

# **SYNTHESISED TEXT OF THE MLI AND THE CONVENTION BETWEEN THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME**

## **General disclaimer on the Synthesised text document**

**This comprehensive document (the "Document") of the companion text of the Multilateral Convention promulgated by Presidential Decree No. 446 of 2020 and the Convention on Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to taxes on income between the Governments of the Arab Republic of Egypt and the Socialist Republic of Romania and published in the Official Gazette 6 on 5/2/1981 ("Convention"), is only a guiding text, bearing in mind that that English version of the Convention is the most likely and the first to be applied on the part of the authentic in case of difference between the versions of different languages themselves, without any responsibility on the authority that issued those texts.**

This document presents the synthesised text for the application of the Convention between **the Arab Republic of Egypt** and **the Socialist Republic of Romania** with respect to Taxes on Income signed on **13 July 1979** (the "Convention"), as modified by the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting signed by **Egypt** on **7 June 2017** and **Romania** on **7 June 2017** (the "MLI").

The document was prepared on the basis of the MLI position of **Egypt** submitted to the Depository upon ratification on **30 September 2020** and of the MLI position of **Romania** submitted to the Depository upon ratification on **28 February 2022**. 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 the 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 2017 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 "Covered Tax Agreement" and "Convention"/"Agreement", "Contracting Jurisdictions" and "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 of 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 and the Agreement can be found [[www.eta.gov.eg](http://www.eta.gov.eg)].

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

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 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 **the Arab Republic of Egypt** and **the Socialist Republic of Romania** in their MLI positions.

Dates of the deposit of instruments of ratification, acceptance or approval: **30 September 2020** for **Egypt** and **28 February 2022** for **Romania**.

Entry into force of the MLI: **1 January 2021** for **Egypt** and **28 February 2022** for **Romania** and has effect as follows:

The provisions of the MLI shall have effect in each Contracting State with respect to the Convention:

a) in Egypt:

- (i) 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 2024; and
- (ii) with respect to all other taxes levied by Egypt, for taxes levied with respect to taxable periods beginning on or after 5 October 2023.

b) in Romania:

- (i) 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 2024; and
- (ii) with respect to all other taxes levied by Romania, for taxes levied with respect to taxable periods beginning on or after 1 January 2024.

**CONVENTION  
BETWEEN  
THE GOVERNMENT OF THE ARAB REPUBLIC OF  
EGYPT  
AND  
THE GOVERNMENT OF THE SOCIALIST REPUBLIC  
OF ROMANIA  
FOR  
THE AVOIDANCE OF DOUBLE TAXATION AND  
THE PREVENTION OF FISCAL EVASION  
WITH RESPECT TO TAXES ON INCOME**

The Government of the Arab Republic of Egypt and the Government of the Socialist Republic of Romania **[REPLACED by paragraph 1 of Article 6 of the Multilateral Convention]** ~~[desiring to promote and strengthen the economic relations between the two countries on the basis of national sovereignty and respect of independence, equality in rights, reciprocal advantage and noninterference in domestic matters have agreed to conclude a Convention for the avoidance of double taxation and the prevention fiscal evasion with respect to taxes on income as follows:]~~

*The following paragraph 1 of Article 6 of the MLI {replace 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 agreed as follows:**

**Chapter I**  
**SCOPE OF THE CONVENTION**

**ARTICLE 1**

**PERSONAL SCOPE**

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

**ARTICLE 2**

**TAXES COVERED**

1. This Convention shall apply to taxes on income imposed on behalf of each Contracting State or of its political subdivisions, administrative territorial subdivisions or local authorities, irrespective of the manner in which they are levied.
2. There shall be regarded as taxes on income all taxes imposed on total income, or on all elements of income including taxes on gains from the alienation of movable or immovable property and taxes on the total amounts of wages or salaries paid by enterprises.
3. The existing taxes to which the Convention shall apply are in particular:
  - (a) in the case of **Romania**:
    - (1) tax on income derived from individuals and bodies;
    - (2) tax on profits of joint companies constituted with the participation of some Romanian economic organizations and some foreign partners;
    - (3) tax on income realised from agricultural activities;  
(hereinafter referred to as "Romanian tax");
  - (b) in the case of **Arab Republic of Egypt**:
    - (1) tax on income derived from immovable property (including the land tax, the building tax and the ghaffir tax);
    - (2) tax on income from movable capital;
    - (3) tax on commercial and industrial profits;
    - (4) tax on wages, salaries, indemnities and pensions;
    - (5) tax on profits from liberal professions and all other non-commercial professions;
    - (6) general income tax;
    - (7) defense tax;
    - (8) national security tax;
    - (9) Jihad tax;
    - (10) supplementary taxes imposed as percentage of taxes mentioned above or otherwise;  
(hereinafter referred to as "Egyptian tax").

4. The Convention shall also apply to any identical or substantially similar taxes which are subsequently imposed in addition to, or in the place of, the existing taxes by either Contracting State.
5. At the end of each year, the competent authorities of the Contracting States shall notify to each other any substantial changes which have been made in their respective taxation laws.
6. In the case of substantial changes in the system of taxation of either Contracting State, the Contracting States may consult each other with a view to adapting this Convention to such changes.

### **ARTICLE 3**

#### **GENERAL DEFINITIONS**

1. In this Convention, unless the context otherwise requires:
  - a) the term "**Romania**" means the Socialist Republic of Romania; the term "**Egypt**" means the Arab Republic of Egypt;
  - b) the terms "a Contracting State" and "the other Contracting State" mean Romania or Egypt, as the context requires;
  - c) the term "**Romania**" means the territory of the Socialist Republic of Romania and the seabed and subsoil of the submarine areas beyond the territorial sea, over which Romania exercises sovereign rights, in accordance with international law, and with its own law, for the purpose of exploration for and exploitation of the natural resources of such areas, but only to the extent that the person, property, or activity to which this Convention is being applied is connected with such exploration as exploitation)
  - d) the term "**Egypt**" means the territory of the Arab Republic of Egypt and when used in a geographical sense, such term also includes the territorial sea thereof, and seabed and subsoil of the submarine areas adjacent to the coast thereof but beyond the territorial sea over which Egypt exercises sovereign rights in accordance with international law and with its own law for the purpose of exploration for and exploitation of the natural resources of such areas but only to the extent that the person, property, or activity to which this Convention is being applied is connected with such exploration or exploitation;
  - e) the term "tax" means Romanian tax or Egyptian tax, as the context requires;
  - f) the term "person" includes individuals, companies and all other entities which are treated as taxable units under the tax law in force in either Contracting State;
  - g) the term "company" means any body corporate including a joint company incorporated under Romanian or Egyptian law or any entity which is treated as a body corporate for tax purposes;
  - h) the terms "enterprise of a Contracting State" and "enterprise of the other Contracting State" mean respectively an enterprise carried on by a resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;
  - i) the term "competent authorities" means in the case of Romania the Minister of Finance or his authorised representative and in the case of Egypt the Minister of Finance or his authorised representative;
  - (j) the term "political subdivision" means a political subdivision in Egypt;

(k) the term "administrative territorial subdivision" means an administrative territorial subdivision in Romania;

(l) the term "international traffic" means any transport by a ship or aircraft, operated by an enterprise which has its place of effective management in a Contracting State, except when such transport is made solely between places in the other Contracting State.

2. In the application of the provisions of this Convention by 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 law of that State, is liable to taxation therein by reason of his domicile, residence, place of management or any other criterion of a similar nature.

2. Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then his case shall be determined in accordance with the following rules:

a) 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).

b) 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 State, he shall be deemed to be a resident only of the Contracting State in which he has an habitual abode;

c) if he has an habitual abode in both Contracting States or in neither of them, he shall be deemed to be a resident only of the Contracting State of which he is a national;

d) if he is a national of both Contracting States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.

3. ~~[REPLACED by paragraph 1 of Article 4 of the MLI] 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.~~

*The following paragraph 1 of Article 4 of the MLI replaces paragraph {3} of Article {4} of this Convention:*

### ARTICLE 4 OF THE MLI – DUAL RESIDENT ENTITIES

Where by reason of the provisions of [*the Convention*] a person other than an individual is a resident of both [*Contracting States*], the competent authorities of [*the Contracting States*] shall endeavour to determine by mutual agreement the [*Contracting State*] of which such person shall be deemed to be a resident for the purposes of [*the Convention*], having regard to its place of effective management, the place where it is incorporated or otherwise constituted and any other relevant factors. In the absence of such agreement, such person shall not be entitled to any relief or exemption from tax provided by the [*Convention*] except to the extent and in such manner as may be agreed upon by the competent authorities of the Contracting States.

## 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:
  - a) a place of management;
  - b) a branch;
  - c) an office;
  - d) a factory;
  - e) a workshop;
  - f) a mine, a quarry, an oilfield or other place of extraction of natural resources;
  - g) a farm or plantation and a warehouse;
  - h) a building site or construction or assembly project which exists for more than six months;
  - i) a permanent sales exhibition.
3. The term "permanent establishment" shall not be deemed to include:
  - a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;
  - b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;
  - c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
  - d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or for collecting information for the enterprise;
  - e) 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;

- f) the goods or merchandise belonging to the enterprise displayed in the frame of an occasional temporary fair or exhibition which are sold after the closing of the said fair or exhibition.
4. A person acting in a Contracting State 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 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.
5. An enterprise of a Contracting State 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.
6. The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise) shall not of itself constitute either company a permanent establishment of the other.

## **Chapter III TAXATION OF INCOME**

### **ARTICLE 6**

#### **INCOME FROM IMMOVABLE PROPERTY**

1. Income from immovable property shall be taxable only 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, rights to which the provisions of general law respecting land property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources. Ships 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 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 a Contracting State shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to that permanent establishment.
2. Where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment. Where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.
3. In the determination of the profits of a permanent establishment, there shall be allowed as deductions, expenses which are incurred for the purpose 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. Insofar it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary; the method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles laid down in this Article.
5. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that of goods or 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 those articles shall not be affected by the provisions of the present article.

## **ARTICLE 8**

### **SHIPPING AND AIR TRANSPORT ENTERPRISE**

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. The provisions of paragraph 1 shall likewise apply in respect of participations in pools of any kind by Romanian or Egyptian enterprises, a joint business or in an international agency engaged in shipping or air transport.
3. Where profits as referred to in this Article are derived by a company which is a resident of a Contracting State, dividends paid by that company to persons which are not resident in the other Contracting State, shall be exempt from tax in that other State.

## **ARTICLE 9**

### **ASSOCIATED ENTERPRISES**

1. Where
  - a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or
  - b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State,

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.

2. If the information available to the taxation authority concerned is inadequate to determine, for the purpose of paragraph 1 of this Article, the profits which might be expected to accrue to an enterprise, nothing in that paragraph shall affect the application of the law of either Contracting State in relation to the liability of that enterprise to pay tax on an amount determined by the exercise of a discretion or the making of an estimate by the taxation authority of that State; provided that such discretion shall be exercised or such estimate shall be made, so far as the information available to the taxation authority permits, in accordance with the principle stated in that paragraph.
- 3 The provisions of paragraphs 1 and 2 shall not apply to state-owned companies in the case of Romania, and public enterprises in the case of Egypt.

## **ARTICLE 10**

### **DIVIDENDS**

1. Dividends paid by a resident of one of the Contracting States to a resident of the other Contracting State may be taxed by both Contracting States according to their internal laws.
2. However, if the dividends distributed from the profits of the same taxable year are not deducted from the company's taxable profits, the tax rate shall not exceed 10 percent of the gross amount of the dividends
3. Dividends paid by a company resident of a Contracting State whose activities lie solely or mainly in the other Contracting State shall be treated in each Contracting State according to its internal law.
4. Dividends, deemed to be paid out of the yearly profits of a permanent establishment maintained in a Contracting State by a company of the other Contracting State whose activities extend to countries other than the Contracting States shall be treated in each Contracting State according to its internal law.
5. 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. If so, Article 7 shall apply
6. Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, such other State may not impose any tax on the dividends paid by the company to persons who are not residents of that other State or subject the company's undistributed profits to a tax on undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.
7. The term "dividends" as used in this Article means income from shares, "jouissance" shares or "jouissance" rights, mining shares, founders' shares or other similar rights, not being debt-claims, participating in profits, as well as income from other corporate rights assimilated to income from shares by the taxation law of the State of which the company making the distribution is a reside

## **ARTICLE 11**

### **INTEREST**

1. Interest arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.
2. However, such interest may also be taxed in the Contracting State in which it arises and according to the laws of that State, but if the recipient is the beneficial owner of the interest the tax so charged shall not exceed 15 percent of the gross amount of the interest.

The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation.

3. Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State and paid
  - to the other Contracting State, or to an instrumentality of that other State, not subject to tax in that other State on its income, or
  - to a resident of the other Contracting State with respect to loans made, guaranteed, or insured by that other State or an instrumentality thereof, shall be exempt from tax in the first-mentioned State.

The competent authorities of the Contracting States shall determine by mutual agreement to which institutions this paragraph shall apply. The competent authorities of the Contracting States shall determine by mutual agreement any other governmental institution to which this paragraph shall apply.

4. The term "interest" as used in this Article means income from debt-claims of every kind, whether or not carrying a right to participate in the debtor's profits (exclusive of income from debt-claims secured by mortgage on real estate to which the provisions of Article 6 shall apply), and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bond or debentures. Penalty charges for late payment shall not be regarded as interest for the purposes of this Article.
5. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the interest, being a resident of a Contracting State, carries on business in the other Contracting State in which the interest arises, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the debt-claim in respect of which the interest is paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 15, as the case may be, shall apply
6. Interest shall be deemed to arise in a Contracting State when the payer is that State itself, a political subdivision, an administrative territorial subdivision, a local authority or a resident of that State. Where, however, the person paying an interest, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment or fixed base, then such interest shall be deemed to arise in the State in which the permanent establishment or fixed base is situated
7. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.

**ARTICLE 12**  
**ROYALTIES**

1. Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.
2. However, such royalties may be taxed in the Contracting State in which they arise and according to the law of that State, but the tax so charged shall not exceed 15 percent of the amount of the royalties.
3. The term "royalties" as used in this Article means payment of any kind received as consideration for the use or the right to use, any copyright of literary, artistic or scientific work including copyright of motion picture films or films or tapes used for radio or television broadcasting, any patent or other like property or rights, design or model, plan, secret formula or process, or for the use of, or the right to use, industrial, commercial, or scientific equipment, or for information concerning industrial, commercial or scientific experience..
4. The provisions of paragraphs 1 and 2 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.
5. Royalties shall be deemed to arise in a Contracting State when the payer is that State itself, a political sub division, an administrative-territorial subdivision, a local authority or a resident of that State. When, however, the person paying the royalties, whether he is a resident of a Contracting State or not, has in the other Contracting State a permanent establishment with which the right or property giving rise to the royalties is effectively connected, and such royalties are borne by such a permanent establishment, then such royalties 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 between both of them and some other person, the amount of the royalties paid, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In that case, the excess part of the payments shall remain taxable according to the law of each Contracting State, due regard being had to the other provisions of this Convention.
7. The provisions of this Article shall not apply where founders' shares are issued in Egypt as consideration for the rights mentioned in paragraph 2 of this Article and taxed in accordance with the provisions of Article 1 of Law 14 of 1939. In such event Article 10 of this Convention shall be applicable.

**ARTICLE 13**  
**COMMISSION**

1. Commission arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.
2. However, such commission may be also taxed in the Contracting State in which it arises and according to the law of that State.
3. The provisions of paragraphs 1 and 2 shall not apply if the recipient of the commission, being a resident of a Contracting State, has in the other Contracting State in which the commission arises a permanent establishment with which the activity giving rise to the commission is effectively connected. In such a case, the provisions of Article 7 shall apply.
4. Commission shall be deemed to arise in a Contracting State when the payer is that State itself, a political subdivision, an administrative territorial subdivision, a local authority or a resident of that State. Where, however, the person paying the commission, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the activities for which the payment is made was incurred, and such commission is borne by such permanent establishment, then such commission shall be deemed to arise in the Contracting State in which the permanent establishment is situated.
5. The income tax of 15 percent withheld at source in Romania on the commissions paid to an Egyptian resident shall be given as a credit to be deducted from the income tax charged in Egypt.

## **ARTICLE 14**

### **CAPITAL GAINS**

1. Gains from the alienation of immovable property, as defined in paragraph 2 of 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 employed in a permanent establishment which an enterprise of a Contracting State has in the other Contracting State or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing professional services, including such gains from the alienation of such a permanent establishment (alone or together with the whole enterprise) or of such a fixed base, may be taxed in the other State. However, gains from the alienation of movable property of the kind referred to in paragraph 1 of Article 8, shall be taxable only in the Contracting State in which such movable property is taxable according to the said Article.
3. Gains from the alienation of any property or assets other than those mentioned in paragraphs 1 and 2, shall be taxable only in the State where the income arises.

## **ARTICLE 15**

### **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 Contracting State for the purpose of performing his activities, or he is present within that State for a period or periods exceeding in the aggregate 183 days in the fiscal year concerned. If he has such a fixed base or remains in that State for the aforesaid period, the income may be taxed in the other Contracting State but only so much of it as is attributable to that fixed base or the period aforementioned.
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 16**

### **DEPENDENT PERSONAL SERVICES**

1. Subject to the provisions of Articles 17, 19 and 20, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.
2. Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:
  - (a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in the fiscal year concerned, and
  - (b) the remuneration is paid by, or on behalf of an employer who is not a resident of the other State,
  - (c) the remuneration is not borne by a permanent establishment or a fixed base which the employer has in the other State.
3. Notwithstanding the preceding provisions of this Article, remuneration in respect of an employment exercised aboard a ship or aircraft in international traffic, may be taxed in the Contracting State in which the place of effective management of the enterprise is situated.

**ARTICLE 17**  
**DIRECTORS' FEES**

Directors' fees and other similar payments derived by a resident of a Contracting State in his capacity as a member of the board of directors of a company which is a resident of the other Contracting State may be taxed in that other State.

**ARTICLE 18**  
**ARTISTES AND ATHLETES**

1. Notwithstanding anything contained in Articles 15 and 16, 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.
2. Income derived from such activities performed within the frame-work of cultural agreements concluded between the Contracting States, shall be exempted from taxes in the Contracting State in which these activities are exercised.

**ARTICLE 19**  
**NON-GOVERNMENTAL PENSIONS**

1. Subject to the provisions of paragraph 1 of Article 20, pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State.
2. Life annuities paid to an individual who is a resident of one of the Contracting States shall be taxed only in that Contracting State.
3. The term annuity means a stated sum payable periodically at stated terms, 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 20**

### **GOVERNMENTAL FUNCTIONS**

1. Remuneration, including pensions, paid by, or out of funds, created by, a Contracting State, a political subdivision, an administrative territorial subdivision, or a local authority thereof to any individual in respect of services rendered to that State or subdivision or local authority thereof in the discharge of functions of a governmental nature shall be taxed only in that State.
2. The provisions of paragraph 1 shall mutatis mutandis apply to such remuneration and pensions paid by the Post, Railways, Telephone and Telegraph, Radio and Television organizations and the Central Bank of either Contracting State.
3. The provisions of Articles 16, 17 and 19 shall apply to remuneration or pensions in respect of services rendered in connection with any trade or business other than those mentioned in paragraph 2 carried on by any of the legal entities mentioned in paragraph 1 of this Article.

## **ARTICLE 21**

### **STUDENTS**

A resident of one of the Contracting States, who is temporarily present in the other Contracting State solely:

- (a) as a student at a university, college or school in that other Contracting State,
- (b) as a business or technical apprentice, or
- (c) as the recipient of a grant, allowance or award for the primary purpose of study or research from a religious, charitable, scientific or educational organization,

shall not be taxed in the other Contracting State in respect of remittances from abroad for the purposes of his maintenance, education or training or in respect of a scholarship grant. The same shall apply to any amount representing remuneration for services rendered in that other State, provided that such services are in connection with his studies or training or are necessary for the purpose of his maintenance.

## **ARTICLE 22**

### **PROFESSORS, TEACHERS AND RESEARCHERS**

A resident of one of the Contracting States who, at the invitation of a university, college or other establishment for higher education or scientific research in the other Contracting State, visits that other Contracting State solely for the purpose of teaching or scientific research at such institution for a period not exceeding two years, shall not be taxed in that other State on his remuneration for such teaching or research.

## **ARTICLE 23**

### **INCOME NOT EXPRESSLY MENTIONED**

Items of income of a resident of a Contracting State, which are not expressly mentioned in the foregoing Articles of the Convention shall be taxable in the State where the income arises.

## **Chapter IV**

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

## **ARTICLE 24**

### **EXEMPTION AND CREDIT METHOD**

1. Where a person being a resident of a Contracting State derives income from the other Contracting State and that income, in accordance with the provisions of this Convention, may be taxed in that other Contracting State, the first-mentioned State shall, subject to the provisions of paragraph 2, exempt such income from tax but may, in calculating tax on the remaining income of that person, apply the rate of tax which would have been applicable if the exempted income had not been so exempted.
2. Where a person being a resident of a Contracting State derives income from the other Contracting State and that income, in accordance with the provisions of Articles 10, 11, 12, 14 and 16 may be taxed in that other Contracting State, the first mentioned State shall allow as a deduction from the tax on the income of that person an amount equal to the tax paid in that other Contracting State. Such deduction shall not, however, exceed that part of the tax, as computed before the deduction is given, which is appropriate to the income derived from that other Contracting State.

3. The Romanian company shall be deemed to have paid the Egyptian tax which would have been paid by this company, but for the exemption granted by Article 16 of Law Nr. 43 of 1974 as amended by Law Nr. 32 of 1977, and this tax shall be deducted from the tax due in Romania.

*The following paragraph 6 of Article 5 of the MLI replaces paragraphs (1), (2) of Article {24} of this Convention with respect to the residents of {Romania}:*

**ARTICLE 5 OF THE MLI – APPLICATION OF METHODS FOR ELIMINATION  
OF DOUBLE TAXATION (Option C)**

Where a resident of a [Contracting State] derives income which may be taxed in the other [Contracting State] in accordance with the provisions of [this Convention] (except to the extent that these provisions allow taxation by that other [Contracting State] solely because the income is also income derived by a resident of that other [Contracting State]), the first-mentioned [Contracting State] shall allow

- as a deduction from the tax on the income of that resident, an amount equal to the income tax paid in that other [Contracting State] ;

Such deduction shall not, however, exceed that part of the income tax, as computed before the deduction is given, which is attributable to the income which may be taxed in that other [Contracting State].

Where in accordance with any provision of [the Convention] income derived by a resident of a [Contracting State] is exempt from tax in that [Contracting State], such [Contracting State] may nevertheless, in calculating the amount of tax on the remaining income of such resident, take into account the exempted income.

**Chapter V  
SPECIAL PROVISIONS**

**ARTICLE 25**

**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 the taxation and connected requirements to which nationals of that other State in the same circumstances are or may be subjected.
2. The term "nationals" means:
  - (a) all individuals possessing the citizenship of a Contracting State;
  - (b) all legal persons, partnerships and associations deriving their status as such from the law in force in a Contracting State.

3. The taxation of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities.

This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents

4. Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of that first-mentioned State are or may be subjected.

5. The provisions of this Article shall not be construed as affecting the application in Egypt of Article 11, paragraphs 1 and 2 and Article 11 bis of Law 14 of 1939 and the exemptions conferred in Egypt by Articles 5 and 6 of Law 14 of 1939.

6. In this Article the term "taxation" means taxes of every kind and description.

## ARTICLE 26

### MUTUAL AGREEMENT PROCEDURE

**[The First sentence of paragraph 1 of Article 26 of this Convention is REPLACED by paragraph 1 of Article 16 of the MLI]**

~~1. 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 taxation not in accordance with this Convention he may, notwithstanding the remedies provided by the national laws of those States, present his case to the competent authority of the Contracting State of which he is a resident.~~

*The following first sentence of paragraph 1 of Article 16 of the MLI replaces the {first sentence} of paragraph {1} of Article {26} 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 following second sentence of paragraph 1 of Article 16 of the MLI applies and supersedes the provisions of this Convention:*

#### **ARTICLE 16 OF THE MLI – MUTUAL AGREEMENT PROCEDURE**

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 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 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 interpretation or application of the Convention. They may also consult together for the elimination of double taxation in cases not provided for in the Convention.
4. The competent authorities of the Contracting States may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs. When it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a Commission consisting of representatives of the competent authorities of the Contracting States

### **ARTICLE 27**

#### **EXCHANGE OF INFORMATION**

1. The competent authorities of the Contracting States shall exchange such information as is necessary for the carrying out of this Convention and of the domestic laws of the Contracting States concerning taxes covered by this Convention in so far as the taxation thereunder is in accordance

with this Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons or authorities other than those concerned with the assessment, including judicial determination, or collection of the taxes which are the subject of this Convention.

2. In no case shall the provisions of paragraph 1 be construed so as to impose on one of the Contracting States the obligation:
  - (a) to carry out administrative measures at variance with the laws or the 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*)

## **ARTICLE 28**

### **DIPLOMATIC AND CONSULAR PRIVILEGES**

1. Nothing in the present Convention shall affect the fiscal privileges of diplomatic or consular officials, as well as of other representative offices opened by a State on the territory of the other Contracting State, either on the basis of the general rules of the international law or by virtue of conventions in which the two Contracting States are parties.
2. The Convention shall not apply to international organisations, to the organs or officials thereof or to persons who are members of a diplomatic or consular mission of a third State if they are present in the territory of a Contracting State for the purposes of taxes on income.

## **ARTICLE**

### **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 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*].

## **Chapter VI**

### **FINAL PROVISIONS**

#### **ARTICLE 29**

##### **ENTRY INTO FORCE**

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Cairo as soon as possible.
2. This Convention shall enter into force thirty days after the exchange of the instruments of ratification and shall for the first time have effect:
  - (a) in respect of taxes withheld at source to amounts paid after the entering into force;
  - (b) in respect of other taxes, to taxable years beginning on or after January 1 of the year following the year in which it enters into force.

#### **ARTICLE 30**

##### **TERMINATION**

The present Convention shall remain in force until denounced by a Contracting State. Either Contracting State may denounce the Convention, up to the 30<sup>th</sup> June of any calendar year, starting from the 5<sup>th</sup> year following that in which the Convention entered into force, by giving notice of termination through diplomatic channels.

In such event the Convention shall cease to be effective:

- (a) in respect of taxes withheld at source to amounts paid after December 31<sup>st</sup> of the year in which the notice of termination is given;
- (b) in respect of other taxes, to taxable years beginning on or after January 1<sup>st</sup> of the year following the year in which the notice of termination is given.

In witness thereof the undersigned, being duly authorised thereto, have signed this Convention and have affixed there to their seals.

Done at Bucharest, this 13<sup>th</sup> day of July 1979 in duplicate in the Romanian, Arabic and English languages, all three texts being equally authentic, except in the case of doubt when the English text shall prevail.