

of an enterprise or by movable property pertaining to a fixed base used for the purpose of performing independent personal services may be taxed in that Contracting State in which the permanent establishment or the fixed base is situated.

3. Capital represented by ships and aircraft operated in international traffic and by movable property pertaining to the operation of such ships and aircraft shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.
4. All other elements of capital of a resident of a Contracting State shall be taxable only in that Contracting State.

#### Article 21

##### Capital Gains

1. Gains from alienation of immovable property, as defined in paragraph 2 of Article 6, may be taxed in the Contracting State in which such immovable property is situated.
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 or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing professional services, including such gains from the alienation of such a permanent establishment (alone or together with the whole enterprise) or of such a fixed base, may be taxed in the other State. However, gains from the alienation of movable property of the kind referred to in paragraph 3 of Article 20 shall be taxable only in the Contracting State in which such movable property is taxable according to the said Article.
3. Gains from the alienation of any property other than those mentioned in paragraphs 1 and 2, shall be taxable only in the Contracting State of which the alienator is a resident.

#### Article 22

##### Elimination of Double Taxation

Where income derived from one of the Contracting States, is subject to tax in both Contracting States, relief from tax attributable to such income shall be given in accordance with the domestic laws and regulations of the Contracting States.

#### Article 23

##### Non-Discrimination

1. Persons of a Contracting State as defined under Article 3 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 persons of that other State in the same circumstances are or may be subjected.<sup>2</sup>
2. The taxation of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in the other Contracting State than the taxation levied on enterprises of that other Contracting 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 legally fixed personal allowances, reliefs and reductions which it grants to its own residents.

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 Contracting 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.

#### Article 24

##### Mutual Agreement Procedure

1. Where a resident of a Contracting State considers that the actions of one or both of the Contracting States have resulted or will result for him in taxation not in accordance with the provisions of this Convention, he may present his case to the competent authority of the Contracting State of which he is a resident.
2. The competent authority shall endeavour, if the objection appears to it to be justified, 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.
3. The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any problems 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.
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. Where no agreement as to open questions can be reached, a commission composed of an equal number of representatives of the competent authorities of either Contracting State may be established, which is to meet upon the request of one Contracting State.

#### Article 25

##### Exchange of Information

The competent authorities of the Contracting States shall exchange such information as is necessary for carrying out the provisions of this Convention and especially of the domestic laws of the Contracting States concerning taxes covered by the Convention. The exchanged information shall "be treated as secret and disclosed only to persons involved in the assessment or collection of the taxes covered by the Convention.

#### Article 26

##### Diplomatic Agents and Consular Officers

Nothing in this Convention shall affect the fiscal privileges of the staff of diplomatic and consular missions under the generally accepted rules of international law or under the provisions of special agreements.