

<p align="center"><b>OECD MODEL TAX CONVENTION ON INCOME AND ON CAPITAL</b></p>	<p align="center"><b>SOUTH AFRICAN MODEL AGREEMENT FOR THE AVOIDANCE OF DOUBLE TAXATION</b></p>	<p align="center"><b>CONVENTION BETWEEN SOUTH AFRICA AND MOZAMBIQUE FOR THE AVOIDANCE OF DOUBLE TAXATION</b></p>
<p align="center"><b>PREAMBLE TO THE CONVENTION</b></p> <p>Convention between (State A) and (State B) with respect to taxes on income and on capital</p>  <p align="center"><b>CHAPTER I</b></p> <p align="center"><b>SCOPE OF THE CONVENTION</b></p> <p align="center"><b>Article 1</b></p> <p align="center"><b>Persons Covered</b></p> <p>This Convention shall apply to persons who are residents of one or both of the Contracting States.</p>	<p align="center">Preamble</p> <p>The Government of ..... and the Government of the Republic of South Africa desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,</p> <p>HAVE AGREED as follows:</p>  <p align="center"><b>Article 1</b></p> <p align="center"><b>Persons Covered</b></p> <p>This Agreement shall apply to persons who are residents of one or both of the Contracting States.</p>	<p align="center"><b>Preamble</b></p> <p>The Republic of Mozambique and the Republic of South Africa desiring to promote and strengthen the economic relations between the two countries,</p> <p>Have agreed as follows:</p>  <p align="center"><b>Article 1</b></p> <p align="center"><b>Persons Covered</b></p> <p>This Convention shall apply to persons who are residents of one or both of the Contracting States.</p>
<p align="center"><b>Article 2</b></p> <p align="center"><b>Taxes Covered</b></p> <p>1. This Convention shall apply to taxes on income and on capital imposed on behalf of a Contracting State or of its political subdivisions or local authorities, irrespective of the manner</p>	<p align="center"><b>Article 2</b></p> <p align="center"><b>Taxes Covered</b></p> <p>1. This Agreement shall apply to taxes on income imposed on behalf of a Contracting State or of its political subdivisions, irrespective of the manner in which they are levied.</p>	<p align="center"><b>Article 2</b></p> <p align="center"><b>Taxes Covered</b></p>

<p>in which they are levied.</p> <p>2. There shall be regarded as taxes on income and on capital all taxes imposed on total income, on total capital, or on elements of income or of capital, including taxes on gains from the alienation of movable or immovable property, taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation.</p> <p>3. The existing taxes to which the Convention shall apply are in particular:</p> <p>a) (in State A): .....</p> <p>b) (in State B): .....</p> <p>4. The Convention shall apply also to any identical or substantially similar taxes that are imposed after the date of signature of the Convention in addition to, or in place of, the existing taxes. The competent authorities of</p>	<p>2. There shall be regarded as taxes on income all taxes imposed on total income, or on elements of income, including taxes on gains from the alienation of movable or immovable property.</p> <p>3. The existing taxes to which the Agreement shall apply are:</p> <p>(a) in .....</p> <p>(i) .....;</p> <p>(ii) .....;</p> <p>(iii) .....; and</p> <p>(iv) .....;</p> <p>(hereinafter referred to as “..... tax”); and</p> <p>(b) in South Africa:</p> <p>(i) the normal tax;</p> <p>(ii) the secondary tax on companies; and</p> <p>(iii) the withholding tax on royalties;</p> <p>(hereinafter referred to as “South African tax”).</p> <p>4. The Agreement shall apply also to any identical or substantially similar taxes that are imposed after the date of signature of the Agreement in addition to, or in place of, the existing taxes. The competent authorities of</p>	<p>1. The existing taxes to which this Convention shall apply are:</p> <p>(a) in Mozambique:</p> <p>(i) the personal income tax (Imposto Sobre o Rendimento das Pessoas Singulares (IRPS)); and</p> <p>(ii) the corporate income tax (Imposto Sobre o Rendimento das Pessoas Colectivas (IRPC));</p> <p>(hereinafter referred to as “Mozambican tax”); and</p> <p>(b) in South Africa:</p> <p>(i) the normal tax;</p> <p>(ii) the secondary tax on companies; and</p> <p>(iii) the withholding tax on royalties;</p> <p>(hereinafter referred to as “South African tax”).</p> <p>2. The Convention shall apply also to any identical or substantially similar taxes that are imposed by either Contracting State after the date of signature of the Convention in addition to, or in place of, the existing taxes. The</p>
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the Contracting States shall notify each other of any significant changes that have been made in their taxation laws.

**CHAPTER II**  
**DEFINITIONS**

**Article 3**  
**General Definitions**

1. For the purposes of this Convention, unless the context otherwise requires:
  - a) the term “person” includes an individual, a company and any other body of persons;
  - b) the term “company” means any body corporate or any entity that is treated as a body corporate for tax purposes;

the Contracting States shall notify each other of any significant changes that have been made in their taxation laws.

**Article 3**  
**General Definitions**

1. For the purposes of this Agreement, unless the context otherwise requires:
  - (a) the term “.....” means .....  
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.....  
.....; and
  - (b) the term “South Africa” means the Republic of South Africa and, when used in a geographical sense, includes the territorial sea thereof as well as

competent authorities of the Contracting States shall notify each other of any significant changes that have been made in their respective taxation laws.

**Article 3**  
**General Definitions**

1. For the purposes of this Convention, unless the context otherwise requires:
  - (a) the term “Mozambique” means the Republic of Mozambique and includes:
    - (i) all territories and islands which, in accordance with the laws of Mozambique, constitute the State of Mozambique;
    - (ii) the territorial sea of Mozambique; and
    - (iii) any area outside the territorial sea of Mozambique including the continental shelf which, in accordance with international law and the laws of Mozambique, has been or may hereafter be designated, as an area within which the rights of Mozambique with respect to the sea, the sea-bed and subsoil and their natural resources may be exercised; and
  - (b) the term “South Africa” means the Republic of South Africa and, when used in a geographical sense, includes the territorial sea thereof as well as any

<p>c) the term “enterprise” applies to the carrying on of any business;</p> <p>d) the terms “enterprise of a Contracting State” and “enterprise of the other Contracting State” mean respectively an enterprise carried on by a resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;</p> <p>e) the term “international traffic” means any transport by a ship or aircraft operated by an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State;</p> <p>f) the term “competent authority” means:</p> <p>(i) (in State A): .....</p> <p>(ii) (in State B): .....</p>	<p>any area outside the territorial sea, including the continental shelf, which has been or may hereafter be designated, under the laws of South Africa and in accordance with international law, as an area within which South Africa may exercise sovereign rights or jurisdiction;</p> <p>(c) the terms “a Contracting State” and “the other Contracting State” mean ..... or South Africa, as the context requires;</p> <p>(d) the term “business” includes the performance of professional services and of other activities of an independent character;</p> <p>(e) the term “company” means any body corporate or any entity that is treated as a body corporate for tax purposes;</p> <p>(f) the term “competent authority” means:</p> <p>(i) in ....., ..... or an authorised representative of the .....; and</p> <p>(ii) in South Africa, the Commissioner for the South African Revenue Service or an authorised representative of the Commissioner;</p>	<p>area outside the territorial sea, including the continental shelf, which has been or may hereafter be designated, under the laws of South Africa and in accordance with international law, as an area within which South Africa may exercise sovereign rights or jurisdiction;</p> <p>(c) the terms “a Contracting State” and “the other Contracting State” mean Mozambique or South Africa, as the context requires;</p> <p>(d) the term “business” includes the performance of professional services and of other activities of an independent character;</p> <p>(e) the term “company” means any body corporate or any entity that is treated as a company or body corporate for tax purposes;</p> <p>(f) the term “competent authority” means:</p> <p>(i) in Mozambique, the Minister of Finance or an authorised representative; and</p> <p>(ii) in South Africa, the Commissioner for the South African Revenue Service or an authorised representative;</p>
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<p>g) the term “national”, in relation to a Contracting State, means:</p> <p>(i) any individual possessing the nationality or citizenship of that Contracting State; and</p> <p>(ii) any legal person, partnership or association deriving its status as such from the laws in force in that Contracting State;</p> <p>h) the term “business” includes the performance of professional services and of other activities of an independent character.</p>	<p>(g) the term “enterprise” applies to the carrying on of any business;</p> <p>(h) the terms “enterprise of a Contracting State” and “enterprise of the other Contracting State” mean respectively an enterprise carried on by a resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;</p> <p>(i) the term “international traffic” means any transport by a ship or aircraft operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State;</p> <p>(j) the term “national”, in relation to a Contracting State, means:</p> <p>(i) any individual possessing the nationality or citizenship of that Contracting State; and</p> <p>(ii) any legal person or association deriving its status as such from the laws in force in that Contracting State; and</p> <p>(k) the term “person” includes an individual, a company and any other body of persons that is treated as an entity for tax purposes.</p>	<p>(g) the term “enterprise” applies to the carrying on of any business;</p> <p>(h) the terms “enterprise of a Contracting State” and “enterprise of the other Contracting State” mean respectively an enterprise carried on by a resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;</p> <p>(i) the term “international traffic” means any transport by a ship, aircraft or rail or road transport vehicle operated by an enterprise of a Contracting State, except when the ship, aircraft or rail or road transport vehicle is operated solely between places in the other Contracting State;</p> <p>(j) the term “national” means:</p> <p>(i) any individual possessing the nationality of a Contracting State;</p> <p>(ii) any legal person or association deriving its status as such from the laws in force in a Contracting State; and</p> <p>(k) the term “person” includes an individual, a company and any other body of persons that is treated as an entity for tax purposes.</p>
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<p>2. As regards the application of the Convention at any time by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that State for the purposes of the taxes to which the Convention applies, any meaning under the applicable tax laws of that State prevailing over a meaning given to the term under other laws of that State.</p>	<p>2. As regards the application of the provisions of the Agreement at any time by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that State for the purposes of the taxes to which the Agreement applies, any meaning under the applicable tax laws of that State prevailing over a meaning given to the term under other laws of that State.</p>	<p>2. As regards the application of the provisions of the Convention at any time by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that State for the purposes of the taxes to which the Convention applies, any meaning under the applicable tax laws of that State prevailing over a meaning given to the term under other laws of that State.</p>
<p style="text-align: center;"><b>Article 4</b> <b>Resident</b></p>	<p style="text-align: center;"><b>Article 4</b> <b>Resident</b></p>	<p style="text-align: center;"><b>Article 4</b> <b>Resident</b></p>
<p>1. For the purposes of this Convention, the term “resident of a Contracting State” means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of management or any other criterion of a similar nature, and also includes that State and any political subdivision or local authority thereof. This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein.</p>	<p>1. For the purposes of this Agreement, the term “resident of a Contracting State” means any person who, under the laws of that State, is liable to tax therein by reason of that person’s domicile, residence, place of management or any other criterion of a similar nature, and also includes that State and any political subdivision or local authority thereof. This term, however, does not include any person who is liable to tax in that State in respect only of income from sources therein.</p>	<p>1. For the purposes of this Convention, the term “resident of a Contracting State” means any person who, under the laws of that State, is liable to tax therein by reason of that person’s domicile, residence, place of management or any other criterion of a similar nature, and also includes that State and any political subdivision or local authority thereof. This term, however, does not include any person who is liable to tax in that State in respect only of income from sources therein.</p>
<p>2. Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then his status shall be determined as follows:</p> <p>a) he shall be deemed to be a resident only of the State in which he has a permanent home available to him; if he has a permanent home available to him in both States, he shall be deemed to be a resident only of the State with which his personal and economic relations are closer (centre of vital interests);</p>	<p>2. Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then that individual’s status shall be determined as follows:</p> <p>(a) the individual shall be deemed to be a resident solely of the State in which a permanent home is available to the individual; if a permanent home is available to the individual in both States, the individual shall be deemed to be a resident solely of the State with which the individual’s personal and economic relations are closer (centre of vital interests);</p>	<p>2. Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then that individual’s status shall be determined as follows:</p> <p>(a) the individual shall be deemed to be a resident solely of the State in which a permanent home is available to the individual; if a permanent home is available to the individual in both States, the individual shall be deemed to be a resident solely of the State with which the individual’s personal and economic relations are closer (centre of vital interests);</p>

<p>b) if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State, he shall be deemed to be a resident only of the State in which he has an habitual abode;</p> <p>c) if he has an habitual abode in both States or in neither of them, he shall be deemed to be a resident only of the State of which he is a national;</p> <p>d) if he is a national of both States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.</p> <p>3. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated.</p>	<p>(b) if sole residence cannot be determined under the provisions of subparagraph (a), or if the individual has not a permanent home available in either State, the individual shall be deemed to be a resident solely of the State in which the individual has an habitual abode;</p> <p>(c) if the individual has an habitual abode in both States or in neither of them, the individual shall be deemed to be a resident solely of the State of which the individual is a national;</p> <p>(d) if the individual is a national of both States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.</p> <p>3. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident solely of the State in which its place of effective management is situated.</p>	<p>(b) if sole residence cannot be determined under the provisions of subparagraph (a), or if the individual has not a permanent home available in either State, the individual shall be deemed to be a resident solely of the State in which the individual has an habitual abode;</p> <p>(c) if the individual has an habitual abode in both States or in neither of them, the individual shall be deemed to be a resident solely of the State of which the individual is a national;</p> <p>(d) if the individual is a national of both States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.</p> <p>3. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident solely of the State in which its place of effective management is situated.</p>
<p style="text-align: center;"><b>Article 5</b></p> <p style="text-align: center;"><b>Permanent Establishment</b></p> <p>1. For the purposes of this Convention, the term “permanent establishment” means a fixed place of business through which the business of an enterprise is wholly or partly carried on.</p> <p>2. The term “permanent establishment” includes especially:</p> <p>a) a place of management;</p> <p>b) a branch;</p>	<p style="text-align: center;"><b>Article 5</b></p> <p style="text-align: center;"><b>Permanent Establishment</b></p> <p>1. For the purposes of this Agreement, the term “permanent establishment” means a fixed place of business through which the business of an enterprise is wholly or partly carried on.</p> <p>2. The term “permanent establishment” includes especially:</p> <p>(a) a place of management;</p> <p>(b) a branch;</p>	<p style="text-align: center;"><b>Article 5</b></p> <p style="text-align: center;"><b>Permanent Establishment</b></p> <p>1. For the purposes of this Convention, the term “permanent establishment” means a fixed place of business through which the business of an enterprise is wholly or partly carried on.</p> <p>2. The term “permanent establishment” includes especially:</p> <p>(a) a place of management;</p> <p>(b) a branch;</p>

<p>c) an office;  d) a factory;  e) a workshop, and  f) a mine, an oil or gas well, a quarry or any other place of extraction of natural resources.</p> <p>3. A building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months.</p>	<p>(c) an office;  (d) a factory;  (e) a workshop, and  (f) a mine, an oil or gas well, a quarry or any other place of extraction or exploitation of natural resources.</p> <p>3. The term “permanent establishment” likewise encompasses:</p> <p>(a) a building site, a construction, assembly or installation project or any supervisory activity in connection with such site or project, but only where such site, project or activity continues for a period of more than ..... months;</p> <p>(b) the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by an enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned;</p> <p>(c) the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal</p>	<p>(c) an office;  (d) a factory;  (e) a workshop;  (f) a warehouse, in relation to a person providing storage facilities for others;  (g) a mine, an oil or gas well, a quarry or any other place of extraction or exploitation of natural resources; and  (h) an installation or structure used for the exploration of natural resources.</p> <p>3. The term “permanent establishment” likewise encompasses:</p> <p>(a) a building site, a construction, assembly or installation project or any supervisory activity in connection with such site or project, but only where such site, project or activity continues for a period of more than six months;</p> <p>(b) the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by an enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods exceeding in the aggregate 180 days in any twelve-month period commencing or ending in the fiscal year concerned;</p> <p>(c) the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 180 days in any twelve-month period commencing or ending in the fiscal year concerned.</p>
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<p>4. Notwithstanding the preceding provisions of this Article, the term “permanent establishment” shall be deemed not to include:</p> <ul style="list-style-type: none"> <li>a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;</li> <li>b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;</li> <li>c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;</li> <li>d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise or of collecting information, for the enterprise;</li> <li>e) the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character;</li> <li>f) the maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs a) to e), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.</li> </ul> <p>5. Notwithstanding the provisions of paragraphs 1 and 2, where a person - other than an agent of an independent status to whom paragraph 6</p>	<p style="text-align: center;">year concerned.</p> <p>4. Notwithstanding the preceding provisions of this Article, the term “permanent establishment” shall be deemed not to include:</p> <ul style="list-style-type: none"> <li>(a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;</li> <li>(b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;</li> <li>(c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;</li> <li>(d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or of collecting information, for the enterprise;</li> <li>(e) the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character; and</li> <li>(f) the maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs (a) to (e), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.</li> </ul> <p>5. Notwithstanding the provisions of paragraphs 1 and 2, where a person – other than an agent of an independent status to whom paragraph 6</p>	<p>4. Notwithstanding the preceding provisions of this Article, the term “permanent establishment” shall be deemed not to include:</p> <ul style="list-style-type: none"> <li>(a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;</li> <li>(b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;</li> <li>(c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;</li> <li>(d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or of collecting information, for the enterprise;</li> <li>(e) the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character; and</li> <li>(f) the maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs (a) to (e), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.</li> </ul> <p>5. Notwithstanding the provisions of paragraphs 1 and 2, where a person - other than an agent of an independent status to whom paragraph 6</p>
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<p>applies - is acting on behalf of an enterprise and has, and habitually exercises, in a Contracting State an authority to conclude contracts in the name of the enterprise, that enterprise shall be deemed to have a permanent establishment in that State in respect of any activities which that person undertakes for the enterprise, unless the activities of such person are limited to those mentioned in paragraph 4 which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph.</p> <p>6. An enterprise shall not be deemed to have a permanent establishment in a Contracting State merely because it carries on business in that State through a broker, general commission agent or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business.</p> <p>7. The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.</p>	<p>applies – is acting on behalf of an enterprise and has, and habitually exercises, in a Contracting State an authority to conclude contracts in the name of the enterprise, that enterprise shall be deemed to have a permanent establishment in that State in respect of any activities which that person undertakes for the enterprise, unless the activities of such person are limited to those mentioned in paragraph 4 which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph.</p> <p>6. An enterprise shall not be deemed to have a permanent establishment in a Contracting State merely because it carries on business in that State through a broker, general commission agent or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business.</p> <p>7. The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.</p>	<p>applies - is acting on behalf of an enterprise and has, and habitually exercises, in a Contracting State an authority to conclude contracts in the name of the enterprise, that enterprise shall be deemed to have a permanent establishment in that State in respect of any activities which that person undertakes for the enterprise, unless the activities of such person are limited to those mentioned in paragraph 4 which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph.</p> <p>6. An enterprise shall not be deemed to have a permanent establishment in a Contracting State merely because it carries on business in that State through a broker, general commission agent or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business.</p> <p>7. The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.</p>
<p style="text-align: center;"><b>CHAPTER III</b></p> <p style="text-align: center;"><b>TAXATION OF INCOME</b></p> <p style="text-align: center;"><b>Article 6</b></p> <p style="text-align: center;"><b>Income from Immovable Property</b></p> <p>1. Income derived by a resident of a Contracting</p>	<p style="text-align: center;"><b>Article 6</b></p> <p style="text-align: center;"><b>Income from Immovable Property</b></p> <p>1. Income derived by a resident of a Contracting</p>	<p style="text-align: center;"><b>Article 6</b></p> <p style="text-align: center;"><b>Income from Immovable Property</b></p> <p>1. Income derived by a resident of a Contracting</p>

<p>State from immovable property (including income from agriculture or forestry) situated in the other Contracting State may be taxed in that other State.</p> <p>2. The term “immovable property” shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources; ships, boats and aircraft shall not be regarded as immovable property.</p> <p>3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting, or use in any other form of immovable property.</p> <p>4. The provisions of paragraphs 1 and 3 shall also apply to the income from immovable property of an enterprise.</p>	<p>State from immovable property (including income from agriculture or forestry) situated in the other Contracting State may be taxed in that other State.</p> <p>2. The term “immovable property” shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources. Ships, boats and aircraft shall not be regarded as immovable property.</p> <p>3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting or use in any other form of immovable property.</p> <p>4. The provisions of paragraphs 1 and 3 shall also apply to the income from immovable property of an enterprise.</p>	<p>State from immovable property, including income from agriculture or forestry, situated in the other Contracting State may be taxed in that other State.</p> <p>2. The term “immovable property” shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources. Ships, boats and aircraft shall not be regarded as immovable property.</p> <p>3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting or use in any other form of immovable property.</p> <p>4. The provisions of paragraphs 1 and 3 shall also apply to the income from immovable property of an enterprise.</p>
<p style="text-align: center;"><b>Article 7</b></p> <p style="text-align: center;"><b>Business Profits</b></p> <p>1. The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to that permanent establishment.</p>	<p style="text-align: center;"><b>Article 7</b></p> <p style="text-align: center;"><b>Business Profits</b></p> <p>1. The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to that permanent establishment.</p>	<p style="text-align: center;"><b>Article 7</b></p> <p style="text-align: center;"><b>Business Profits</b></p> <p>1. The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to that permanent establishment.</p>

<p>2. Subject to the provisions of paragraph 3, where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.</p>	<p>2. Subject to the provisions of paragraph 3, where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.</p>	<p>2. Subject to the provisions of paragraph 3, where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.</p>
<p>3. In determining the profits of a permanent establishment, there shall be allowed as deductions expenses which are incurred for the purposes of the permanent establishment, including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere.</p>	<p>3. In determining the profits of a permanent establishment, there shall be allowed as deductions expenses which are incurred for the purposes of the permanent establishment, including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere.</p>	<p>3. In determining the profits of a permanent establishment, there shall be allowed as deductions expenses which are incurred for the purposes of the permanent establishment, including executive and general administrative expenses so incurred, whether in the Contracting State in which the permanent establishment is situated or elsewhere.</p>
<p>4. Insofar as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary; the method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article.</p>	<p>4. In so far as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary. The method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article.</p>	<p>4. In so far as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary. The method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article.</p>
<p>5. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.</p>	<p>5. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.</p>	<p>5. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.</p>
<p>6. For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same</p>	<p>6. For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the</p>	<p>6. For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same</p>

<p>method year by year unless there is good and sufficient reason to the contrary.</p> <p>7. Where profits include items of income which are dealt with separately in other Articles of this Convention, then the provisions of those Articles shall not be affected by the provisions of this Article.</p>	<p>same method year by year unless there is good and sufficient reason to the contrary.</p> <p>7. Where profits include items of income which are dealt with separately in other Articles of this Agreement, then the provisions of those Articles shall not be affected by the provisions of this Article.</p>	<p>method year by year unless there is good and sufficient reason to the contrary.</p> <p>7. Where profits include items of income which are dealt with separately in other Articles of this Convention, then the provisions of those Articles shall not be affected by the provisions of this Article.</p>
<p style="text-align: center;"><b>Article 8</b></p> <p style="text-align: center;"><b>Shipping, Inland Waterways Transport and Air Transport</b></p>	<p style="text-align: center;"><b>Article 8</b></p> <p style="text-align: center;"><b>Shipping and Air Transport</b></p>	<p style="text-align: center;"><b>Article 8</b></p> <p style="text-align: center;"><b>International Transport</b></p>
<p>1. Profits from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.</p> <p>2. Profits from the operation of boats engaged in inland waterways transport shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.</p> <p>3. If the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat, then it shall be deemed to be situated in the Contracting State in which the home harbour of the ship or boat is situated, or, if there is no such home harbour, in the Contracting State of which the operator of the ship or boat is a</p>	<p>1. Profits of an enterprise of a Contracting State from the operation of ships or aircraft in international traffic shall be taxable only in that State.</p> <p>2. For the purposes of this Article, profits from the operation of ships or aircraft in international traffic shall include profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, if such profits are incidental to the profits to which the provisions of paragraph 1 apply.</p> <p>3. Profits of an enterprise of a Contracting State from the use or rental of containers (including trailers, barges and related equipment for the transport of containers) used for the transport in international traffic of goods or merchandise shall be taxable only in that State.</p>	<p>1. Profits of an enterprise of a Contracting State from the operation of ships, aircraft or rail or road transport vehicles in international traffic shall be taxable only in that State.</p> <p>2. For the purposes of this Article, profits from the operation of ships, aircraft or rail or road transport vehicles in international traffic shall include:</p> <ul style="list-style-type: none"> <li>(a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic;</li> <li>(b) profits derived from the rental of rail or road transport vehicles used in international traffic;</li> </ul> <p>if such profits are incidental to the profits to which the provisions of paragraph 1 apply.</p> <p>3. Profits of an enterprise of a Contracting State from the use or rental of containers (including trailers, barges and related equipment for the transport of containers) used for the transport in international traffic of goods or merchandise shall be taxable only in that State.</p>

<p>resident.</p> <p>4. The provisions of paragraph 1 shall also apply to profits from the participation in a pool, a joint business or an international operating agency.</p> <p style="text-align: center;"><b>Article 9</b></p> <p style="text-align: center;"><b>Associated Enterprises</b></p> <p>1. Where</p> <p>a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or</p> <p>b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State,</p> <p>and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.</p> <p>2. Where a Contracting State includes in the profits of an enterprise of that State - and taxes accordingly - profits on which an enterprise of the other Contracting State has been charged to tax in that other State and the profits so included are profits which would have accrued to the enterprise of the first-mentioned State if the conditions made between the two</p>	<p>4. The provisions of paragraph 1 shall also apply to profits from the participation in a pool, a joint business or an international operating agency.</p> <p style="text-align: center;"><b>Article 9</b></p> <p style="text-align: center;"><b>Associated Enterprises</b></p> <p>1. Where</p> <p>(a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or</p> <p>(b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State,</p> <p>and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.</p> <p>2. Where a Contracting State includes in the profits of an enterprise of that State – and taxes accordingly – profits on which an enterprise of the other Contracting State has been charged to tax in that other State and the profits so included are profits which would have accrued to the enterprise of the first-mentioned State if the conditions made</p>	<p>4. The provisions of paragraph 1 shall also apply to profits from the participation in a pool, a joint business or an international operating agency.</p> <p style="text-align: center;"><b>Article 9</b></p> <p style="text-align: center;"><b>Associated Enterprises</b></p> <p>1. Where:</p> <p>(a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or</p> <p>(b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State,</p> <p>and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.</p> <p>2. Where a Contracting State includes in the profits of an enterprise of that State - and taxes accordingly - profits on which an enterprise of the other Contracting State has been charged to tax in that other State and the profits so included are profits which would have accrued to the enterprise of the first-mentioned State if the conditions made between the two</p>
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enterprises had been those which would have been made between independent enterprises, then that other State shall make an appropriate adjustment to the amount of the tax charged therein on those profits. In determining such adjustment, due regard shall be had to the other provisions of this Convention and the competent authorities of the Contracting States shall if necessary consult each other.

**Article 10**

**Dividends**

1. Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State may be taxed in that other State.
2. However, such dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident and according to the laws of that State, but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed:
  - a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends;
  - b) 15 per cent of the gross amount of the dividends in all other cases.

The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of these limitations.

between the two enterprises had been those which would have been made between independent enterprises, then that other State may make an appropriate adjustment to the amount of the tax charged therein on those profits. In determining such adjustment, due regard shall be had to the other provisions of this Agreement and the competent authorities of the Contracting States shall if necessary consult each other.

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2. However, such dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident and according to the laws of that State, but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed:
  - (a) ... per cent of the gross amount of the dividends if the beneficial owner is a company which holds at least 25 per cent of the capital of the company paying the dividends; or
  - (b) ... per cent of the gross amount of the dividends in all other cases.

The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of these limitations.

enterprises had been those which would have been made between independent enterprises, then that other State may make an appropriate adjustment to the amount of the tax charged therein on those profits. In determining such adjustment, due regard shall be had to the other provisions of this Convention and the competent authorities of the Contracting States shall if necessary consult each other.

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1. Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State may be taxed in that other State.
2. However, such dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident and according to the laws of that State, but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed:
  - (a) 8 per cent of the gross amount of the dividends if the beneficial owner is a company which holds at least 25 per cent of the capital of the company paying the dividends; or
  - (b) 15 per cent of the gross amount of the dividends in all other cases.

The competent authorities of the Contracting States shall settle the mode of application of these limitations by mutual agreement.

<p>This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.</p> <p>3. The term “dividends” as used in this Article means income from shares, “jouissance” shares or “jouissance” rights, mining shares, founders’ shares or other rights, not being debt-claims, participating in profits, as well as income from other corporate rights which is subjected to the same taxation treatment as income from shares by the laws of the State of which the company making the distribution is a resident.</p> <p>4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the dividends, being a resident of a Contracting State, carries on business in the other Contracting State of which the company paying the dividends is a resident through a permanent establishment situated therein and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.</p> <p>5. Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other State may not impose any tax on the dividends paid by the company, except insofar as such dividends are paid to a resident of that other State or insofar as the holding in respect of which the dividends are paid is effectively connected with a permanent establishment situated in that other State, nor subject the company’s undistributed profits to a tax on the company’s undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.</p>	<p>This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.</p> <p>3. The term “dividends” as used in this Article means income from shares or other rights participating in profits (not being debt-claims), as well as income from other corporate rights which is subjected to the same taxation treatment as income from shares by the laws of the State of which the company making the distribution is a resident.</p> <p>4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the dividends, being a resident of a Contracting State, carries on business in the other Contracting State of which the company paying the dividends is a resident through a permanent establishment situated therein and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.</p> <p>5. Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other State may not impose any tax on the dividends paid by the company, except in so far as such dividends are paid to a resident of that other State or in so far as the holding in respect of which the dividends are paid is effectively connected with a permanent establishment situated in that other State, nor subject the company’s undistributed profits to a tax on undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.</p>	<p>This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.</p> <p>3. The term “dividends” as used in this Article means income from shares or other rights participating in profits (not being debt-claims), as well as income from other corporate rights which is subjected to the same taxation treatment as income from shares by the laws of the Contracting State of which the company making the distribution is a resident.</p> <p>4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the dividends, being a resident of a Contracting State, carries on business in the other Contracting State of which the company paying the dividends is a resident, through a permanent establishment situated therein and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment. In such case, the provisions of Article 7 shall apply.</p> <p>5. Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other State may not impose any tax on the dividends paid by the company, except in so far as such dividends are paid to a resident of that other State or in so far as the holding in respect of which the dividends are paid is effectively connected with a permanent establishment situated in that other State, nor subject the company’s undistributed profits to a tax on undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.</p>
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<p style="text-align: center;"><b>Article 11</b></p> <p style="text-align: center;"><b>Interest</b></p>	<p style="text-align: center;"><b>Article 11</b></p> <p style="text-align: center;"><b>Interest</b></p>	<p style="text-align: center;"><b>Article 11</b></p> <p style="text-align: center;"><b>Interest</b></p>
<p>1. Interest arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.</p> <p>2. However, such interest may also be taxed in the Contracting State in which it arises and according to the laws of that State, but if the beneficial owner of the interest is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the interest. The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation.</p> <p>3. The term "interest" as used in this Article means income from debt-claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor's profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. Penalty charges for late payment shall not be regarded as interest for the</p>	<p>1. Interest arising in a Contracting State and paid to a resident of the other Contracting State shall be taxable only in that other State, provided such resident is the beneficial owner of the interest.</p> <p>2. The term "interest" as used in this Article means income from debt claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor's profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. Penalty charges for late payment shall not be regarded as interest for the</p>	<p>1. Interest arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.</p> <p>2. However, subject to the provisions of paragraph 3, such interest may also be taxed in the Contracting State in which it arises and according to the laws of that State, but if the beneficial owner of the interest is a resident of the other Contracting State, the tax so charged shall not exceed 8 per cent of the gross amount of the interest.</p> <p>3. Interest arising in a Contracting State shall be exempt from tax in that State if it is derived and beneficially owned by:</p> <ul style="list-style-type: none"> <li>(a) the Government, a political subdivision or a local authority of the other Contracting State;</li> <li>(b) any board, body or institution which is wholly owned by the Government, a political subdivision or a local authority of the other Contracting State; or</li> <li>(c) any bank which is a resident of the other Contracting State.</li> </ul> <p>4. The term "interest" as used in this Article means income from debt-claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor's profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. Penalty charges for late payment shall not be regarded as interest for the</p>

<p>purpose of this Article.</p> <p>4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the interest, being a resident of a Contracting State, carries on business in the other Contracting State in which the interest arises through a permanent establishment situated therein and the debt-claim in respect of which the interest is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.</p> <p>5. Interest shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the interest, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment, then such interest shall be deemed to arise in the State in which the permanent establishment is situated.</p> <p>6. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.</p>	<p>purpose of this Article.</p> <p>3. The provisions of paragraph 1 shall not apply if the beneficial owner of the interest, being a resident of a Contracting State, carries on business in the other Contracting State in which the interest arises through a permanent establishment situated therein and the debt-claim in respect of which the interest is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.</p> <p>4. Interest shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the interest, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment, then such interest shall be deemed to arise in the State in which the permanent establishment is situated.</p> <p>5. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.</p>	<p>purposes of this Article.</p> <p>5. The provisions of paragraphs 1, 2 and 3 shall not apply if the beneficial owner of the interest, being a resident of a Contracting State, carries on business in the other Contracting State in which the interest arises, through a permanent establishment situated therein and the debt-claim in respect of which the interest is paid is effectively connected with such permanent establishment. In such case, the provisions of Article 7 shall apply.</p> <p>6. Interest shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the interest, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment, then such interest shall be deemed to arise in the State in which the permanent establishment is situated.</p> <p>7. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.</p>
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<p align="center"><b>Article 12</b></p> <p align="center"><b>Royalties</b></p>	<p align="center"><b>Article 12</b></p> <p align="center"><b>Royalties</b></p>	<p align="center"><b>Article 12</b></p> <p align="center"><b>Royalties</b></p>
<p>1. Royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State.</p> <p>2. The term “royalties” as used in this Article means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work including cinematograph films, any patent, trade mark, design or model, plan, secret formula or process, or for information concerning industrial, commercial or scientific experience.</p> <p>3. The provisions of paragraph 1 shall not apply if the beneficial owner of the royalties, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties arise through a permanent establishment situated therein and the right or property in respect of which the royalties are paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.</p>	<p>1. Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.</p> <p>2. However, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed .... per cent of the gross amount of the royalties.</p> <p>The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation.</p> <p>3. The term “royalties” as used in this Article means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work (including cinematograph films and films, tapes or discs for radio or television broadcasting), any patent, trade mark, design or model, plan, secret formula or process, or for information concerning industrial, commercial or scientific experience.</p> <p>4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the royalties, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties arise through a permanent establishment situated therein and the right or property in respect of which the royalties are paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.</p> <p>5. Royalties shall be deemed to arise in a Contracting State when the payer is a resident</p>	<p>1. Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.</p> <p>2. However, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 5 per cent of the gross amount of the royalties.</p> <p>3. The term “royalties” as used in this Article means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work (including cinematograph films and films, tapes or discs for radio or television broadcasting), any patent, trade mark, design or model, plan, secret formula or process, or for information concerning industrial, commercial or scientific experience.</p> <p>4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the royalties, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties arise, through a permanent establishment situated therein and the right or property in respect of which the royalties are paid is effectively connected with such permanent establishment. In such case, the provisions of Article 7 shall apply.</p> <p>5. Royalties shall be deemed to arise in a Contracting State when the payer is a resident</p>

<p>4. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.</p>	<p>of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the State in which the permanent establishment is situated.</p> <p>6. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.</p>	<p>of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the State in which the permanent establishment is situated.</p> <p>6. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.</p>
<p style="text-align: center;"><b>Article 13</b> <b>Capital Gains</b></p>	<p style="text-align: center;"><b>Article 13</b> <b>Capital Gains</b></p>	<p style="text-align: center;"><b>Article 13</b> <b>Capital Gains</b></p>
<p>1. Gains derived by a resident of a Contracting State from the alienation of immovable property referred to in Article 6 and situated in the other Contracting State may be taxed in that other State.</p> <p>2. Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State, including such gains from the alienation of such a permanent</p>	<p>1. Gains derived by a resident of a Contracting State from the alienation of immovable property referred to in Article 6 and situated in the other Contracting State may be taxed in that other State.</p> <p>2. Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State, including such gains from the alienation of such a permanent</p>	<p>1. Gains derived by a resident of a Contracting State from the alienation of immovable property referred to in Article 6 and situated in the other Contracting State may be taxed in that other State.</p> <p>2. Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State, including such gains from the alienation of such a permanent establishment (alone or with</p>

<p>establishment (alone or with the whole enterprise), may be taxed in that other State.</p> <p>3. Gains from the alienation of ships or aircraft operated in international traffic, boats engaged in inland waterways transport or movable property pertaining to the operation of such ships, aircraft or boats, shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.</p> <p>4. Gains derived by a resident of a Contracting State from the alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property situated in the other Contracting State may be taxed in that other State.</p> <p>5. Gains from the alienation of any property other than that referred to in paragraphs 1, 2, 3 and 4, shall be taxable only in the Contracting State of which the alienator is a resident.</p>	<p>establishment (alone or with the whole enterprise), may be taxed in that other State.</p> <p>3. Gains of an enterprise of a Contracting State from the alienation of ships or aircraft operated in international traffic or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that State.</p> <p>4. Gains derived by a resident of a Contracting State from the alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property situated in the other Contracting State may be taxed in that other State.</p> <p>5. Gains from the alienation of any property other than that referred to in the preceding paragraphs of this Article, shall be taxable only in the Contracting State of which the alienator is a resident.</p>	<p>the whole enterprise), may be taxed in that other State.</p> <p>3. Gains of an enterprise of a Contracting State from the alienation of ships, aircraft or rail or road transport vehicles operated in international traffic or movable property pertaining to the operation of such ships, aircraft or rail or road transport vehicles, shall be taxable only in that State.</p> <p>4. Gains from the alienation of shares of the capital stock of a company the property of which consists directly or indirectly principally of immovable property situated in a Contracting State may be taxed in that State.</p> <p>5. Gains from the alienation of any property other than that referred to in the preceding paragraphs of this Article, shall be taxable only in the Contracting State of which the alienator is a resident.</p>
<p style="text-align: center;"><b>[Article 14</b></p> <p style="text-align: center;"><b>Independent Personal Services]</b></p> <p style="text-align: center;">Article Deleted</p> <p style="text-align: center;"><b>Article 15</b></p> <p style="text-align: center;"><b>Income from Employment</b></p>	<p style="text-align: center;"><b>Article 14</b></p> <p style="text-align: center;"><b>Income from Employment</b></p>	<p style="text-align: center;"><b>Article 14</b></p> <p style="text-align: center;"><b>Income from Employment</b></p>
<p>1. Subject to the provisions of Articles 16, 18 and 19, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so</p>	<p>1. Subject to the provisions of Articles 15, 17 and 18, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so</p>	<p>1. Subject to the provisions of Articles 15, 17, 18 and 19, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so</p>

<p>exercised, such remuneration as is derived therefrom may be taxed in that other State.</p> <p>2. Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:</p> <p>a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in any twelve month period commencing or ending in the fiscal year concerned, and</p> <p>b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State, and</p> <p>c) the remuneration is not borne by a permanent establishment which the employer has in the other State.</p> <p>3. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic, or aboard a boat engaged in inland waterways transport, may be taxed in the Contracting State in which the place of effective management of the enterprise is situated.</p> <p style="text-align: center;"><b>Article 16</b></p> <p style="text-align: center;"><b>Directors' Fees</b></p> <p>Directors' fees and other similar payments derived by a resident of a Contracting State in his capacity as a member of the board of directors of a company which is a resident of the other Contracting State may be</p>	<p>exercised, such remuneration as is derived therefrom may be taxed in that other State.</p> <p>2. Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:</p> <p>(a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned, and</p> <p>(b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State, and</p> <p>(c) the remuneration is not borne by a permanent establishment which the employer has in the other State.</p> <p>3. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State.</p> <p style="text-align: center;"><b>Article 15</b></p> <p style="text-align: center;"><b>Directors' Fees</b></p> <p>Directors' fees and other similar payments derived by a resident of a Contracting State in that person's capacity as a member of the board of directors of a company which is a resident of the other Contracting</p>	<p>exercised, such remuneration as is derived therefrom may be taxed in that other State.</p> <p>2. Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:</p> <p>(a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 180 days in any twelve-month period commencing or ending in the fiscal year concerned; and</p> <p>(b) the remuneration is paid by or on behalf of an employer who is not a resident of the other State; and</p> <p>(c) the remuneration is not borne by a permanent establishment which the employer has in the other State.</p> <p>3. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship, aircraft or rail or road transport vehicle operated in international traffic by an enterprise of a Contracting State may be taxed in that State.</p> <p style="text-align: center;"><b>Article 15</b></p> <p style="text-align: center;"><b>Directors' Fees</b></p> <p>Directors' fees and similar payments derived by a resident of a Contracting State in that person's capacity as a member of the board of directors of a company which is a resident of the other Contracting</p>
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<p>taxed in that other State.</p> <p style="text-align: center;"><b>Article 17</b></p> <p style="text-align: center;"><b>Artistes and Sportsmen</b></p> <ol style="list-style-type: none"> <li>Notwithstanding the provisions of Articles 7 and 15, income derived by a resident of a Contracting State as an entertainer, such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsman, from his personal activities as such exercised in the other Contracting State, may be taxed in that other State.</li> <li>Where income in respect of personal activities exercised by an entertainer or a sportsman in his capacity as such accrues not to the entertainer or sportsman himself but to another person, that income may, notwithstanding the provisions of Articles 7 and 15, be taxed in the Contracting State in which the activities of the entertainer or sportsman are exercised.</li> </ol> <p style="text-align: center;"><b>Article 18</b></p> <p style="text-align: center;"><b>Pensions</b></p> <p>Subject to the provisions of paragraph 2 of Article 19,</p>	<p>State may be taxed in that other State.</p> <p style="text-align: center;"><b>Article 16</b></p> <p style="text-align: center;"><b>Entertainers and Sportspersons</b></p> <ol style="list-style-type: none"> <li>Notwithstanding the provisions of Articles 7 and 14, income derived by a resident of a Contracting State as an entertainer, such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsperson, from that person's personal activities as such exercised in the other Contracting State, may be taxed in that other State.</li> <li>Where income in respect of personal activities exercised by an entertainer or a sportsperson in that person's capacity as such accrues not to the entertainer or sportsperson but to another person, that income may, notwithstanding the provisions of Articles 7 and 14, be taxed in the Contracting State in which the activities of the entertainer or sportsperson are exercised.</li> </ol> <p style="text-align: center;"><b>Article 17</b></p> <p style="text-align: center;"><b>Pensions and Annuities</b></p> <ol style="list-style-type: none"> <li>Subject to the provisions of paragraph 2 of</li> </ol>	<p>State may be taxed in that other State.</p> <p style="text-align: center;"><b>Article 16</b></p> <p style="text-align: center;"><b>Entertainers and Sportspersons</b></p> <ol style="list-style-type: none"> <li>Notwithstanding the provisions of Articles 7 and 14, income derived by a resident of a Contracting State as an entertainer such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsperson, from that person's personal activities as such exercised in the other Contracting State, may be taxed in that other State.</li> <li>Where income in respect of personal activities exercised by an entertainer or a sportsperson in that person's capacity as such accrues not to the entertainer or sportsperson but to another person, that income may, notwithstanding the provisions of Articles 7 and 14, be taxed in the Contracting State in which the activities of the entertainer or sportsperson are exercised.</li> <li>Income derived by a resident of a Contracting State from activities exercised in the other Contracting State as envisaged in paragraphs 1 and 2 of this Article, shall be exempt from tax in that other State if the visit to that other State is supported wholly or mainly by public funds of the first-mentioned Contracting State, a political subdivision or a local authority thereof, or takes place under a cultural agreement or arrangement between the Governments of the Contracting States.</li> </ol> <p style="text-align: center;"><b>Article 17</b></p> <p style="text-align: center;"><b>Pensions and Annuities</b></p> <ol style="list-style-type: none"> <li>Subject to the provisions of paragraph 2 of</li> </ol>
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<p>pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State.</p> <p style="text-align: center;"><b>Article 19</b></p> <p style="text-align: center;"><b>Government Service</b></p> <p>1. a) Salaries, wages and other similar remuneration, other than a pension, paid by a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in that State.</p> <p>b) However, such salaries, wages and other similar remuneration shall be taxable only in the other Contracting State if the services are rendered in that State and the individual is a resident of that State who:</p> <p style="margin-left: 40px;">(i) is a national of that State; or (ii) did not become a resident of that State solely for the</p>	<p>Article 18, pensions and other similar remuneration, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State.</p> <p>2. The term “annuity” means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money’s worth.</p> <p style="text-align: center;"><b>Article 18</b></p> <p style="text-align: center;"><b>Government Service</b></p> <p>1. (a) Salaries, wages and other similar remuneration, other than a pension, paid by a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in that State.</p> <p>(b) However, such salaries, wages and other similar remuneration shall be taxable only in the other Contracting State if the services are rendered in that State and the individual is a resident of that State who:</p> <p style="margin-left: 40px;">(i) is a national of that State; or (ii) did not become a resident of that State solely for the</p>	<p>Article 18, pensions and other similar remuneration, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State.</p> <p>2. Notwithstanding the provisions of paragraph 1, pensions and other similar payments made under the social security system of a Contracting State shall be taxable only in that State.</p> <p>3. The term “annuity” means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money’s worth.</p> <p style="text-align: center;"><b>Article 18</b></p> <p style="text-align: center;"><b>Government Service</b></p> <p>1. (a) Salaries, wages and similar remuneration, other than a pension, paid by a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in that State.</p> <p>(b) However, such salaries, wages and similar remuneration shall be taxable only in the other Contracting State if the services are rendered in that State and the individual is a resident of that State who:</p> <p style="margin-left: 40px;">(i) is a national of that State; or (ii) did not become a resident of that State solely for the purpose</p>
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<p style="text-align: center;">purpose of rendering the services.</p> <p>2. a) Notwithstanding the provisions of paragraph 1, a pension or other similar remuneration paid by, or out of funds created by, a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in that State.</p> <p>b) However, such pension or other similar remuneration shall be taxable only in the other Contracting State if the individual is a resident of, and a national of, that State.</p> <p>3. The provisions of Articles 15, 16, 17, and 18 shall apply to salaries, wages and other similar remuneration, and to pensions, in respect of services rendered in connection with a business carried on by a Contracting State or a political subdivision or a local authority thereof.</p>	<p style="text-align: center;">purpose of rendering the services.</p> <p>2. (a) Notwithstanding the provisions of paragraph 1, a pension or other similar remuneration paid by, or out of funds created by, a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in that State.</p> <p>(b) However, such pension or other similar remuneration shall be taxable only in the other Contracting State if the individual is a resident of, and a national of, that State.</p> <p>3. The provisions of Articles 14, 15, 16 and 17 shall apply to salaries, wages, pensions, and other similar remuneration in respect of services rendered in connection with a business carried on by a Contracting State or a political subdivision or a local authority thereof.</p>	<p style="text-align: center;">of rendering the services.</p> <p>2. (a) Notwithstanding the provisions of paragraph 1, a pension or other similar remuneration paid by, or out of funds created by, a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in that State.</p> <p>(b) However, such pension or other similar remuneration shall be taxable only in the other Contracting State if the individual is a resident of, and a national of, that State.</p> <p>3. The provisions of Articles 14, 15, 16 and 17 shall apply to salaries, wages, pensions, and other similar remuneration in respect of services rendered in connection with a business carried on by a Contracting State or a political subdivision or a local authority thereof.</p> <p style="text-align: center;"><b>Article 19</b></p> <p style="text-align: center;"><b>Professors and Teachers</b></p> <p>1. Notwithstanding the provisions of Article 14, a professor or teacher who makes a temporary visit to one of the Contracting States for a period not exceeding in the aggregate two years from the date of first arrival in that State, solely for the purpose of teaching or carrying out research at a university, college, school or other educational institution in that State and who is, or immediately before such visit was, a resident of the other Contracting State shall, in respect of remuneration for such teaching or research, be exempt from tax in the first-</p>
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<p style="text-align: center;"><b>Article 20</b></p> <p style="text-align: center;"><b>Students</b></p> <p>Payments which a student or business apprentice who is or was immediately before visiting a Contracting State a resident of the other Contracting State and who is present in the first-mentioned State solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed in that State, provided that such payments arise from sources outside that State.</p> <p style="text-align: center;"><b>Article 21</b></p> <p style="text-align: center;"><b>Other Income</b></p> <ol style="list-style-type: none"> <li>1. Items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Convention shall be taxable only in that State.</li> <li>2. The provisions of paragraph 1 shall not apply to income, other than income from immovable property as defined in paragraph 2 of Article 6, if the recipient of such income, being a resident of a Contracting State, carries on business in the other Contracting State through a permanent establishment situated therein and the right or property in respect of which the income is paid is effectively connected with</li> </ol>	<p style="text-align: center;"><b>Article 19</b></p> <p style="text-align: center;"><b>Students</b></p> <p>A student who is present in a Contracting State solely for the purpose of the student's education or training and who is, or immediately before being so present was, a resident of the other Contracting State, shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State for the purposes of the student's maintenance, education or training.</p> <p style="text-align: center;"><b>Article 20</b></p> <p style="text-align: center;"><b>Other Income</b></p> <ol style="list-style-type: none"> <li>1. Items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Agreement shall be taxable only in that State.</li> <li>2. The provisions of paragraph 1 shall not apply to income, other than income from immovable property as defined in paragraph 2 of Article 6, if the recipient of such income, being a resident of a Contracting State, carries on business in the other Contracting State through a permanent establishment situated therein and the right or property in respect of which the income is paid is effectively</li> </ol>	<p>mentioned State, provided that such remuneration is derived by the individual from outside that State and such remuneration is subject to tax in the other State.</p> <ol style="list-style-type: none"> <li>2. The provisions of this Article shall not apply to income from research if such research is undertaken not in the public interest but wholly or mainly for the private benefit of a specific person or persons.</li> </ol> <p style="text-align: center;"><b>Article 20</b></p> <p style="text-align: center;"><b>Students, Apprentices and Business Trainees</b></p> <p>Students, apprentices or business trainees who are present in a Contracting State solely for the purpose of their education or training and who are, or immediately before being so present were residents of the other Contracting State, shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State for the purpose of their maintenance, education or training.</p> <p style="text-align: center;"><b>Article 21</b></p> <p style="text-align: center;"><b>Other Income</b></p> <ol style="list-style-type: none"> <li>1. Items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Convention shall be taxable only in that State.</li> <li>2. The provisions of paragraph 1 shall not apply to income, other than income from immovable property as defined in paragraph 2 of Article 6, if the recipient of such income, being a resident of a Contracting State, carries on business in the other Contracting State through a permanent establishment situated therein and the right or property in respect of which the income is paid is effectively connected with such permanent</li> </ol>
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such permanent establishment. In such case the provisions of Article 7 shall apply.

#### **CHAPTER IV**

#### **TAXATION OF CAPITAL**

##### **Article 22**

##### **Capital**

*An Article on Capital which is found in the OECD Model Convention is omitted from the South African Model Agreement as well as from the Convention with Mozambique.*

#### **CHAPTER V**

#### **METHODS FOR ELIMINATION OF DOUBLE TAXATION**

##### **Article 23 A**

##### **Exemption Method**

1. Where a resident of a Contracting State derives income or owns capital which, in accordance with the provisions of this Convention, may be taxed in the other Contracting State, the first-mentioned State shall, subject to the provisions of paragraphs 2 and 3, exempt such income or capital from tax.

connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

3. Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of the Agreement and arising in the other Contracting State may also be taxed in that other State.

establishment. In such case, the provisions of Article 7 shall apply.

3. Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of the Convention and arising in the other Contracting State may also be taxed in that other State.

2. Where a resident of a Contracting State derives items of income which, in accordance with the provisions of Articles 10 and 11, may be taxed in the other Contracting State, the first-mentioned State shall allow as a deduction from the tax on the income of that resident an amount equal to the tax paid in that other State. Such deduction shall not, however, exceed that part of the tax, as computed before the deduction is given, which is attributable to such items of income derived from that other State.
3. Where in accordance with any provision of the Convention income derived or capital owned by a resident of a Contracting State is exempt from tax in that State, such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital.
4. The provisions of paragraph 1 shall not apply to income derived or capital owned by a resident of a Contracting State where the other Contracting State applies the provisions of this Convention to exempt such income or capital from tax or applies the provisions of paragraph 2 of Article 10 or 11 to such income.

**Article 23 B**

**Credit Method**

1. Where a resident of a Contracting State derives income or owns capital which, in accordance with the provisions of this Convention, may be taxed in the other Contracting State, the first-mentioned State shall allow:

**Article 21**

**Elimination of Double Taxation**

Double taxation shall be eliminated as follows:

(a) in ....., .....

.....

.....

.....

.....

**Article 22**

**Elimination of Double Taxation**

1. Double taxation shall be eliminated as follows:
  - (a) (i) In Mozambique, where a resident of Mozambique derives income which, in accordance with the provisions of this Convention may be taxed in

<p>a) as a deduction from the tax on the income of that resident, an amount equal to the income tax paid in that other State;</p> <p>b) as a deduction from the tax on the capital of that resident, an amount equal to the capital tax paid in that other State.</p> <p>Such deduction in either case shall not, however, exceed that part of the income tax or capital tax, as computed before the deduction is given, which is attributable, as the case may be, to the income or the capital which may be taxed in that other State.</p> <p>2. Where in accordance with any provision of the Convention income derived or capital owned by a resident of a Contracting State is exempt from tax in that State, such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital.</p>	<p>..... .....;</p> <p>(b) in South Africa, subject to the provisions of the law of South Africa regarding the deduction from tax payable in South Africa of tax payable in any country other than South Africa (which shall not affect the general principle hereof), ..... tax paid by residents of South Africa in respect of income taxable in ....., in accordance with the provisions of this Agreement, shall be deducted from the taxes due according to South African fiscal law. Such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income.</p>	<p>South Africa, Mozambique shall allow as a deduction from the tax on income of that resident an amount equal to the South African tax paid. Such deduction shall not, however, exceed that part of the tax on income, as computed before the deduction is given, which is attributable to the income which may be taxed in South Africa.</p> <p>(ii) Where a dividend is distributed by a company which is a resident of South Africa to a resident of Mozambique who controls, directly or indirectly, at least 25 per cent of the capital of the company paying the dividend, the deduction in item (i) in respect of that dividend shall take into account the South African tax paid by the first-mentioned company on the portion of the profits out of which the dividend is paid.</p> <p>(b) In South Africa, subject to the provisions of the law of South Africa regarding the deduction from tax payable in South Africa of tax payable in any country other than South Africa (which shall not affect the general principle hereof), Mozambican tax paid by residents of South Africa in respect of income taxable in Mozambique, in accordance with the provisions of this Convention, shall be deducted from the taxes due according to South African fiscal law. Such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income.</p>
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**CHAPTER VI**  
**SPECIAL PROVISIONS**

**Article 24**  
**Non-discrimination**

1. Nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the

**Article 22**  
**Non-discrimination**

1. Nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the

**Article 23**  
**Non-discrimination**

2. For the purposes of paragraph 1 of this Article, the terms "Mozambican tax paid" and "South African tax paid" shall be deemed to include the amount of tax which would have been paid in Mozambique or South Africa, as the case may be, but for an exemption or reduction granted in accordance with laws which establish schemes for the promotion of economic development in Mozambique or South Africa, as the case may be, such schemes having been mutually agreed by the competent authorities of the Contracting States as qualifying for the purposes of this paragraph.
  3. A grant given by a Contracting State or a political subdivision thereof to a resident of the other Contracting State in accordance with laws which establish schemes for the promotion of economic development in Mozambique or South Africa, as the case may be, such schemes having been mutually agreed by the competent authorities of the Contracting States as qualifying for the purposes of this paragraph, shall not be taxable in the other State.
1. Nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the same

<p>same circumstances, in particular with respect to residence, are or may be subjected. This provision shall, notwithstanding the provisions of Article 1, also apply to persons who are not residents of one or both of the Contracting States.</p> <p>2. Stateless persons who are residents of a Contracting State shall not be subjected in either Contracting State to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of the State concerned in the same circumstances, in particular with respect to residence, are or may be subjected.</p> <p>3. The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities. This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.</p> <p>4. Except where the provisions of paragraph 1 of Article 9, paragraph 6 of Article 11, or paragraph 4 of Article 12, apply, interest, royalties and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned State. Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the</p>	<p>same circumstances, in particular with respect to residence, are or may be subjected. This provision shall, notwithstanding the provisions of Article 1, also apply to persons who are not residents of one or both of the Contracting States.</p> <p>2. The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities. This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.</p> <p>3. Except where the provisions of paragraph 1 of Article 9, paragraph 5 of Article 11 or paragraph 6 of Article 12 apply, interest, royalties and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned State.</p>	<p>circumstances, in particular with respect to residence, are or may be subjected. This provision shall, notwithstanding the provisions of Article 1, also apply to persons who are not residents of one or both of the Contracting States.</p> <p>2. The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities. This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.</p> <p>3. Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of that first-mentioned State are or may be subjected.</p>
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<p>taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State.</p> <p>5. Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of the first-mentioned State are or may be subjected.</p> <p>6. The provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description.</p>	<p>4. Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of the first-mentioned State are or may be subjected.</p> <p>5. Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of ....., a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points.</p> <p>6. The provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description.</p>	<p>4. Except where the provisions of paragraph 1 of Article 9, paragraph 7 of Article 11 or paragraph 6 of Article 12 apply, interest, royalties and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned State.</p> <p>5. Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Mozambique, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points.</p> <p>6. The provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description.</p>
<p style="text-align: center;"><b>Article 25</b></p> <p style="text-align: center;"><b>Mutual Agreement Procedure</b></p> <p>1. Where a person considers that the actions of one or both of the Contracting States result or will result for him in taxation not in accordance with the provisions of this Convention, he may, irrespective of the remedies provided by the domestic law of those States, present his case to the competent authority of the Contracting State of which he is a resident or, if his case comes under paragraph 1 of Article 24, to that</p>	<p style="text-align: center;"><b>Article 23</b></p> <p style="text-align: center;"><b>Mutual Agreement Procedure</b></p> <p>1. Where a person considers that the actions of one or both of the Contracting States result or will result for that person in taxation not in accordance with the provisions of this Agreement, that person may, irrespective of the remedies provided by the domestic law of those States, present a case to the competent authority of the Contracting State of which the person is a resident or, if the case comes</p>	<p style="text-align: center;"><b>Article 24</b></p> <p style="text-align: center;"><b>Mutual Agreement Procedure</b></p> <p>1. Where a person considers that the actions of one or both of the Contracting States result or will result for that person in taxation not in accordance with this Convention, that person may, irrespective of the remedies provided by the domestic law of those States, present a case to the competent authority of the Contracting State of which the person is a resident or, if the case comes under paragraph</p>

<p>of the Contracting State of which he is a national. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Convention.</p> <p>2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation which is not in accordance with the Convention. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States.</p> <p>3. The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Convention. They may also consult together for the elimination of double taxation in cases not provided for in the Convention.</p> <p>4. The competent authorities of the Contracting States may communicate with each other directly, including through a joint commission consisting of themselves or their representatives, for the purpose of reaching an agreement in the sense of the preceding paragraphs.</p>	<p>under paragraph 1 of Article 22, to that of the Contracting State of which the person is a national. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Agreement.</p> <p>2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation which is not in accordance with the Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States.</p> <p>3. The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Agreement. They may also consult together for the elimination of double taxation in cases not provided for in the Agreement.</p> <p>4. The competent authorities of the Contracting States may communicate with each other directly, including through a joint commission consisting of themselves or their representatives, for the purpose of reaching an agreement in the sense of the preceding paragraphs.</p>	<p>1 of Article 23, to that of the Contracting State of which the person is a national. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Convention.</p> <p>2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation which is not in accordance with the Convention. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States.</p> <p>3. The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Convention. They may also consult together for the elimination of double taxation in cases not provided for in the Convention.</p> <p>4. The competent authorities of the Contracting States may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs.</p>
<p style="text-align: center;"><b>Article 26</b></p> <p style="text-align: center;"><b>Exchange of Information</b></p>	<p style="text-align: center;"><b>Article 24</b></p> <p style="text-align: center;"><b>Exchange of Information</b></p>	<p style="text-align: center;"><b>Article 25</b></p> <p style="text-align: center;"><b>Exchange of Information</b></p>
<p>1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Convention or to the</p>	<p>1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Agreement or to the</p>	<p>1. The competent authorities of the Contracting States shall exchange such information as is necessary for carrying out the provisions of this Convention or of the domestic laws concerning</p>

<p>administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions or local authorities, insofar as the taxation thereunder is not contrary to the Convention. The exchange of information is not restricted by Articles 1 and 2.</p> <p>2. Any information received under paragraph 1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, or the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.</p> <p>3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting State the obligation:</p> <p>a) to carry out administrative measures at variance with the laws and administrative practice of that or of the</p>	<p>administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions in so far as the taxation thereunder is not contrary to the Agreement. The exchange of information is not restricted by Articles 1 and 2.</p> <p>2. Any information received under paragraph 1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.</p> <p>3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting State the obligation:</p> <p>(a) to carry out administrative measures at variance with the laws and administrative practice of that or of the</p>	<p>taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions in so far as the taxation thereunder is not contrary to the Convention. The exchange of information is not restricted by Articles 1 and 2. Any information received by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, or the determination of appeals in relation to the taxes referred to in the first-mentioned sentence. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.</p> <p>2. In no case shall the provisions of paragraph 1 be construed so as to impose on a Contracting State the obligation:</p> <p>(a) to carry out administrative measures at variance with the laws and administrative practice of that or of the</p>
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<p>other Contracting State;</p> <p>b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;</p> <p>c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy (<i>ordre public</i>).</p> <p>4. If information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraphs of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.</p> <p>5. In no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.</p> <p style="text-align: center;"><b>Article 27</b></p> <p><b>Assistance in the Collection of Taxes</b></p> <p>1. The Contracting States shall lend assistance to each other in the collection of revenue claims.</p>	<p>other Contracting State;</p> <p>(b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;</p> <p>(c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information the disclosure of which would be contrary to public policy (<i>ordre public</i>).</p> <p>4. If information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.</p> <p>5. In no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.</p> <p style="text-align: center;"><b>Article 25</b></p> <p><b>Assistance in the Collection of Taxes</b></p> <p>1. The Contracting States shall lend assistance to each other in the collection of revenue claims.</p>	<p>other Contracting State;</p> <p>(b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;</p> <p>(c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy (<i>ordre public</i>).</p> <p style="text-align: center;"><b>Article 26</b></p> <p><b>Assistance in Recovery</b></p> <p>1. The Contracting States shall, to the extent permitted by their respective domestic law, lend</p>
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<p>This assistance is not restricted by Articles 1 and 2. The competent authorities of the Contracting States may by mutual agreement settle the mode of application of this Article.</p> <p>2. The term “revenue claim” as used in this Article means an amount owed in respect of taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions or local authorities, insofar as the taxation thereunder is not contrary to this Convention or any other instrument to which the Contracting States are parties, as well as interest, administrative penalties and costs of collection or conservancy related to such amount.</p> <p>3. When a revenue claim of a Contracting State is enforceable under the laws of that State and is owed by a person who, at that time, cannot, under the laws of that State, prevent its collection, that revenue claim shall, at the request of the competent authority of that State, be accepted for purposes of collection by the competent authority of the other Contracting State. That revenue claim shall be collected by that other State in accordance with the provisions of its laws applicable to the enforcement and collection of its own taxes as if the revenue claim were a revenue claim of that other State.</p> <p>4. When a revenue claim of a Contracting State is a claim in respect of which that State may, under its law, take measures of conservancy with a view to ensure its collection, that revenue claim shall, at the request of the competent authority of that State, be accepted for purposes of taking measures of conservancy by the competent authority of the other Contracting State. That other State shall take measures of conservancy in respect of</p>	<p>This assistance is not restricted by Articles 1 and 2. The competent authorities of the Contracting States may by mutual agreement settle the mode of application of this Article.</p> <p>2. The term “revenue claim” as used in this Article means an amount owed in respect of taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions or local authorities, insofar as the taxation thereunder is not contrary to this Agreement or any other instrument to which the Contracting States are parties, as well as interest, administrative penalties and costs of collection or conservancy related to such amount.</p> <p>3. When a revenue claim of a Contracting State is enforceable under the laws of that State and is owed by a person who, at that time, cannot, under the laws of that State, prevent its collection, that revenue claim shall, at the request of the competent authority of that State, be accepted for purposes of collection by the competent authority of the other Contracting State. That revenue claim shall be collected by that other State in accordance with the provisions of its laws applicable to the enforcement and collection of its own taxes as if the revenue claim were a revenue claim of that other State.</p> <p>4. When a revenue claim of a Contracting State is a claim in respect of which that State may, under its law, take measures of conservancy with a view to ensure its collection, that revenue claim shall, at the request of the competent authority of that State, be accepted for purposes of taking measures of conservancy by the competent authority of the other Contracting State. That other State shall take measures of conservancy in respect of</p>	<p>assistance to each other in order to recover the taxes referred to in Article 2 as well as interest and penalties with regard to such taxes, provided that reasonable steps to recover such taxes have been taken by the Contracting State requesting such assistance.</p> <p>2. Claims which are the subject of requests for assistance shall not have priority over taxes owing in the Contracting State rendering assistance and the provisions of paragraph 1 of Article 25 shall also apply to any information which, by virtue of this Article, is supplied to the competent authority of a Contracting State.</p> <p>3. The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of the provisions of this Article.</p>
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<p>that revenue claim in accordance with the provisions of its laws as if the revenue claim were a revenue claim of that other State even if, at the time when such measures are applied, the revenue claim is not enforceable in the first-mentioned State or is owed by a person who has a right to prevent its collection.</p> <p>5. Notwithstanding the provisions of paragraphs 3 and 4, a revenue claim accepted by a Contracting State for purposes of paragraphs 3 or 4 shall not, in that State, be subject to the time limits or accorded any priority applicable to a revenue claim under the laws of that State by reason of its nature as such. In addition, a revenue claim accepted by a Contracting State for the purposes of paragraph 3 or 4 shall not, in that State, have any priority applicable to that revenue claim under the laws of the other Contracting State.</p> <p>6. Proceedings with respect to the existence, validity or the amount of a revenue claim of a Contracting State shall not be brought before the courts or administrative bodies of the other Contracting State.</p> <p>7. Where, at any time after a request has been made by a Contracting State under paragraph 3 or 4 and before the other Contracting State has collected and remitted the relevant revenue claim to the first-mentioned State, the relevant revenue claim ceases to be</p> <p>a) in the case of a request under paragraph 3, a revenue claim of the first-mentioned State that is enforceable under the laws of that State and is owed by a person who, at that time, cannot, under the laws of that State, prevent its collection, or</p> <p>b) in the case of a request under paragraph 4, a revenue claim of the</p>	<p>that revenue claim in accordance with the provisions of its laws as if the revenue claim were a revenue claim of that other State even if, at the time when such measures are applied, the revenue claim is not enforceable in the first-mentioned State or is owed by a person who has a right to prevent its collection.</p> <p>5. Notwithstanding the provisions of paragraphs 3 and 4, a revenue claim accepted by a Contracting State for purposes of paragraphs 3 or 4 shall not, in that State, be subject to the time limits or accorded any priority applicable to a revenue claim under the laws of that State by reason of its nature as such. In addition, a revenue claim accepted by a Contracting State for the purposes of paragraph 3 or 4 shall not, in that State, have any priority applicable to that revenue claim under the laws of the other Contracting State.</p> <p>6. Proceedings with respect to the existence, validity or the amount of a revenue claim of a Contracting State shall not be brought before the courts or administrative bodies of the other Contracting State.</p> <p>7. Where, at any time after a request has been made by a Contracting State under paragraph 3 or 4 and before the other Contracting State has collected and remitted the relevant revenue claim to the first-mentioned State, the relevant revenue claim ceases to be</p> <p>(a) in the case of a request under paragraph 3, a revenue claim of the first-mentioned State that is enforceable under the laws of that State and is owed by a person who, at that time, cannot, under the laws of that State, prevent its collection, or</p> <p>(b) in the case of a request under paragraph 4, a revenue claim of the</p>	
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<p>first-mentioned State in respect of which that State may, under its laws, take measures of conservancy with a view to ensure its collection</p> <p>the competent authority of the first-mentioned State shall promptly notify the competent authority of the other State of that fact and, at the option of the other State, the first-mentioned State shall either suspend or withdraw its request.</p> <p>8. In no case shall the provisions of this Article be construed so as to impose on a Contracting State the obligation:</p> <ul style="list-style-type: none"> <li>a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;</li> <li>b) to carry out measures which would be contrary to public policy (ordre public);</li> <li>c) to provide assistance if the other Contracting State has not pursued all reasonable measures of collection or conservancy, as the case may be, available under its laws or administrative practice;</li> <li>d) to provide assistance in those cases where the administrative burden of that State is clearly disproportionate to the benefit to be derived by the other Contracting State.</li> </ul> <p style="text-align: center;"><b>Article 28</b></p> <p style="text-align: center;"><b>Members of Diplomatic Missions and Consular Posts</b></p> <p>Nothing in this Convention shall affect the fiscal</p>	<p>first-mentioned State in respect of which that State may, under its laws, take measures of conservancy with a view to ensure its collection</p> <p>the competent authority of the first-mentioned State shall promptly notify the competent authority of the other State of that fact and, at the option of the other State, the first-mentioned State shall either suspend or withdraw its request.</p> <p>8. In no case shall the provisions of this Article be construed so as to impose on a Contracting State the obligation:</p> <ul style="list-style-type: none"> <li>(a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;</li> <li>(b) to carry out measures which would be contrary to public policy (ordre public);</li> <li>(c) to provide assistance if the other Contracting State has not pursued all reasonable measures of collection or conservancy, as the case may be, available under its laws or administrative practice;</li> <li>(d) to provide assistance in those cases where the administrative burden of that State is clearly disproportionate to the benefit to be derived by the other Contracting State.</li> </ul> <p style="text-align: center;"><b>Article 26</b></p> <p style="text-align: center;"><b>Members of Diplomatic Missions and Consular Posts</b></p> <p>Nothing in this Agreement shall affect the fiscal</p>	<p>first-mentioned State in respect of which that State may, under its laws, take measures of conservancy with a view to ensure its collection</p> <p>the competent authority of the first-mentioned State shall promptly notify the competent authority of the other State of that fact and, at the option of the other State, the first-mentioned State shall either suspend or withdraw its request.</p> <p>8. In no case shall the provisions of this Article be construed so as to impose on a Contracting State the obligation:</p> <ul style="list-style-type: none"> <li>(a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;</li> <li>(b) to carry out measures which would be contrary to public policy (ordre public);</li> <li>(c) to provide assistance if the other Contracting State has not pursued all reasonable measures of collection or conservancy, as the case may be, available under its laws or administrative practice;</li> <li>(d) to provide assistance in those cases where the administrative burden of that State is clearly disproportionate to the benefit to be derived by the other Contracting State.</li> </ul> <p style="text-align: center;"><b>Article 27</b></p> <p style="text-align: center;"><b>Members of Diplomatic Missions and Consular Posts</b></p> <p>Nothing in this Convention shall affect the fiscal</p>
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privileges of members of diplomatic missions or consular posts under the general rules of international law or under the provisions of special agreements.

**Article 29**

**Territorial Extension<sup>1</sup>**

*An Article on Territorial Extension which is found in the OECD Model Convention is omitted from the South African Model Agreement as well as from the Convention with Mozambique.*

**CHAPTER VII**

**FINAL PROVISIONS**

**Article 30**

**Entry into Force**

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at ..... as soon as possible.
2. The Convention shall enter into force upon the exchange of instruments of ratification and its provisions shall have effect:
  - a) (in State A): .....
  - b) (in State B): .....

privileges of members of diplomatic missions or consular posts under the general rules of international law or under the provisions of special agreements.

**Article 27**

**Entry into Force**

1. Each of the Contracting States shall notify to the other in writing, through the diplomatic channel, of the completion of the procedures required by its law for the bringing into force of this Agreement. The Agreement shall enter into force on the date of receipt of the later of these notifications.
2. The provisions of the Agreement shall apply:
  - (a) with regard to taxes withheld at source, in respect of amounts paid or credited on or after the first day of January next following the date upon which the Agreement enters into force; and
  - (b) with regard to other taxes, in respect of taxable years beginning on or after the first day of January next following

privileges of members of diplomatic missions or consular posts under the general rules of international law or under the provisions of special agreements.

**Article 28**

**Entry into Force**

1. Each of the Contracting States shall notify to the other in writing, through the diplomatic channel, of the completion of the procedures required by its law for the bringing into force of this Convention. The Convention shall enter into force on the date of receipt of the later of these notifications.
2. The provisions of the Convention shall apply:
  - (a) with regard to taxes withheld at source, in respect of amounts paid or credited on or after the first day next following the date upon which the Convention enters into force; and
  - (b) with regard to other taxes, in respect of taxable years beginning on or after the first day of January next following the

<p style="text-align: center;"><b>Article 31</b></p> <p style="text-align: center;"><b>Termination</b></p> <p>This Convention shall remain in force until terminated by a Contracting State. Either Contracting State may terminate the Convention, through diplomatic channels, by giving notice of termination at least six months before the end of any calendar year after the year ..... In such event, the Convention shall cease to have effect:</p> <p>a) (in State A): .....</p> <p>b) (in State B): .....</p>	<p style="text-align: center;"><b>Article 28</b></p> <p style="text-align: center;"><b>Termination</b></p> <p style="text-align: center;">the date upon which the Agreement enters into force.</p> <p>1. This Agreement shall remain in force indefinitely but either of the Contracting States may terminate the Agreement, through the diplomatic channel, by giving to the other Contracting State written notice of termination not later than 30 June of any calendar year starting five years after the year in which the Agreement entered into force.</p> <p>2. In such event the Agreement shall cease to apply:</p> <p>(a) with regard to taxes withheld at source, in respect of amounts paid or credited after the end of the calendar year in which such notice is given; and</p> <p>(b) with regard to other taxes, in respect of taxable years beginning after the end of the calendar year in which such notice is given.</p>	<p style="text-align: center;"><b>Article 29</b></p> <p style="text-align: center;"><b>Termination</b></p> <p style="text-align: center;">date upon which the Convention enters into force.</p> <p>1. This Convention shall remain in force indefinitely but either of the Contracting States may terminate the Convention through the diplomatic channel, by giving to the other Contracting State written notice of termination not later than 30 June of any calendar year starting five years after the year in which the Convention entered into force.</p> <p>2. In such event the Convention shall cease to apply:</p> <p>(a) with regard to taxes withheld at source, in respect of amounts paid or credited after the end of the calendar year in which such notice is given; and</p> <p>(b) with regard to other taxes, in respect of taxable years beginning after the end of the calendar year in which such notice is given.</p>
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