

SYNTHESISED TEXT
OF
THE MULTILATERAL CONVENTION TO IMPLEMENT TAX TREATY RELATED
MEASURES TO PREVENT BASE EROSION AND PROFIT SHIFTING (MLI)
AND
THE CONVENTION
BETWEEN
THE KINGDOM OF DENMARK
AND
THE KINGDOM OF BELGIUM
FOR THE AVOIDANCE OF DOUBLE TAXATION
AND
FOR THE SETTLEMENT OF CERTAIN OTHER QUESTIONS WITH RESPECT TO TAXES
ON INCOME AND ON CAPITAL

This document was jointly prepared by the competent authorities of the Kingdom Denmark and the Kingdom of Belgium and represents their shared understanding of the modifications made to the Convention by the MLI.

The following text is based on an unofficial English translation of the convention between the Kingdom of Denmark and the Kingdom of Belgium. The official languages of the convention are Danish, Dutch, and French.

General disclaimer

This document presents the synthesised text for the application of the Convention between the Kingdom of Denmark and the Kingdom of Belgium for the avoidance of double taxation and the settlement of certain other questions with respect to Taxes on Income and on Capital signed on 16 October 1969 and the Protocols signed on 27 September 1999 and 7 July 2009 (together the “Convention”), as modified by the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (the “MLI”) signed by Belgium and Denmark on 7 June 2017.

This document was prepared on the basis of the MLI position of the MLI position of Denmark submitted to the Depositary upon approval on 30 September 2019 and of Belgium submitted to the Depositary upon ratification on 26 June 2019. These MLI positions are subject to modifications as provided in the MLI. Modifications made to MLI positions could modify the effects of the MLI on this Convention.

The authentic legal texts of the Convention and the MLI take precedence and remain the legal texts applicable.

The provisions of the MLI that are applicable with respect to the provisions of the Convention are included in boxes throughout the text of this document in the context of the relevant provisions of the Convention. The boxes containing the provisions of the MLI have generally been inserted in accordance with the ordering of the provisions of the OECD Model Tax Convention.

Changes to the text of the provisions of the MLI have been made to conform the terminology used in the MLI to the terminology used in the Convention (such as changes from “Covered Tax Agreement” to “Convention”, and changes from “Contracting Jurisdictions” to “Contracting States”), to ease the comprehension of the provisions of the MLI. The changes in terminology are intended to increase the readability of the document and are not intended to change the substance of the provisions of the MLI. Similarly, changes have been made to parts of provisions of the MLI that describe existing provisions of the Convention: descriptive language has been replaced by legal references to the existing provisions to ease the readability.

In all cases, references made to the provisions of the Convention or to the Convention must be understood as referring to the Convention as modified by the provisions of the MLI, provided such provisions of the MLI have taken effect.

References

The authentic legal texts of the MLI can be found at on the MLI Depository (OECD) webpage at the following link:

- in English: <http://www.oecd.org/tax/treaties/multilateral-convention-to-implement-tax-treaty-related-measures-to-prevent-BEPS.pdf>; and
- in French: <http://www.oecd.org/fr/fiscalite/conventions/convention-multilaterale-pour-la-mise-en-oeuvre-des-mesures-relatives-aux-conventions-fiscales-pour-prevenir-le-BEPS.pdf>.

The authentic legal texts of the Convention can be found at the following links:

In Denmark:

The Convention: Bekendtgørelse nr. 5 af 20. januar 1971 af overenskomst af 16. oktober 1969 med Belgien til undgåelse af dobbeltbeskatning for så vidt angår indkomstskat og formueskat. (retsinformation.dk)

The 1999 Protocol: Bekendtgørelse af Protokol af 27. september 1999 mellem Danmark og Belgien til ændring og supplerung af overenskomst af 16. oktober 1969 til undgåelse af dobbeltbeskatning for så vidt angår indkomstskat og formueskat (retsinformation.dk)

The 2009 Protocol: [Bekendtgørelse af protokol af 7. juli 2009 til ændring af dobbeltbeskatningsoverenskomsten mellem Danmark og Belgien \(retsinformation.dk\)](#)

In Belgium:

The Convention: <https://www.dekamer.be/digidoc/DPS/K2009/K20090198/K20090198.PDF>

1999 Protocol: <http://www.ejustice.just.fgov.be/eli/loi/2003/02/27/2003015057/justel>

2009 Protocol: <http://www.ejustice.just.fgov.be/eli/loi/2011/08/19/2011015095/justel>

The MLI position of Denmark submitted to the Depositary upon ratification on 30 September 2019 and amended by the deposit of the notification of withdrawal of a reservation received by the Depositary on 29 June 2021 and the MLI position of Belgium submitted to the Depositary upon ratification on 26 June 2019 can be found [on the MLI Depositary \(OECD\) webpage](#).

Disclaimer on the entry into effect of the provisions of the MLI

Entry into Effect of the MLI Provisions

The provisions of the MLI applicable to this Convention do not take effect on the same dates as the original provisions of the Convention. Each of the provisions of the MLI could take effect on different dates, depending on the types of taxes involved (taxes withheld at source or other taxes levied) and on the choices made by Belgium and Denmark in their MLI positions.

Dates of the deposit of instruments of ratification: 26 June 2019 for Belgium and 30 September 2019 for Denmark.

Entry into force of the MLI: 1 October 2019 for Belgium and 1 January 2020 for Denmark.

Unless it is stated otherwise elsewhere in this document, the provisions of the MLI have effect with respect to the Convention:

- with respect to taxes withheld at source on amounts paid or credited to non-residents, where the event giving rise to such taxes occurs on or after 1 January 2020;
- with respect to all other taxes levied by Belgium, for taxes levied with respect to taxable periods beginning on or after 1 July 2020; and
- with respect to all other taxes levied by Denmark, for taxes levied with respect to taxable periods beginning on or after 1 January 2021.

In accordance with paragraph 4 of Article 35 of the MLI, Article 16 of the MLI has effect with respect to this Convention for a case presented to the competent authority of a Contracting State on or after 1 January 2020, except for cases that were not eligible to be presented as of that date

under this Convention prior to its modification by the MLI, without regard to the taxable period to which the case relates.

C O N V E N T I O N
B E T W E E N
THE KINGDOM OF DENMARK AND THE KINGDOM OF BELGIUM
FOR THE AVOIDANCE OF DOUBLE TAXATION AND FOR THE SETTLEMENT OF
CERTAIN OTHER QUESTIONS WITH RESPECT TO TAXES ON INCOME AND ON
CAPITAL

His Majesty the King of Denmark and

His Majesty the King of the Belgians

[REPLACED by paragraph 1 of Article 6 of the MLI] ~~[Desiring to avoid double taxation and to settle certain other questions with respect to taxes on income and on capital,]~~

The following paragraph 1 of Article 6 of the MLI replaces the text referring to an intent to eliminate double taxation in the preamble of this Convention:

ARTICLE 6 OF THE MLI - PURPOSE OF A COVERED TAX AGREEMENT

Intending to eliminate double taxation with respect to the taxes covered by [*this Convention*] without creating opportunities for non-taxation or reduced taxation through tax evasion or avoidance (including through treaty-shopping arrangements aimed at obtaining reliefs provided in [*the Convention*] for the indirect benefit of residents of third jurisdictions),

have decided to conclude a Convention and have appointed for that purpose as their Plenipotentiaries:

His Majesty the King of Denmark:

His Excellency Mr P. Hartling, Minister of Foreign Affairs,

His Majesty the King of the Belgians:

His Excellency Mr P. Harmel, Minister of Foreign Affairs;

Who, having communicated to each other their full powers, found in good and due form, have agreed as follows:

I. SCOPE OF THE CONVENTION

Article 1 Personal scope

This Convention shall apply to persons who are resident in one or both of the Contracting States.

The following paragraph 1 of Article 3 of the MLI applies and supersedes the provisions of this Convention:

ARTICLE 3 OF THE MLI – TRANSPARENT ENTITIES

For the purposes of the [Convention], income derived by or through an entity or arrangement that is treated as wholly or partly fiscally transparent under the tax law of either [Contracting State] shall be considered to be income of a resident of a [Contracting State] but only to the extent that the income is treated, for purposes of taxation by that [Contracting State], as the income of a resident of that [Contracting State].

The following paragraph 1 of Article 11 of the MLI applies and supersedes the provisions of this Convention:

ARTICLE 11 OF THE MLI – APPLICATION OF TAX AGREEMENTS TO RESTRICT A PARTY'S RIGHT TO TAX ITS OWN RESIDENTS

[The Convention] shall not affect the taxation by a [Contracting State] of its residents, except with respect to the benefits granted under paragraph 1 of Article 17 [Corresponding Adjustment] of the MLI, or Article 18 [Pensions], Article 19 [Public Remuneration and Pensions], Article 20 [Teachers, Students and Apprentices], Article 23 [Elimination of double taxation], Article 24 [Non-discrimination], Article 25 [Mutual agreement procedure] or Article 28 [Miscellaneous] of [the Convention].

Article 2 Taxes covered

1. This Convention shall apply to taxes on income and on capital imposed on behalf of each Contracting State or of its political subdivisions or local authorities, irrespective of the manner in which they are levied.
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 derived from the alienation of movable or immovable property, taxes on the amounts of salaries paid by enterprises, as well as taxes on capital appreciation.
3. The existing taxes to which this Convention shall apply are, in particular:
 - (1) in the case of Belgium:

- a) the individual income tax;
- b) the corporate income tax;
- c) the income tax on legal entities;
- d) the income tax on non-residents;
- e) the special levy assimilated to the individual income tax;

including the prepayments, the surcharges on the said taxes and prepayments, as well as the supplements to the individual income tax,

(hereinafter referred to as "Belgian tax");

(2) in the case of Denmark:

- a) the income taxes to the State;
- b) the municipal income tax;
- c) the income tax to the county municipalities;
- d) the special income tax;
- e) the church tax;
- f) the tax on dividends;
- g) the tax on interest;
- h) the tax on royalties;
- i) the taxes imposed under the Hydrocarbon Tax Act;
- j) the capital tax to the State;
- k) the land taxes;

including taxes deducted at source,

(hereinafter referred to as "Danish tax").

4. This Convention shall also apply to any identical or substantially similar taxes which are

subsequently imposed in addition to, or in place of, the existing taxes. At the end of each year, the competent authorities of the Contracting States shall notify to each other any changes which have been made in their respective taxation laws.

II. DEFINITIONS

Article 3 General definitions

1. In this Convention, unless the context otherwise requires:

(1) the term "Belgium" means the Kingdom of Belgium; when used in a geographical sense, it means the national territory, the territorial sea and any other area in the sea within which Belgium, in accordance with international law, exercises sovereign rights or its jurisdiction;

(2) the term "Denmark" means the Kingdom of Denmark; when used in a geographical sense, it means the national territory, the territorial sea and any other area in the sea within which Denmark, in accordance with international law, exercises sovereign rights or its jurisdiction; the term does not comprise the Faroe Islands and Greenland;

(3) the terms "a Contracting State" and "the other Contracting State" mean, as the context requires, Belgium or Denmark;

(4) the term "person" includes individuals, companies and all other groups of persons;

(5) the term "company" means any body corporate or any other entity which is taxable as such on its income or capital in the State in which it is resident;

(6) the terms "enterprise of one of the Contracting States" 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;

(7) the term "international traffic" means any transport by a ship or by aircraft operated by an enterprise which 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;

(8) the term "competent authority" means:

a) in the case of Belgium, the Director General of Direct Taxes, and

b) in the case of Denmark, the Minister for Taxation or his authorised representative.

2. In the application of the provisions of this Convention in one of the Contracting States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws in force in that State relating to the taxes which are the subject of this Convention.

Article 4

Fiscal domicile

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. But this term 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.
2. Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then this case shall be solved in accordance with the following rules:
 - 2(1) he shall be deemed to be a resident of the Contracting State in which he has a permanent home available to him. If he has a permanent home available to him in both Contracting States, he shall be deemed to be a resident of the Contracting State with which his personal and economic relations are closest (centre of vital interests);
 - (2) if the Contracting 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 Contracting State, he shall be deemed to be a resident of the Contracting State in which he has an habitual abode;
 - (3) if he has an habitual abode in both Contracting States or in neither of them, he shall be deemed to be a resident of the Contracting State of which he is a national;
 - (4) if he is a national of both Contracting States or of neither of them, the competent authorities of the Contracting States shall determine the question by mutual agreement.
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 of the Contracting State in which its place of effective management is situated.

Article 5

Permanent establishment

1. For the purposes of this Convention the term "permanent establishment" means a fixed place of business in which the business of the enterprise is wholly or partly carried on.
2. The term "permanent establishment" shall include especially:
 - (1) a place of management;
 - (2) a branch;
 - (3) an office;
 - (4) a factory;
 - (5) a workshop;
 - (6) a mine, quarry or other place of extraction of natural resources;

(7) a building site or construction or assembly project which exists for more than 12 months.

3. The term "permanent establishment" shall not be deemed to include:

1° the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;

2° the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;

3° the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;

4° the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or for collecting information, for the enterprise;

5° the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise.

The following paragraph 4 of Article 13 of the MLI applies to paragraph 3 of Article 5 of this Convention:

ARTICLE 13 OF THE MLI – ARTIFICIAL AVOIDANCE OF PERMANENT ESTABLISHMENT STATUS THROUGH SPECIFIC ACTIVITY EXEMPTIONS

[Paragraph 3 of Article 5 of the Convention] shall not apply to a fixed place of business that is used or maintained by an enterprise if the same enterprise or a closely related enterprise carries on business activities at the same place or at another place in the same [Contracting State] and:

- a) that place or other place constitutes a permanent establishment for the enterprise or the closely related enterprise under the provisions of [Article 5 of the Convention]; or
- b) the overall activity resulting from the combination of the activities carried on by the two enterprises at the same place, or by the same enterprise or closely related enterprises at the two places, is not of a preparatory or auxiliary character,

provided that the business activities carried on by the two enterprises at the same place, or by the same enterprise or closely related enterprises at the two places, constitute complementary functions that are part of a cohesive business operation.

4. **[REPLACED by paragraph 1 of Article 12 of the MLI]** ~~[A person acting in one of the Contracting States on behalf of an enterprise of the other Contracting State other than an agent of an independent status to whom paragraph 5 applies shall be deemed to be a permanent establishment of the enterprise in the first mentioned State if he has, and habitually exercises in that State, an authority to conclude contracts in the name of the enterprise, unless his activities are limited to the purchase of goods or merchandise for the enterprise.]~~

The following paragraph 1 of Article 12 of the MLI replaces paragraph 4 of Article 5 of this Convention:

ARTICLE 12 OF THE MLI – ARTIFICIAL AVOIDANCE OF PERMANENT
ESTABLISHMENT STATUS THROUGH COMMISSIONNAIRE
ARRANGEMENTS AND SIMILAR STRATEGIES

Notwithstanding [Article 5 of the Convention], but subject to [paragraph 2 of Article 12 of the MLI], where a person is acting in a [Contracting State] on behalf of an enterprise and, in doing so, habitually concludes contracts, or habitually plays the principal role leading to the conclusion of contracts that are routinely concluded without material modification by the enterprise, and these contracts are:

- a) in the name of the enterprise; or
- b) for the transfer of the ownership of, or for the granting of the right to use, property owned by that enterprise or that the enterprise has the right to use; or
- c) for the provision of services by that enterprise,

that enterprise shall be deemed to have a permanent establishment in that [Contracting State] in respect of any activities which that person undertakes for the enterprise unless these activities, if they were exercised by the enterprise through a fixed place of business of that enterprise situated in that [Contracting State], would not cause that fixed place of business to be deemed to constitute a permanent establishment under the definition of permanent establishment included in the provisions of [Article 5 of the Convention].

5. **[REPLACED by paragraph 2 of Article 12 of the MLI]** ~~[An enterprise of one of the Contracting States shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business in that other State through a broker, general commission agent or any other agent of an independent status, where such persons are acting in the ordinary course of their business]~~

The following paragraph 2 of Article 12 of the MLI replaces paragraph 5 of Article 5 of this Convention:

ARTICLE 12 OF THE MLI – ARTIFICIAL AVOIDANCE OF PERMANENT
ESTABLISHMENT STATUS THROUGH COMMISSIONNAIRE
ARRANGEMENTS AND SIMILAR STRATEGIES

[Paragraph 1 of Article 12 of the MLI] shall not apply where the person acting in a [Contracting State] on behalf of an enterprise of the other [Contracting State] carries on business in the first-mentioned [Contracting State] as an independent agent and acts for the enterprise in the ordinary course of that business. Where, however, a person acts exclusively or almost exclusively on behalf of one or more enterprises to which it is closely related, that person shall not be considered to be an independent agent within the meaning of this paragraph with respect to any such enterprise.

6. Notwithstanding the provisions of paragraphs 4 and 5, an insurance enterprise of one of the Contracting States shall be deemed to have a permanent establishment in the other State when it collects premiums or insures risks situated therein through an agent of the kind mentioned in paragraph 4 or an agent of an independent status who has and habitually exercises an authority to conclude contracts in the name of the enterprise.

7. The mere fact that a company which is a resident of one of the Contracting States 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.

The following paragraph 1 of Article 15 of the MLI applies to this Convention:

**ARTICLE 15 OF THE MLI – DEFINITION OF A PERSON CLOSELY
RELATED TO AN ENTERPRISE**

For the purposes of the provisions of [Article 5 of the Convention], a person is closely related to an enterprise if, based on all the relevant facts and circumstances, one has control of the other or both are under the control of the same persons or enterprises. In any case, a person shall be considered to be closely related to an enterprise if one possesses directly or indirectly more than 50 per cent of the beneficial interest in the other (or, in the case of a company, more than 50 per cent of the aggregate vote and value of the company's shares or of the beneficial equity interest in the company) or if another person possesses directly or indirectly more than 50 per cent of the beneficial interest (or, in the case of a company, more than 50 per cent of the aggregate vote and value of the company's shares or of the beneficial equity interest in the company) in the person and the enterprise.

III. TAXATION OF INCOME

Article 6

Income from immovable property

1. Income from immovable property may be taxed in the Contracting State in which such property is situated.
2. The term "immovable property" shall be defined in accordance with 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, the rights to which the provisions of private law respecting landed property apply, usufruct of immovable property, and rights to variable or fixed payments 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.
3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting or leasing, or use in any other form of immovable property.
4. The provisions of paragraphs 1 and 3 shall also apply to income from immovable property of an enterprise and to income from immovable property used for the performance of

professional services.

Article 7

Business profits

1. The profits of an enterprise of one of the Contracting States shall be taxable only 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, tax may be imposed in the other State on the profits of the enterprise but only on so much of them as is attributable to that permanent establishment.
2. Notwithstanding the provisions of paragraph 3, where an enterprise of one of the Contracting States 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 quite independently.
3. In the determination of the profits of a permanent establishment, there shall be allowed as deductions normal 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.
4. In the absence of regular bookkeeping or other appropriate information which would make it possible to determine the amount of profits of an enterprise in a Contracting State attributable to its permanent establishment in the other Contracting State, the taxation in that other State may be levied in conformity with its laws, having regard to the profits which are normally made by similar enterprises of that State engaged in the same or similar activities under the same or similar conditions. However, if this method leads to double taxation of the same profits, the competent authorities of both States shall consult together with a view to avoiding double taxation.
5. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of merchandise for the enterprise.
6. For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary.
7. Where profits include items of income which are dealt with separately in other Articles of this Convention, then the provisions of this Article shall not prevent the provisions of those other Articles from being applied to those items of income.

Article 8

Shipping or air transport enterprises

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.

2. If the place of effective management of a shipping enterprise is aboard a ship, then it shall be deemed to be situated in the Contracting State in which the home port of the ship is situated or if there is no such home port, in the Contracting State in which the operator of the ship is resident.

3. The provisions of paragraph 1 shall likewise apply in respect of participations by an enterprise operating aircraft of one of the Contracting States in a pool, in a joint-venture, or in an international operating body.

Article 9

Interdependent enterprises

Where:

- (1) an enterprise of one of the Contracting States participates directly or indirectly in the management, control or financing of an enterprise of the other Contracting State, or
- (2) the same persons participate directly or indirectly in the management, control or financing of an enterprise of one of the Contracting States and an enterprise of the other Contracting State,

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.

The following paragraph 1 of Article 17 of the MLI applies and supersedes the provisions of this Convention:

ARTICLE 17 OF THE MLI – CORRESPONDING ADJUSTMENTS

Where a [Contracting State] includes in the profits of an enterprise of that [Contracting State] — and taxes accordingly — profits on which an enterprise of the other [Contracting State] has been charged to tax in that other [Contracting State] and the profits so included are profits which would have accrued to the enterprise of the first-mentioned [Contracting State] if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other [Contracting 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 [the 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 resident in one of the Contracting States to a resident of the other Contracting State may be taxed in that other State.

(2.1) 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 recipient of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed 15% of the gross amount of the said dividends

(2.2) **[MODIFIED by paragraph 1 of Article 8 of the MLI]** [However, when a company which is a resident of a Contracting State owns directly at least 25% of the capital of a company which is a resident of the other Contracting State, the dividends paid to it by that last-mentioned company shall be exempted from tax in the State of which the distributing company is a resident if the legislation of that State applicable in this respect provides for such exemption and in accordance with the provisions concerning exemption laid down in that legislation.]

The following paragraph 1 of Article 8 of the MLI applies to subparagraph 2' of paragraph 2 of Article 10 of this Convention:

ARTICLE 8 OF THE MLI – DIVIDEND TRANSFER TRANSACTIONS

[Subparagraph 2° of paragraph 2 of Article 10 of the Convention] shall apply only if the ownership conditions described in those provisions are met throughout a 365 day period that includes the day of the payment of the dividends (for the purpose of computing that period, no account shall be taken of changes of ownership that would directly result from a corporate reorganisation, such as a merger or divisive reorganisation, of the company that holds the shares or that pays the dividends).

(2.3) The provisions of subparagraphs 1° and 2° of this paragraph shall not affect the taxation of the distributing company in respect of the profits out of which the dividends are paid.

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, as well as income – even paid in the form of interest – which is treated as income from shares by the internal tax legislation of the State of which the paying company is a resident.

4. The provisions of paragraphs 1 and 2 shall not apply if the recipient of the dividends, being a resident of a Contracting State, has in the other Contracting State, of which the company paying the dividends is a resident, a permanent establishment with which the holding, by virtue of which the dividends are paid, is effectively connected. In such a case, the provisions of Article 7 will apply; they will not prevent tax to be withheld at the source on such dividends, in accordance with the law of that other Contracting State.

5. Where a company which is resident in a Contracting State derives profits or income from the other Contracting State, such other State may not, merely for that reason, impose any tax on the dividends paid by that company nor any supplementary tax on undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in that other State.

Article 11 Interest

1. Interest arising in one of the Contracting States and paid to a resident of the other Contracting State may be taxed in that other State.
2. However, such interest may be taxed in the Contracting State in which it arises and according to the laws of that State, but the tax so charged shall not exceed 10% of the gross amount of the interest.
3. The term "interest" as used in this Article means income from Government securities, bonds or debentures, whether or not secured by mortgage and whether or not carrying a right to participate in profits, and, subject to the provisions of the following paragraph, debt-claims and deposits of every kind, as well as lottery bonds and all other income assimilated to income from money lent or deposited by the taxation law of the State in which the income arises.

This term shall not include:

- (1) interest treated as dividends by virtue of paragraph 3 of Article 10;
- (2) interest from commercial debt-claims – including debt-claims represented by negotiable instruments – on account of payment by installments for merchandise, goods or services by an enterprise of one of the Contracting States to a resident of the other Contracting State;
- (3) interest on current accounts or on nominative advance payments between banks of the Contracting States;
- (4) interest on deposits of sums of money – not represented by bearer bonds – with banks including public credit institutions.

The interest mentioned under 2 and 4 of the preceding paragraph is subject to the provisions of Article 7 or Article 21.

4. The provisions of paragraphs 1 and 2 shall not apply if the recipient of the interest being a resident of a Contracting State, has in the other Contracting State in which the interest arises a permanent establishment with which the debt-claim or the deposit from which the interest arises is effectively connected. In such a case, the provisions of Article 7 will apply; they shall not prevent tax on such interest to be withheld at source, in accordance with the law of that other Contracting State.
5. Interest shall be deemed to arise in one of the Contracting States when the payer is that State itself, or a political subdivision, a local authority or a resident of that State. Where, however, the person paying the interest, whether he is a resident of one of the Contracting States or not, has in one of the Contracting States a permanent establishment for the requirements of which the loan on which the interest is paid was effected, and such interest is borne by such permanent establishment, then such interest shall be deemed to arise in the Contracting State in which the permanent establishment is situated.
6. Where, owing to a special relationship between the payer and the recipient or depositor, or between both of them and some other person, the amount of the interest paid, having regard to the debt-claim or deposit for which it is paid, exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the reduction of the tax rate mentioned in paragraph 2, shall apply only to the last-mentioned amount. In that

case, the excess part of the payments shall be taxable according to the law of the Contracting State in which the interest arises.

Article 12

Royalties

1. Royalties arising in one of the Contracting States and paid to a resident of the other Contracting State shall be taxable only in that other State.
2. The term "royalties" as used in this Article means payments of any kind received as 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 process or formula, or for the use of, or right to use, industrial, commercial or scientific equipment, which is not immovable property as meant in Article 6, or for information concerning industrial, commercial or scientific experience.
3. The provisions of paragraph 1 shall not apply if the recipient of the royalties, being a resident of a Contracting State, has in the other Contracting State, in which the royalties arise, a permanent establishment with which the right or property giving rise to the royalties is effectively connected. In such a case, the provisions of Article 7 shall apply.
4. Royalties shall be deemed to arise in a Contracting State when the payer is that State itself, a political subdivision, a local authority thereof, or a resident of that State. Where, however, the person paying the royalties, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the obligation to pay the royalties was incurred and the royalties are borne by the permanent establishment, then the royalties shall be deemed to arise in the Contracting State in which the permanent establishment is situated.
5. Where, owing to a special relationship between the payer and the recipient or between both of them and some other person, the amount of the royalties paid, having regard to the performance for which they are paid, exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of paragraph 1 shall apply only to the last-mentioned amount. In that case, the excess part of the payments shall be taxable according to the law of the Contracting State in which the royalties arise.

Article 13

Capital gains

1. Gains from the alienation of immovable property, as defined in Article 6, may be taxed in the Contracting State in which such 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 ships or aircraft operated in international traffic, or gains from the alienation of ships, aircraft, tugboats or anchor handling vessels used in connection with the offshore activities referred to in Article 20A, as well as movable property pertaining to the operation of such ships, aircraft, tugboats or anchor handling vessels shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.

3. Gains from the alienation of any other property, including a holding of shares – which is not attributable to the business property of a permanent establishment as meant in paragraph 2, subparagraph 1 – of a joint stock company shall be taxable only in the Contracting State of which the alienator is a resident.

Article 14 **Independent personal services**

1. Income derived by a resident of a Contracting State in respect of professional services or other independent activities of a similar character shall be taxable only in that State unless he has a fixed base regularly available to him in the other State for the purpose of performing his activities. If he has such a fixed base, the income may be taxed in the other State but only so much of it as is attributable to that fixed base.

2. The term "professional services" includes especially independent scientific, literary, artistic, educational or teaching activities as well as the independent activities of physicians, lawyers, engineers, architects, dentists and accountants.

Article 15 **Employment**

1. Subject to the provisions of Articles 16, 17, 18, 19 and 20, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

2. Notwithstanding the provisions of paragraph 1 and subject to the conditions mentioned therein remuneration derived by a resident of a Contracting State in respect of employment exercised in the other Contracting State shall only be taxable in the first-mentioned State if:

- (1) it relates to activities carried on in the other State for a period or periods not exceeding in the aggregate 183 days in the course of the calendar year concerned;
- (2) the remuneration is paid by, or on behalf of an employer who is not a resident of the other State; and
- (3) the remuneration as such is not borne by a permanent establishment or fixed base, which the employer has in the other State.

3. Remuneration in respect of employment exercised aboard a ship or aircraft in international traffic will be deemed to relate to activities carried on in the Contracting State in which the place of effective management of the enterprise is situated and will be taxable in this State.

Article 16 **Company managers**

1. 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 or a similar organ of a company which is a resident of the other Contracting State may be taxed in that other State.

This provision shall also apply to payments derived in respect of the discharge of functions which, under the laws of the Contracting State of which the company is a resident, are regarded as functions of a similar nature as those exercised by a person referred to in the said provision.

2. Remuneration derived by a person referred to in paragraph 1 from a company in respect of the discharge of day-to-day functions of a managerial or technical nature and income received by a resident of a Contracting State in respect of his personal activity as a partner of a company – other than a company with share capital – which is a resident of the other Contracting State may be taxed in the Contracting State in which such person or resident exercises his activity.

Article 17 **Artistes and athletes**

Notwithstanding the provisions of Articles 14 and 15, income derived by public entertainers, such as theatre, motion picture, radio or television artistes, and musicians, and by athletes, from their personal activities as such may be taxed in the Contracting State in which these activities are exercised.

Article 18 **Pensions**

1. Subject to the provisions of the following paragraphs and of paragraph 1 of Article 19, any pension or annuity paid to a resident of a Contracting State shall be taxable only in that State.
2. Pensions and other allowances, periodic or non-periodic, paid under the social security legislation of a Contracting State or under a public scheme organised by a Contracting State in order to supplement the benefits of that legislation shall be taxable only in that State.
3. Pensions and other allowances accruing from a pension scheme established in a Contracting State and paid to a resident of the other Contracting State shall be taxable only in that other State. However, in the case of an individual who was a resident of the first-mentioned State and has become a resident of the last- mentioned State, those pensions and allowances

may be taxed in the first-mentioned State if the premiums paid into that pension scheme were deductible for tax purposes in that State or if the premiums were deemed not to be taxable income in that State.

4. The term "pension", as used in paragraph 1, means payments made in consideration of past employment or by way of compensation for injuries received.
5. 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.

Article 19

Public remuneration and pensions

1. Remuneration, including pensions, paid by a Contracting State, or a political sub-division or a local authority thereof either directly or out of funds created by them to any individual in respect of services rendered to that State or one of its political sub-divisions or local authorities shall only be taxable in that State.

This provision shall not apply if the recipient of this income is a national of the other Contracting State without at the same time being a national of the first-mentioned State.

2. The provisions of paragraph 1 shall not apply to remuneration or pensions in respect of services rendered in connection with commercial or industrial activities exercised by a Contracting State or by one of its political sub-divisions or local authorities.

Article 20

Teachers, students and apprentices

1. Professors and other members of the teaching profession who are residents of one of the Contracting States and who are present temporarily in the other Contracting State for the purpose of teaching or carrying out scientific research for a period not exceeding two years at a university or other non-profit making educational or research institution shall only be taxed in the first-mentioned State on remuneration received in respect of these activities.
2. Payments which a student or apprentice who is or was formerly a resident of one of the Contracting States and who is present in the other Contracting State solely for the purpose of his education or training receives for his maintenance, education or training shall not be taxed in that other State provided that such payments come from sources outside that other State.

Article 20A

Offshore activities in connection with the exploration for or exploitation of hydrocarbons

1. Notwithstanding the preceding provisions of this Convention, the provisions of this Article shall apply where activities are carried on offshore in a Contracting State in connection with the exploration for or exploitation of hydrocarbons situated in that State to the extent that those

activities are not performed by the person to whom the concession for exploration or exploitation has been granted. The above-mentioned preceding provisions shall apply in respect of activities or income not covered by this Article.

2. An enterprise of a Contracting State or a person performing professional services that is a resident of a Contracting State and carries on in the other Contracting State offshore activities referred to in the first sentence of paragraph 1 shall be deemed to be carrying on such activities in that other Contracting State through a permanent establishment or from a fixed base situated therein.

3. The provisions of paragraph 2 shall not apply where the offshore activities are carried on for a period or periods not exceeding 30 days in aggregate in any period of 12 months.

4. Notwithstanding the provisions of paragraphs 2 and 3, drilling rig activities carried on offshore constitute a permanent establishment only if the activities are carried on for a period or periods exceeding 365 days in aggregate in any period of 18 months.

5. For the purposes of paragraphs 3 and 4, activities carried on by an enterprise associated to another enterprise within the meaning of Article 9 (Interdependent enterprises) shall be regarded as carried on by that other enterprise if the activities in question are substantially the same as those carried on by the last-mentioned enterprise.

6. Notwithstanding the provisions of paragraphs 2 and 3, profits of an enterprise of a Contracting State from the transportation of supplies or personnel by a ship or aircraft to a location situated offshore where activities in connection with the exploration for or exploitation of hydrocarbons are being carried on in the other Contracting State and profits of an enterprise of a Contracting State from the operation of tugboats or anchor handling vessels in connection with such activities shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.

7. Salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment exercised aboard a ship, aircraft, tugboat or anchor handling vessel referred to in paragraph 6 shall be taxable in the Contracting State in which the place of effective management of the enterprise is situated.

Article 21

Income not expressly mentioned

A resident of a Contracting State shall not be taxed in the other Contracting State on items of income which are of a nature or come from sources not mentioned in the foregoing Articles if, according to the law of the first-mentioned State, he is taxable there on such items of income

IV. TAX ON CAPITAL

Article 22

1. Capital represented by immovable property, as defined in paragraph 2 of Article 6, may be taxed in the Contracting State in which such property is situated.
2. Subject to the provisions of paragraph 3, capital represented by movable property forming part of the business property of a permanent establishment of an enterprise, or by movable property pertaining to a fixed base used for the performance of professional services, may be taxed in the Contracting State in which the permanent establishment or fixed base is situated.
3. Ships and aircraft used in international traffic and ships, aircraft, tugboats and anchor handling vessels used in connection with the offshore activities referred to in Article 20A, as well as movable property pertaining to the operation of such ships, aircraft, tugboats and anchor handling vessels 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 one of the Contracting States – including a participation in an enterprise carried on by a joint stock company – shall be taxable only in that State.

V. PROVISIONS FOR PREVENTING DOUBLE TAXATION

Article 23

1. In the case of Belgium, double taxation shall be avoided as follows:
 - (1) Where a resident of Belgium derives income or owns elements of capital which may be taxed in Denmark in accordance with the provisions of this Convention, other than those of paragraph 2 of Article 10, paragraphs 2 and 6 of Article 11, and paragraphs 2 and 5 of Article 12, Belgium shall exempt such income or such elements of capital from tax but may, in calculating the amount of tax on the remaining income or capital of that resident, apply the rate of tax which would have been applicable if such income or elements of capital had not been exempted.
 - (2) Subject to the provisions of Belgian law regarding the deduction from Belgian tax of taxes paid abroad, where a resident of Belgium derives items of his aggregate income for Belgian tax purposes which are dividends taxable in accordance with paragraph 2 of Article 10, and not exempt from Belgian tax according to subparagraph 3 below, interest taxable in accordance with paragraphs 2 or 6 of Article 11, or royalties taxable in accordance with paragraphs 2 or 5 of Article 12, the Danish tax levied on that income shall be allowed as a credit against Belgian tax relating to such income.
 - (3) Dividends derived by a company which is a resident of Belgium from a company which is

a resident of Denmark and which may be taxed in Denmark in accordance with paragraph 2 of Article 10 shall be exempt from corporate income tax in Belgium under the conditions and within the limits provided for in Belgian law.

4° Where, in accordance with Belgian law, losses incurred by an enterprise carried on by a resident of Belgium in a permanent establishment situated in Denmark have been effectively deducted from the profits of that enterprise for its taxation in Belgium, the exemption provided for in subparagraph 1 ° shall not apply in Belgium to the profits of other taxable periods attributable to that establishment to the extent that those profits have also been exempted from tax in Denmark by reason of compensation for the said losses.

2. In the case of Denmark, double taxation shall be avoided as follows:

(1) Subject to the provisions of subparagraphs 3 ° and 4 °, where a resident of Denmark derives income or owns elements of capital which, in accordance with the provisions of the Convention, may be taxed in Belgium, Denmark shall allow:

- a) as a deduction from the tax on the income of that resident, an amount equal to the income tax paid in Belgium;
- b) as a deduction from the tax on the capital of that resident, an amount equal to the capital tax paid in Belgium.

(2) 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 Belgium.

(3) Dividends paid by a company which is a resident of Belgium to a company which is a resident of Denmark and holds directly at least 25% of the share capital of the company paying the dividends shall be exempt from tax in Denmark under the conditions provided for in Danish law.

(4) Where dividends are paid by a company which is a resident of Belgium to a company which is a resident of Denmark and which owns directly at least 25% of the share capital of the company paying the dividends, if the dividends are not exempt from Danish tax in accordance with the provisions of subparagraph 3 °, the credit for the purposes of subparagraph 1 ° shall also take into account Belgian tax payable by the company paying the dividends in respect of the profits out of which such dividends are paid.

(5) Where a resident of Denmark derives income or owns elements of capital which, in accordance with the provisions of the Convention shall be taxable only in Belgium, Denmark may include this income or capital in the tax base, but shall allow as a deduction from the income tax or capital tax that part of the income tax or capital tax which is attributable, as the case may be, to the income derived from, or the capital owned in, Belgium.

The following paragraph 2 of Article 3 of the MLI applies and supersedes the provisions of this Convention:

ARTICLE 3 OF THE MLI – TRANSPARENT ENTITIES

[Article 23 of the Convention] shall not apply to the extent that *[the provisions of the Convention allow]* taxation by the other *[Contracting State]* solely because the income is also income derived by a resident of that other *[Contracting State]*.

Article 24

Non-discrimination

1. The 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 that to which nationals of that other State in the same circumstances are or may be subjected.
2. The term "nationals" means:
 - (1) all individuals possessing the nationality of a Contracting State;
 - (2) all companies set up under the law in force in a Contracting State.
3. Stateless persons shall not be subjected in a Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than that to which nationals of that State in the same circumstances are or may be subjected.
4. Individuals who are residents of a Contracting State and who may be taxed in the other Contracting State shall be entitled there, in determining the tax base of the taxes mentioned in Article 2, to the exemptions, reliefs, deductions and other advantages granted on account of family responsibilities to individuals who are nationals, but not residents, of that other State.
5. 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 preventing Belgium:

- (1) from taxing the amount of profits attributable to a permanent establishment in Belgium of a company which is a resident of Denmark at the rate of tax provided by the Belgian law, provided that this rate does not exceed the maximum rate applicable to the profits of companies which are residents of Belgium;
- (2) from imposing the movable property prepayment on dividends derived from a holding which is effectively connected with a permanent establishment maintained in Belgium by a company which is a resident of Denmark.
6. Except in cases, where Articles 9, 11 paragraph 6 and 12 paragraph 5 are applicable, interest, royalties and other expenses paid by an enterprise of one Contracting State to a resident of the other Contracting State may be deducted in determining the taxable profits of that enterprise under the same conditions as if they had been paid to a resident of the first-mentioned State.

Similarly, debts owed by an enterprise of one of the Contracting States to a resident of the other Contracting State may be deducted in determining the taxable capital of that enterprise under the same conditions as if they were owed to a resident of the first-mentioned State.

7. Enterprises of one of the Contracting States, 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 that to which similar enterprises of that first-mentioned State are or may be subjected.

8. In this Article the term "taxation" means taxes of any kind or description.

Article 25

Mutual agreement procedure

1. ~~[REPLACED by paragraph 1 of Article 16 of the MLI] [Where a resident of a Contracting State considers that the actions of one or both of the Contracting States result or will result for him in double taxation not in accordance with this Convention, he may, notwithstanding the remedies provided by the national laws of those States, present to the competent authority of the Contracting State of which he is a resident a written and reasoned claim for review of this taxation. In order to be admissible, this claim must be lodged within a period of two years from the date of the notification, or, in the case of tax withheld at source, from the date of payment of the tax which has been last asserted or imposed.]~~

The following paragraph 1 of Article 16 of the MLI replaces 1 of Article 25 of this Convention:

ARTICLE 16 OF THE MLI – MUTUAL AGREEMENT PROCEDURE

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 Convention*], that person may, irrespective of the remedies provided by the domestic law of those [*Contracting States*], present the case to the competent authority of either [*Contracting State*]. 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*].

2. The competent authority mentioned in paragraph 1, shall endeavour if the objection appears to it to be justified and if it is not itself able to arrive at an appropriate solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of double taxation not in accordance with the Convention.

The following second sentence of paragraph 2 of Article 16 of the MLI applies to this Convention:

ARTICLE 16 OF THE MLI – MUTUAL AGREEMENT PROCEDURE

Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the [*Contracting States*].

3. The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the application of the Convention.

The following paragraph 3 of Article 16 of the MLI applies to this Convention:

ARTICLE 16 OF THE MLI – MUTUAL AGREEMENT PROCEDURE

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*]

4. The competent authorities of the Contracting States shall consult together concerning the administrative measures which are necessary in order to give effect to the provisions of this Convention and particularly concerning the evidence to be submitted by residents of each State so that they may benefit in the other State from the exemptions or tax reductions laid down in this Convention.

Notwithstanding the parties' choices to apply Part VI (Arbitration) of the MLI to this Convention, Part VI will not apply to cases that do fall within the scope of application of the Convention on the Elimination of Double Taxation in Connection with the Adjustment of Profits of Associated Enterprises (90/436/EEC) as amended, of Council Directive (EU) 2017/1852 on tax dispute resolution mechanisms in the European Union, or subsequent regulation.

Article 26

Exchange of information

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 administration or enforcement of the domestic laws concerning taxes of every kind and description imposed by or on behalf of the Contracting States, or the Danish 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.
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. Notwithstanding the foregoing, information received by a Contracting State may be used for other purposes when such information may be used for such other purposes under the laws of both States and the competent authority of the supplying State authorises such use.
3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting State the obligation:

- (a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;
- (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;
- (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 (*ordre public*).

4. If information is requested by a Contracting State in accordance with the provisions of 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.

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, trust, foundation, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person. In order to obtain such information the tax administration of the requested Contracting State shall have the power to ask for the disclosure of information and to conduct investigations and hearings notwithstanding any contrary provisions in its domestic tax laws.

Article 27

Assistance in the collection of taxes

1. The Contracting States undertake to lend assistance and support to each other in the notifying and collection of the taxes mentioned in Article 2 together with additions, surcharges, interest, costs and fines of a non-penal nature.

2. On the request of the competent authority of one of the Contracting States the competent authority of the other Contracting State shall ensure, in accordance with the legal provisions and regulations applicable to notification and collection of such taxes of the latter State, the notification and collection of tax claims mentioned in paragraph 1 which are due in the first-mentioned State. Such claims shall not enjoy priority in the State to which application is made and this State shall not be required to apply executory measures for which there is no provision in the legal provisions or regulations of the State making the application.

3. Applications mentioned in paragraph 2 shall be supported by an official copy of the executory documents and accompanied by an official copy of any final decisions of the Court.

4. As far as tax claims which are open to appeal are concerned, the competent authority of a Contracting State may, in order to safeguard its rights, request the competent authority of the other Contracting State to take the protective measures provided for in its laws. The provisions of paragraphs 1 to 3 shall apply, *mutatis mutandis*, to such measures.

5. Article 26, paragraph 1, subparagraph 2 shall also apply to any information which, by

virtue of this Article is supplied to the competent authority of the State to which application is made.

Article 28

Miscellaneous

1. Nothing in this Convention shall affect the fiscal privileges of the members of diplomatic or consular missions under the rules of international law or under the provisions of special agreements.
2. For the purposes of the Convention, the members of diplomatic or consular missions of one of the Contracting States who are accredited to the other Contracting State or a third State and who are nationals of the accrediting State shall be deemed to be residents of the said State if they are subject there to the same requirements in respect to taxes on income and capital as the residents of that State.
3. The Convention shall not apply to international organisations, to their bodies or to their officials, nor to persons who are members of a diplomatic or consular mission of a third State, when they are staying in one of the Contracting States and are, for purposes of taxes on income and capital, not treated as residents of either Contracting State.
4. The Ministers of Finance of the Contracting States or their authorised representatives shall communicate with each other directly for the purpose of carrying out the provisions of the Convention.

[Article x¹

Entitlement to Benefits]

The following paragraph 1 of Article 7 of the MLI applies and supersedes the provisions of this Convention:

ARTICLE 7 OF THE MLI –PREVENTION OF TREATY ABUSE

(Principal purposes test provision)

Notwithstanding any provisions of [*the Convention*], a benefit under [*the Convention*] shall not be granted in respect of an item of income or capital if it is reasonable to conclude, having regard to all relevant facts and circumstances, that obtaining that benefit was one of the principal purposes of any arrangement or transaction that resulted directly or indirectly in that benefit, unless it is established that granting that benefit in these circumstances would be in accordance with the object and purpose of the relevant provisions of [*the Convention*].

Article 29

Territorial extension

1. This Convention may be extended either in its entirety or with any necessary

¹ Please note that the numbering of articles in this synthesised text is not consistent with the MLI, but this has been done to ease readability and to reflect the structure in the OECD Model Tax Convention on Income and on Capital.

modifications to any part of the territory of Denmark which is not included in the scope of the Convention and which imposes taxes substantially similar in character to those to which the Convention applies. Any such extension shall take effect from such date and subject to such modifications and conditions – including conditions as to termination – as may be specified and agreed between the Contracting States in notes to be exchanged through diplomatic channels or in any other manner in accordance with their constitutional procedure.

2. Unless otherwise agreed by both Contracting States, the denunciation of the Convention by one of them under Article 31 shall terminate, in the manner provided for in that Article, the application of the Convention to any part of the territory of Denmark to which it has been extended under this Article.

VII. FINAL PROVISIONS

Article 30

Entry into force and suspension of the effects of earlier Conventions

1. This Convention shall enter into force on the fifteenth day following that on which the Contracting States notify that the required constitutional procedure has been carried out.

2. The provisions of the Convention shall apply:

(1) to taxes withheld at source on income which is normally paid or becomes payable after 31 December of the year in which the Convention entered into force in accordance with paragraph 1 thereof;

(2) to all other taxes on income for the taxable periods ending after 31 December of the same year.

3. The provisions of the Convention between Belgium and Denmark of 21 December 1928 for the avoidance of double taxation with respect to income from shipping enterprises and the Convention between those States of 23 October 1961 for the avoidance of double taxation with respect to income from air transport enterprises shall cease to have effect so long as Article 8 of this Convention shall apply.

Article 31

Termination

This Convention shall remain in force indefinitely but either Contracting State may up to and including 30 June of any calendar year from the fifth year from the date of entry into force denounce it by giving written notice of termination through diplomatic channels to the other Contracting State. In the event of the Convention being denounced before 1 July in any year, the Convention shall apply for the last time:

(1) to taxes withheld at source on income which is paid or becomes payable on or before 31

December of the year in which denunciation takes place;

(2) to all other taxes on income from taxable periods ending on or before 31 December of the same year.

In witness whereof the Plenipotentiaries of both States have signed this Convention and have affixed their seals thereto.

Done at Brussels, on 16 October 1969, in duplicate, in the French, Dutch and Danish languages, the three texts being equally authentic.

For the Kingdom of Denmark,

Poul HARTLING

For the Kingdom of Belgium,

Pierre HARMEL