conducted by a connected person if the person seeking treaty benefits is subject

to a special tax regime. Similarly, the second proposal is intended to prevent the attribution of activities conducted by a connected person to a resident seeking treaty benefits unless such connected person is engaged in the same or a similar line of business as the resident. Such proposals will be considered further at the June meeting.

Issues related to the PPT rule

1. Application of the PPT rule where benefits are obtained under different treaties

According to the Commentary to the PPT provision contained in the September 2014 Report, the fact that an arrangement is entered into for purposes of obtaining benefits under multiple treaties or under a treaty and domestic law should not lead to a conclusion that obtaining a benefit under one treaty was not a principal purpose for that arrangement. Despite comments pointing out the need for clarification with respect to the application of the rule to situations where multiple jurisdictions are being considered and both treaty benefits and domestic laws are factors in the business decision (such as holding company structures), the Revised Draft indicates that it was agreed that no changes to the Commentary were necessary.

2. Inclusion in the Commentary of the suggestion that countries consider some form of administrative process ensuring that the PPT is only applied after senior approval

Commentators broadly supported introducing a procedural mechanism to implement a formal

administrative review process to ensure that the PPT rule would be applied consistently and provide certainty to cross-border investors. The Revised Discussion Draft notes, however, that differences in the audit and assessment procedures of each country would prevent the adoption of a single approach to a formal administrative process. The Revised Discussion Draft instead proposes modifications to the Commentary that would suggest that countries establish administrative processes to ensure that the PPT is only applied after approval at a senior level within the administration.

3. Whether the application of the PPT rule should be excluded from the issues with respect to which the arbitration provision of paragraph 5 of Article 25 is applicable

The Discussion Draft noted that some countries were of the view that application of the PPT rule should be excluded from the arbitration mechanism of paragraph 5 of Article 25 of the OECD Model. However, the majority view supported the need for an arbitration provision in this context given the uncertainty that would be created by the PPT rule, the need to ensure the timely resolution of disputes, and the need to guarantee a coordinated and consensual interpretation and application of the PPT rule. Therefore, it was agreed that the OECD Model should not endorse the minority view and, as a result, no changes were proposed to the arbitration mechanism of paragraph 5 of Article 25. It was

further agreed that this issue should also be considered under Action 14 (Make dispute resolution mechanisms more effective).

4. Aligning the Commentaries on the PPT rule and the LOB discretionary relief provision that deals with the principal purposes test

Although there was support from a number of delegates for aligning the Commentaries on the PPT and the discretionary relief provisions, the Revised Discussion Draft notes that some other delegates disagreed and thought because the two concepts were developed separately, there was no intention to equate the two. The Revised Draft further notes that those delegates who did not support alignment did not support the inclusion of a PPT provision either, and therefore, would not find any PPT guidance relevant for purposes of the determination of discretionary relief under an LOB provision. It was therefore proposed to make some changes to the Commentary on the discretionary relief provision. For example, the Revised Draft includes proposed language for such Commentary to explain the meaning of the phrase “one of the principal purposes” in paragraph 5 of the LOB provision proposed in the September 2014 Report.

5. Whether some form of discretionary relief should be provided under the PPT rule

The application of the PPT rule can result in the denial of the application of treaty provisions, which in turn can result in the

relevant income being taxable under domestic law. The Revised Discussion Draft indicates agreement to propose changes to the PPT rule and its Commentary to provide a discretionary relief option when the PPT rule denies treaty benefits. The proposed changes to the Commentary would grant broad discretion to the competent authority for the purposes of these determinations. The proposed Commentary includes an acknowledgment that the domestic law of some countries may not allow the competent authority of such a country to exercise the type of discretion envisaged and notes that such countries are free to omit the relevant paragraphs of the Commentary from their bilateral treaties.

6. Drafting of the alternative “conduit-PPT rule”

The Commentary on the PPT provision included in the September 2014 Report includes an anti-abuse rule that would address treaty-shopping strategies not caught by the LOB provision and would be used as an alternative to the PPT provision. Given the need to clarify some features of that rule, the Working Party agreed to propose changes to the Commentary on the PPT rule that focuses on general principles and includes examples of transactions that an anti-conduit rule should address. The examples provided in the Revised Draft are largely drawn from the exchange of letters between the United States and the United Kingdom in connection with the bilateral treaty

between those countries (which is reproduced in the 2002 Technical Explanation to the treaty).

7. List of examples in the Commentary on the PPT rule

The Revised Discussion Draft states that it was agreed to propose changes to the Commentary on the PPT rule to include four new examples illustrating application of the PPT rule. It was also agreed that a cross-reference should be provided between the examples illustrating application of the PPT and the examples of conduit arrangements (see section 6 above). The new examples generally illustrate considerations in the application of the PPT rule in cases involving holding and regional companies.

Other Issues

1. Application of the new treaty tie-breaker rule

The new tie-breaker provision included in the September 2014 Report provides that in the absence of an agreement between the competent authorities, a dual resident entity should not be entitled to any relief or exemption from tax provided by the treaty. It was agreed that in those cases, however, the Commentary on the tie-breaker provision should clarify that although treaty benefits are denied for the dual resident entity, that should not prevent the entity from being considered a resident of the applicable Contracting State for purposes of the provisions of the treaty that do not provide relief to that entity (e.g., with respect

to the taxation of employment income).³ The Revised Discussion Draft includes the changes to the language of the Commentary to clarify that point.

2. The design and drafting of the rule applicable to PEs located in third States

The September 2014 Report included a new anti-abuse rule dealing with a permanent establishment (PE) located in a third country. In respect of the design and drafting of the rule to address such PEs, the Revised Discussion Draft contains proposals to include a comparative effective tax rate test and an active trade or business exception to the anti-abuse rule, as well as inclusion of some form of discretionary relief from application of the rule, all of which will be further considered at the June meeting.

3. Proposed Commentary on the interaction between tax treaties and domestic anti-abuse rules

The September 2014 Report included changes to the Commentary intended to clarify that the inclusion of the PPT provision in tax treaties would not affect the conclusions already reflected in the Commentary concerning the interaction between treaties and domestic anti-abuse rules. The Revised Discussion Draft indicates that the question of whether any changes to the Commentary are needed to clarify that existing conclusions regarding the interaction between treaties and domestic anti-abuse provisions are to continue to be applicable, in particular with respect to treaties

that do not incorporate the PPT provision, is to be considered further at the June meeting.

The Revised Discussion Draft notes that the discussion at the June meeting is expected to consider the interaction of treaties with recommendations on changes to domestic law made in connection with other Actions including Hybrid Mismatch Arrangements (Action 2), CFC Rules (Action 3), Interest (Action 4), Transfer Pricing for Intangibles (Action 8), and TP for Risk and Capital (Actions 9 and 10). According to the Revised Draft, the changes that will be made to

the Commentary in order to reflect these conclusions will be decided at the June 2015 meeting of the Working Party.

Implications

The Revised Discussion Draft contains proposals that will be further developed in light of the comments received and the discussion during the Working Party's June 2015 meeting. The proposals in the Revised Discussion Draft would have significant implications for global businesses in terms of their continuing access to treaty benefits. The Revised

Draft also acknowledges that some issues, particularly the tax treaty treatment of investment fund vehicles, likely will require additional work after the OECD's target date for the final Action 6 report of September 2015.

It is important for companies to continue to monitor the developments in this area in the OECD and in the countries in which they operate and invest, to assess the implications of these developments for their business models, and to consider actively engaging with policymakers in this international tax debate.

Endnotes

1. See EY Global Tax Alert, [OECD releases report under BEPS Action 6 on preventing treaty abuse](#), dated 24 September 2014.
2. See EY Global Tax Alert, [OECD releases public discussion draft on follow up work on treaty abuse under BEPS Action 6](#), dated 26 November 2014.
3. For example, for purposes of applying Article 15(2)(b).

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