No. 2848

BELGIUM
and
FINLAND

Agreement (with final protocol) for the avoidance of double taxation and the settlement of certain other questions with respect to taxes on income and property. Signed at Helsinki, on 11 February 1954

Official texts: French and Finnish.

Registered by Belgium on 1 June 1955.

BELGIQUE
et
FINLANDE

Convention (avec protocole final) tendant à éviter les doubles impositions et à régler certaines autres questions en matière d'impôts sur les revenus et sur la fortune. Signée à Helsinki, le 11 février 1954

Textes officiels français et finnois.

Enregistrée par la Belgique le 1er juin 1955.

[TRANSLATION — TRADUCTION]

No. 2848. AGREEMENT[1] BETWEEN BELGIUM AND FINLAND FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE SETTLEMENT OF CERTAIN OTHER QUESTIONS WITH RESPECT TO TAXES ON INCOME AND PROPERTY. SIGNED AT HELSINKI, ON 11 FEBRUARY 1954

His Majesty the King of the Belgians,
and
The President of the Republic of Finland,

being desirous of preventing double taxation and of settling certain other questions with respect to taxes on income and property, have decided to conclude an agreement and have for this purpose appointed as their plenipotentiaries :

His Majesty the King of the Belgians :

Mr. Joseph D'Hondt, Envoy Extraordinary and Minister Plenipotentiary;

The President of the Republic of Finland :

Mr. Ralf Törngren. Minister of Foreign Affairs,

Who, having communicated to each other their full powers, found in good and due form, have agreed on the following provisions :

Article 1

1. The present Agreement applies to taxpayers of either of the Contracting States some of whose income or property is taxable in the other State. The expression "taxpayers of either of the Contracting States" and other similar expressions used in this Agreement mean individuals or bodies corporate having their fiscal domicile in one of the two States.

2. For the purposes of this Agreement, the territory of Belgium shall comprise that State's metropolitan territory alone.

Article 2

1. This Agreement lays down rules applicable to the following taxes :

A. In the case of Belgium :

(1) The real property tax (*contribution foncière*);
(2) The movable capital tax (*taxe mobilière*);

[1] Came into force on 14 May 1955, by the exchange of the instruments of ratification at Brussels, in accordance with the terms of article 24. This Convention is not applicable to the territories of the Belgian Congo and Ruanda-Urundi.

(3) The occupational tax (*taxe professionnelle*);
(4) The national emergency tax (*contribution nationale de crise*);
(5) The special tax on income derived from the letting of shooting, fishing or trapping rights (*taxe spéciale sur le produit de la location du droit de chasse, de pêche ou de tenderie*);
(6) The supplementary personal tax (*impôt complémentaire personnel*).

B. In the case of Finland :

(1) The income and property tax;
(2) The communal income tax;
(3) The church tithes.

The taxes mentioned in this paragraph include all tax amounts, increases, supplements, interests, charges and other additional sums payable to the State or to local government authorities.

2. This Agreement shall also apply to all other taxes similar to those specified in paragraphs 1 A and B introduced after its signature in the territory of one of the Contracting States on actual or estimated gross or net income, property, items of income or property, or property increment.

If modifications of any rules laid down in this Agreement are found necessary, either in the event of an extension of the scope of the Agreement as provided in the foregoing paragraph or owing to changes in the taxation laws of either of the Contracting States, the necessary adjustments shall be made by way of the exchange of diplomatic notes, in supplementary agreements concluded in the spirit of this Agreement. In the event of any changes in the taxation laws of either of the Contracting States affecting such general principles of those laws as were taken into consideration in the preparation of this Agreement, the amendments shall be effected by means of an additional agreement.

Article 3

1. For the purposes of this Agreement, the fiscal domicile of an individual is in the State in which he has his permanent home or in which he lastingly resides.

Where as a result of the application of this rule a person is regarded as having a fiscal domicile in both of the Contracting States simultaneously, his fiscal domicile shall be deemed to be situated in that of the two States with which he maintains the closest personal and economic relations, or, if the question cannot be settled by application of this criterion, in the Contracting State of which he is a national. If he is a national of both Contracting States, or if he is not a national of either State, the taxation authorities of the two States shall decide each particular case in consultation.

2. The fiscal domicile of bodies corporate shall be determined by each of the Contracting States in accordance with the rules laid down in its own legislation.

Where as a result of the application of these rules a body corporate is regarded as having a fiscal domicile in both of the Contracting States simultaneously, its fiscal domicile shall be deemed to be in the State in which the centre of actual management is situated.

3. The fiscal domicile of an estate undivided is in the State in which the deceased has his fiscal domicile at the time of his decease.

Article 4

1. Income from immovable property (including mines, mineral deposits and all other natural resources), profits arising from the transfer of such property and interest from mortgage claims, not represented by debentures, against the said property shall be taxable only in the State in which the property is situated.

The expression "income from immovable property" means not only income derived from the direct management, use or operation of immovable property, but also income obtained, under any title whatsoever, by the letting (*location, affermage*) or concession in any form of the right to use or exploit the said property or of hunting, fishing, trapping or other similar rights.

2. Where a taxpayer of one of the Contracting States who operates an industrial or commercial undertaking therein is in receipt in the other State of income, profits or interest of the kinds mentioned in paragraph 1 of this article, he may by addressing an application to the taxation authorities of the other State before imposition of the tax arrange for the amount taxable in respect of such income, profits or interest to be determined as if the said income, profits or interest were derived by his undertaking from a permanent establishment situated in such other State. Notwithstanding this provision, however, the income liable to the taxes specified in article 2, paragraph 1 A (1) and (4), of this Agreement shall not be less than the cadastral income determined in accordance with Belgian law.

Article 5

1. Provided that it does not fall within the categories of income mentioned in articles 4, 7, 8, 9 and 11 of this Agreement, income from industrial, commercial, handicraft and other similar undertakings operated by taxpayers of one of the Contracting States shall be taxable in the other State only where the said undertakings carry on their business through a permanent establishment situated in the latter State. In that case, the income derived from the overall transactions effected by or through the intermediary of the permanent establishment, or from the transfer in whole or in part of movable property invested therein, shall be taxable only in the State in which the permanent establishment is situated.

2. In the case mentioned in paragraph 1, the taxable income of the permanent establishment includes :

(1) all profits and advantages which would not normally have been granted to third parties and which are granted by the permanent establishment, directly

or indirectly, in any form and by any means whatsoever, to the undertaking, to its managers, shareholders, partners or other participants or to persons having common interests with them ;

(2) royalties paid by the permanent establishment to the parent undertaking in return for the use of corporeal or incorporeal movable property, with the exception of the portion thereof corresponding to such normal costs as may actually be incurred by the undertaking as a result of the said use during the chargeable period and as are normally attributable to the establishment.

In the determination of such income, account shall be taken not only of costs actually and directly incurred in the acquisition and maintenance of the income, including the costs referred to in the concluding part of sub-paragraph (2) above, but also of the portion normally attributable to the permanent establishment of such other normal costs as may be incurred by the centre of actual management of the undertaking in connexion with the general administration and management of the undertaking as a whole. This portion may not however exceed 10 per cent of the total net income of the permanent establishment; in special cases and by way of exception it may be up to 20 per cent, subject to agreement between the taxation authorities of the two Contracting States.

3. Where the actual total income produced by a permanent establishment mentioned in paragraphs 1 and 2 cannot be determined by reference to regular accounts or other evidence, such income shall where necessary be presumptively assessed at a figure corresponding to that portion of the income of the whole undertaking which may equitably be attributed to the establishment, in accordance with rules of apportionment to be formulated by common consent between the taxation authorities of the two Contracting States.

As respects a permanent establishment of an insurance undertaking, the tax may however be assessed in the State in which the establishment is situated on an income determined presumptively in accordance with the laws of that State on the basis of the gross premiums received by the undertaking through the said establishment.

4. No part of the income accruing to an undertaking operated by a taxpayer in one of the Contracting States may be attributed to a permanent establishment of the undertaking in the other State by mere reason of the purchase of materials or products in the latter State for the account of the said undertaking. No expenses or costs incurred directly or indirectly in connexion with such purchases alone may be charged against the income of the permanent establishment.

5. Fixed or variable emoluments and bonuses received by partners participating in the management or supervision of the business of a body corporate other than a limited liability company (*Société anonyme*) or a share partnership company (*Société en commandite par actions*) shall be treated as income covered by paragraph 1 of this article, and as if the undertaking from which they are derived were operated by the said partners themselves for their own account.

6. Notwithstanding the provisions of paragraph 1 of this article, profits and advantages which an undertaking operated by a taxpayer in one of the Contracting States derives, directly or indirectly, and in any form whatsoever, from an undertaking operated by a taxpayer in the other Contracting State, may be taxed in the latter State if they should normally have been added to the income of the second undertaking, and if they were acquired by the first undertaking because in the industrial, commercial or financial relations of the two undertakings it enjoyed more favourable conditions than those which would normally have prevailed between genuinely independent undertakings. In such cases, the taxation authorities of the two Contracting States shall agree on measures for the avoidance, in the spirit of this Agreement, of double taxation of the said profits and advantages.

Article 6

1. For the purposes of this Agreement, the expression "permanent establishment" shall mean any centre of actual management, factory, workshop, branch, store, office, laboratory, sales office or warehouse and, in general, any installation permanently used by a taxpayer in one of the Contracting States for the exercise of independent gainful activity.

2. A permanent agency also constitutes a permanent establishment, if the agent habitually exercises a general authority enabling him to bind the undertaking by the negotiation, signature or acceptance of contracts, or if the undertaking holds, on the territory of the State in which the agency is established, stocks or stores of materials or products regularly used for the filling of orders obtained by the agency.

Where an insurance undertaking operated by a taxpayer of one of the two States maintains an agency in the other State, such agency shall however constitute a permanent establishment in all cases where the agent, even if he has not the authority to bind the undertaking, does not exclusively perform purely administrative operations but carries on activity of such a nature and importance that the undertaking may be considered as carrying on, through such agent, habitual commercial activity in the other State.

3. A taxpayer of one of the Contracting States shall not be regarded *ipso facto* as possessing a permanent establishment in the other State because he :

(1) maintains business relations in the former State through a *bona fide* broker or commission agent acting as such in the course of his normal business, or through a legally separate company (e.g., a subsidiary company);

(2) possesses in the former State, even if in the form of a permanent installation, an office whose business is limited to the purchase of materials of products for the account of the taxpayer;

(3) owns an interest, even if substantial or predominant, in the capital of a body corporate liable to taxation in the former State.

Article 7

Income derived from the business of international sea or air navigation operated by a taxpayer of one of the two Contracting States, including income from the sale of tickets, shall be taxable only in that State in whose territory the centre of actual management of the undertaking is situated.

The Convention between Belgium and Finland, signed at Brussels on 19 February 1929,[1] for the prevention of double taxation on income derived from the business of shipping in the two countries shall be without effect so long as the provisions of paragraph 1 of this article are in force.

Article 8

1. Subject to the provisions of this article, each of the two Contracting States shall retain the right to impose such taxes as are leviable under its taxation laws upon income derived from movable capital of the kinds referred to in paragraph 2(1) and (2) hereunder :

2. With due regard to the respective taxation laws on the two Contracting States, double taxation of such income shall be alleviated as follows :

(1) As respects dividends and other income from shares or participations of any kind in companies or associations having legal personality, with the exception of directors' percentages or bonuses allotted to shareholders, partners, or members participating in the management or supervision of the business :

(*a*) income of this type originating from sources in Belgium and accruing to taxpayers in Finland liable to taxation in respect thereof in the latter State and having no permanent establishment in Belgium shall not be subject in Belgium to the supplementary personal tax or to any other tax taking its place;

(*b*) income of this type originating from sources in Finland and accruing to taxpayers in Belgium liable to taxation in respect thereof in the latter State and having no permanent establishment in Finland shall not be taxed in Finland at a rate in excess of ten per cent.

Save for the tax levied in Finland on the aggregate taxable profits and capital of such companies and associations, no other tax shall be leviable in that State on income to which the present sub-paragraph (*b*) applies or on assets constituted by shares or participations producing such income;

(2) as respects interest from debentures, loans, deposits or deposit accounts and claims other than mortgage claims as mentioned in article 4 (1) of this Agreement :

(*a*) the total amount of tax imposed in either of the two Contracting States on income of this type originating from sources in that State and accruing to a

[1] League of Nations, *Treaty Series*, Vol. CXI, p. 31.

taxpayer in the other State liable to taxation in respect thereof and having no permanent establishment in the first State shall not exceed fifteen per cent. No other tax shall be leviable in the first State on such interest or on assets constituted by the property bearing the said interest;

(*b*) in the case referred to in sub-paragraph (*a*) above, and provided that the tax has actually been levied at the source in the first State, the tax leviable in the other State shall not exceed the amount obtained by applying to 100/85 of the net income accruing to the said taxpayer the maximum rate, less fifteen units, of the tax applicable in that State to income from movable capital originating from sources in its territory.

3. Income of the kinds referred to in paragraph 2 (1) and (2) of the present article originating from sources in one of the two Contracting States and accruing to a taxpayer in the other Contracting State who possesses a permanent establishment in the first State shall be taxable only in that State. The same rule shall apply to assets constituted by the property producing the said income.

4. For the purpose of this article, the source of dividends and other income from shares or participations of any kind and of interest on debentures or other forms of indebtedness is in the State in which the company or other body corporate liable for payment of the income has its fiscal domicile; and the source of interest on claims, loans, deposits or deposit accounts is in the State in which the permanent establishment which pays the interest is situated, or, where there is no such establishment, in the State of fiscal domicile of the taxpayer liable for payment of the interest.

Article 9

1. Subject to the exceptions specified in paragraph 2 of this article, royalties and other proceeds accruing in the territory of one of the Contracting States to a taxpayer of the other State in respect of the use of incorporeal movable property such as patents, designs, secret processes and formulae, trade marks and similar rights and copyrights and rights of reproduction, shall not be subject to taxation in the former State unless the beneficiary of the income has a permanent establishment in that State. In that event, the said income shall be subject to taxation only in that State and the taxable amount shall be determined in accordance with article 5, paragraphs 2 and 3, of this Agreement.

These provisions shall likewise apply to proceeds from the sale of incorporeal movable property of the kinds mentioned in the first sub-paragraph of this paragraph, and to proceeds and royalties received by way of overall payment for the use or sale of such property in conjunction with the use or sale of corporeal movable property.

2. The royalties and proceeds mentioned in paragraph 1 of this article may however be taxed in the first State referred to in this provision, even if the beneficiary has no permanent establishment in that State, where and in so far

as such proceeds or royalties exceed a reasonable consideration, having regard to normal commercial practice, in respect of the intrinsic value of the property referred to in the said paragraph and of the actual return on the use of such property.

Where the undertaking liable for payment of such royalties or proceeds is in fact a subsidiary of or controlled by the undertaking which is the beneficiary of the income, or *vice versa*, or where the two undertakings are in fact subsidiaries of or controlled by a third undertaking or are subsidiaries of or controlled by undertakings which are subsidiaries of the same group, a reasonable consideration shall be understood, in connexion with such royalties or proceeds, to mean the portion normally attributable to the first undertaking of the total costs — plus a fair profit — actually incurred during the chargeable period by the undertaking which is the beneficiary of the income for the acquisition, improvement, amortization or maintenance of the property.

Exemption from taxation of royalties or proceeds up to the amount of a reasonable consideration, as defined in this paragraph, may be made conditional upon the production, either by the beneficiary of the income or by the taxation authorities of the State in which the fiscal domicile of the beneficiary is situated, of all the information necessary to enable such amount to be determined.

In special cases, where there would be difficulty in producing exact information, the taxation authorities of the two Contracting States shall consult each other with a view to avoiding, in an equitable manner, double taxation of the same income; to that end they may prescribe, by common consent, rules for the determination by presumptive methods of the amount of proceeds and royalties to be considered as a reasonable consideration.

Article 10

Remuneration paid to their directors, auditors, liquidators or other similar officers by joint stock companies having their fiscal domicile in one of the Contracting States shall be taxable only in that State. Where, however, remuneration is paid to such persons in consideration of permanent duties discharged in a permanent establishment in the other State and the cost is borne by such permanent establishment, the remuneration shall be taxable only in the other State.

Article 11

1. Income, not covered by articles 5 to 7, 9 and 10 of this Agreement, from liberal professions and other independent gainful activities exercised by taxpayers of one of the Contracting States shall be taxable in the other State only where such persons possess a permanent establishment in the other State for the exercise of their personal gainful activity. In this case, the income from the activity exercised in the latter State shall be taxable only in that State.

2. Notwithstanding all other provisions of this Agreement, income which a taxpayer of either of the Contracting States obtains in the other State by operating or organizing for gainful purposes any kind of public entertainment, amusement or game or by making a public appearance there in person as a professional athlete or in a similar capacity, shall be taxable only in the latter State, even if the taxpayer possesses no permanent establishment in that State.

Article 12

Remunerations, pensions — including widows' and orphans' pensions — and other allowances or benefits having a cash value paid to its nationals or their successors in interest by one of the two States or by one of its local government authorities, either direct or through a fund created for the purpose, in consideration of present or past public services or employment, shall be taxable only in that State. The taxation authorities of the two States may agree to extend this provision, in special cases and subject to reciprocity, to income of the same nature paid by public bodies engaged in industrial or commercial activities or by legally independent establishments constituted or controlled by either State or a political subdivision thereof.

Article 13

1. Subject to the exceptions specified in this article, remunerations of any kind received by persons not covered by articles 10 and 12 of this Agreement who exercise a dependent gainful activity shall be taxable only in the State in which that activity is exercised.

For the purposes of this provision, persons employed on means of transport engaged in international air or sea traffic shall be regarded as exercising their activity in the State in which the centre of actual management of the undertaking is situated.

2. An individual having his fiscal domicile in one of the two States shall not be liable to taxation in the other State on remuneration received in respect of a dependent gainful activity exercised therein not covered by article 11, paragraph 2, if, in the course of the taxable year :

(1) he was present in that State only for a period or periods not exceeding a total of 183 days, and

(2) his activity was exercised in the service of an individual or body corporate taxable in the former State, and

(3) the remuneration was not paid as such from the proceeds of a gainful activity taxable in the other State.

3. Remuneration of any kind received by professors temporarily resident in one of the two States for the purpose of teaching for a period not exceeding

two years at a university or other institute of higher education shall be taxable only in the other State provided that the person concerned had his fiscal domicile in that State before the commencement of the said period.

4. Pensions other than those referred to in article 12 of this Agreement and annuities shall be taxable only in the State in which the beneficiaries have their fiscal domicile.

Article 14

Sums paid by individuals or bodies corporate liable to taxation in one of the Contracting States for the maintenance, education or training of students, apprentices or commercial trainees temporarily resident in the other State for the purpose of receiving full-time education or training shall not be taxable in the latter State.

Article 15

The State property tax referred to in article 2, paragraph 1 (B) (1), and any other similar tax to which the Agreement may be extended by virtue of article 2, paragraph 2, shall not apply :

1. to immovable property of the kind referred to in article 4, except in the State in which the property is situated;

2. to other items of property invested in permanent establishments or in undertakings of the kind referred to in article 7, except in the State in which the income derived from the activity carried on in such establishments or in such undertakings is taxable.

The provisions of article 4, paragraph 2, and of article 5, paragraph 2 (2) and paragraphs 3 to 5, shall apply *mutatis mutandis* in the determination of the amounts taxable under the taxes referred to in this article.

Article 16

Where under the provisions of this Agreement a taxpayer of one of the Contracting States is entitled to exemption or relief from taxation in the other State, such exemption or relief shall not be applied to groups and associations not having legal personality or to the undivided estates of deceased persons, to the extent that the tax relates to that part of the taxable items which is attributable to members, partners or successors in interest who are taxpayers of such other State.

Article 17

Except as otherwise provided by the preceding articles of this Agreement, income, including profits from the disposal of property, and property, of whatsoever kind, shall be taxable only in that of the two Contracting States in which the fiscal domicile of the individual or body corporate in receipt of the income or having the ownership of the property is situated.

Article 18

1. Notwithstanding any other provisions of this Agreement, graduated taxes may be calculated in each Contracting State, in respect of taxpayers having their fiscal domicile in that State, on the basis of all the items taxable under the taxation laws of that State; in such cases, however, the tax so calculated shall be reduced by that part corresponding proportionately to the amount of such of these items as are taxable, under this Agreement, solely by the other State. This rule shall likewise apply to any exceptional and temporary tax, even if it is not a graduated tax, to which the Agreement may be extended by virtue of article 2, paragraph 2; but in such cases the above deduction in the State in which the taxpayer has his fiscal domicile may be limited so that the total amount deducted from the aggregate tax payable by the taxpayer in that State does not exceed the amount of tax due in the other State on items taxable, under this Agreement, solely by the latter State.

In Belgium, the supplementary personal tax payable by persons who are not resident in the Kingdom but who own a dwelling or operate any kind of establishment there may in addition, in accordance with Belgian law, be assessed on a minimum income equal to five times the rental value of the property owned by the taxpayer in that State.

2. Where a taxpayer permanently transfers his fiscal domicile from one State to the other, he shall cease to be liable in the first State to any taxes based on fiscal domicile from the date on which the transfer took place. Liability to such taxation shall begin on that date in the other State.

Article 19

1. The taxation authorities of the two Contracting States shall exchange all information in their possession or available to them which may be necessary for carrying out the provisions of this Agreement or for the prevention of tax fraud or for the administration of the rules for the prevention of fiscal evasion in relation to the taxes which are the subject of this Agreement.

2. All information thus exchanged shall be treated as secret and may not be divulged, except by the taxpayer or his agent, to any persons other than those responsible for the assessment and collection of the taxes which are the subject of this Agreement, or for claims and appeals relating to such taxes.

3. The provisions of this article shall not be construed as obliging the taxation authorities of either State to communicate information of a kind which cannot be obtained under the taxation laws of that or the other State, or information which in their opinion might, if communicated, disclose a manufacturing process or infringe an industrial, commercial or professional secret or prejudice the public interest. Similarly, these provisions may not be construed as obliging the taxation authorities of either State to perform acts not in accordance with the regulations or practices of that State.

Article 20

1. The Contracting States undertake to lend each other assistance and support in the collection of the taxes enumerated in article 2 of this Agreement, together with increases, supplements, interests, costs and fines of a non-penal nature.

2. On application by one of the two Contracting States, the other Contracting State shall collect, in accordance with the laws and regulations applicable to the collection of its own taxes, revenue claims of the kinds referred to in paragraph 1 which are due for payment in the first State. Such claims shall receive no preference in the State applied to and that State shall not be required to enforce executory measures which are not authorized by the laws or regulations of the applicant State.

3. Applications in pursuance of paragraph 2 shall be accompanied by documents establishing that the taxes mentioned in the application are due for payment in the applicant State under the latter's laws.

4. If an application of the kind referred to in paragraphs 2 and 3 of this article relates to a national or a body corporate of the State applied to, the latter shall be required to collect only :

(1) taxes from which the national or body corporate has been wrongly exempted by reason of the existence of the Agreement;

(2) taxes payable in the applicant State by such a national in respect of a period during which he was resident in that State.

Article 21

1. The taxation authorities of the two Contracting States may by common consent make such regulations as may be necessary for carrying out the provisions of this Agreement.

2. Where difficulties or doubts arise in connexion with the application of any of the provisions of this Agreement, the taxation authorities of the two Contracting States shall consult with each other with a view to interpreting the said provisions in the spirit of the Agreement. They may, by common consent, apply the rules laid down in this Agreement to individuals or bodies corporate having their fiscal domicile in a third State but possessing in one of the two Contracting States a permanent establishment receiving income or owning property taxable in the other Contracting State.

3. Where a taxpayer of one of the Contracting States shows proof that taxes assessed or proposed to be assessed against him have resulted or will result in double taxation prohibited by the Agreement, he may, without prejudice to the exercise of his rights of complaint and appeal in either State, submit to the taxation authorities of the State in which he has his fiscal domicile a written

application, with a statement of reasons, for the review of the said taxes. Such application must be lodged within two years from the date of notification or collection at source of the second tax. If the application is upheld by the taxation authorities to which it is submitted, the latter shall consult with the taxation authorities of the other State with a view to the avoidance of the double taxation.

Article 22

1. The provisions of this Agreement shall not restrict any rights or advantages accorded by the laws of either of the Contracting States to taxpayers in respect of the taxes enumerated in article 2 of this Agreement.

2. Individuals who have their fiscal domicile in one of the two States and are liable to taxation in the other State shall enjoy, in the assessment of the taxes enumerated in article 2 of this Agreement, such exemptions, basic rebates, deductions, reductions or other advantages as are granted in the same circumstances in respect of family dependants to individuals who are nationals of the other State but who do not have their fiscal domicile there.

3. In the assessment of the taxes enumerated in article 2 of this Agreement, nationals and bodies corporate of one of the Contracting States shall not be liable in the other State, in respect of income and capital attributable to their permanent establishments in that State, to any taxation higher than that applicable in the same circumstances to nationals and similar bodies corporate of the latter State.

Article 23

In this Agreement, the term "taxation authorities" means, in the case of Belgium, the Minister of Finance or his authorized representative and, in the case of Finland, the Minister of Finance or his authorized representative.

Article 24

1. This Agreement shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Brussels.

2. The Agreement shall become effective on the day the instruments of ratification are exchanged and shall apply :

(1) to taxes due at source on income payable and accruing to beneficiaries on or after 1 January of the year following that in which the instruments of ratification are exchanged;

(2) to other taxes assessed on income and capital of chargeable periods ending after 31 December of the year in which the instruments of ratification are exchanged, provided that no reimbursement of taxes collected at source before that date shall result.

Article 25

1. This Agreement shall continue in effect indefinitely; but either of the Contracting States may, on or before 30 June in any calendar year not earlier than the fifth year following the date of ratification, give written notice of termination, through diplomatic channels, to the other Contracting State. If notice of termination is given before 30 June in any such year, the Agreement shall apply for the last time :

(1) to taxes due at source on income normally accruing to beneficiaries not later than 31 December of that year;

(2) to other taxes assessed on income and capital of chargeable periods normally ending not later than 31 December of the year in which notice of termination is given.

IN WITNESS WHEREOF the above-mentioned plenipotentiaries have signed the present Agreement and affixed their seals thereto.

DONE at Helsinki in duplicate in the French and Finnish languages, both texts being equally authentic, on 11 February 1954.

For Belgium :
(*Signed*) Jos D'HONDT
For Finland :
(*Signed*) Ralf TÖRNGREN

FINAL PROTOCOL

On signing the Agreement concluded this day between Belgium and Finland for the avoidance of double taxation and the settlement of certain other questions with respect to taxes on income and property, the undersigned plenipotentiaries have agreed upon the following provision which shall form an integral part of the Agreement :

So long as commercial travellers who are taxpayers of Belgium are liable in Finland to a stamp tax determined on the basis of the length of their stay in that State, commercial travellers who are taxpayers of Finland may, notwithstanding any other provision of the Agreement, particularly article 13, paragraph 2, be liable, whatever the length of their stay in Belgium, to the occupational tax leviable on that category of taxpayers under Belgian law.

DONE at Helsinki in duplicate in the Finnish and French languages, both texts being equally authentic, on 11 February 1954.

For Belgium :
(*Signed*) Jos D'HONDT
For Finland :
(*Signed*) Ralf TÖRNGREN