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

**Article 1**

**Personal scope**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a1&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a1) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a1&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a1) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

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

**Article 2**

**Taxes covered**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a2&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a2) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a2&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a2) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifThis Convention shall apply to taxes on income and on capital imposed on behalf of a Contracting State or of its administrative-territorial units or local authorities, irrespective of the manner in which they are levied.

2.http://online.ibfd.org/images/spacer.gifThere shall be regarded as taxes on income and on capital all taxes imposed on total income, on total capital, or on elements of income or of capital, including taxes on gains from the alienation of movable or immovable property, as well as taxes on capital appreciation.

3.http://online.ibfd.org/images/spacer.gifThe existing taxes to which this Convention shall apply are in particular:

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| (a) | in the Republic of Kazakhstan:   |  |  | | --- | --- | | http://online.ibfd.org/images/spacer.gif |  | | (i) | the tax on income of legal persons and individuals; | | (ii) | the tax on the property |   (hereinafter referred to as "Kazakhstan tax"); |
| (b) | in Romania:   |  |  | | --- | --- | | http://online.ibfd.org/images/spacer.gif |  | | (i) | the tax on income derived by individuals; | | (ii) | the tax on profit; | | (iii) | the tax on salaries and other similar remuneration; | | (iv) | the tax on agricultural income; | | (v) | the tax on dividends; | | (vi) | the tax on buildings and the tax on land occupied by buildings and constructions |   (hereinafter referred to as "Romanian tax"). |

4.http://online.ibfd.org/images/spacer.gifThe Convention shall apply also to any identical or substantially similar taxes which are imposed after the date of signature of the Convention in addition to, or in place of, the existing taxes. The competent authorities of the Contracting States shall notify each other of any significant changes which have been made in their respective taxation laws.

**Article 3**

**General definitions**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a3&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a3) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a3&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a3) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifFor the purposes of this Convention, unless the context otherwise requires:

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| http://online.ibfd.org/images/spacer.gif |  |
| (a) | the terms "a Contracting State" and "the other Contracting State" mean Kazakhstan or Romania, as the context requires; |
| (b) | the term:   |  |  | | --- | --- | | http://online.ibfd.org/images/spacer.gif |  | | (i) | "Kazakhstan" means the Republic of Kazakhstan and, when used in a geographical sense, the term "Kazakhstan" includes the territorial waters, and also the exclusive economic zone and continental shelf in which Kazakhstan, for certain purposes, may exercise sovereign rights and jurisdiction in accordance with international law and in which the law relating to Kazakhstan tax are applicable; and | | (ii) | "Romania" means Romania and, when used in a geographical sense, indicates the territory of Romania including its territorial sea as well as the exclusive economic zone over which Romania exercises sovereignty, sovereign rights and jurisdiction in accordance with its internal law and with the international law, concerning the exploration and the exploitation of the natural, biological and mineral resources existing in the sea waters, sea-bed and subsoil of these waters; | |
| (c) | the term "person" includes an individual, a company and any other body of persons; |
| (d) | the term "company" means any body corporate or any entity which is treated as a body corporate for tax purposes; |
| (e) | 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; |
| (f) | the term "international traffic" means any transport by a ship, aircraft or railway vehicle operated by an enterprise of a Contracting State, except when the ship, aircraft, or railway vehicle is operated solely between places in the other Contracting State; |
| (g) | the term "competent authority" means:   |  |  | | --- | --- | | http://online.ibfd.org/images/spacer.gif |  | | (i) | in Kazakhstan: the Ministry of Finance or its authorized representative; | | (ii) | in Romania: the Ministry of Finance or its authorized representative; | |
| (h) | the term "national" means:   |  |  | | --- | --- | | http://online.ibfd.org/images/spacer.gif |  | | (i) | any individual possessing the citizenship of a Contracting State; | | (ii) | any legal person, company, partnership or any other association deriving its status as such from the laws in force in a Contracting State. | |

2.http://online.ibfd.org/images/spacer.gifAs regards the application of the Convention by a Contracting State any term not defined therein shall, unless the context otherwise requires, have the meaning which it has under the law of that State concerning the taxes to which the Convention applies.

**Article 4**

**Resident**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a4&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a4) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a4&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a4) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifFor 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, place of incorporation, place of registration 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.http://online.ibfd.org/images/spacer.gifWhere by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then his status shall be determined as follows:

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| (a) | he shall be deemed to be a resident of the State in which he has a permanent home available to him; if he has a permanent home available to him in both States, he shall be deemed to be a resident of the State with which his personal and economic relations are closer (centre of vital interests); |
| (b) | if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State, he shall be deemed to be a resident of the State in which he has an habitual abode; |
| (c) | if he has an habitual abode in both States or in neither of them, he shall be deemed to be a resident of the State of which he is a national; |
| (d) | if he is a national of both States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement. |

3.http://online.ibfd.org/images/spacer.gifWhere by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, the competent authorities shall settle the question by mutual agreement. If the competent authorities do not reach such an agreement, the respective person shall be treated as a resident of neither Contracting State and shall not derive benefits under this Convention.

**Article 5**

**Permanent establishment**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a5&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a5) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a5&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a5) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifFor the purposes of this Convention, the term "permanent establishment" means a fixed place of business through which the business of an enterprise is wholly or partly carried on.

2.http://online.ibfd.org/images/spacer.gifThe term "permanent establishment" includes especially:

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| (a) | a place of management; |
| (b) | a branch; |
| (c) | an office; |
| (d) | a factory; |
| (e) | a workshop; |
| (f) | a farm or any plantation; and |
| (g) | a mine, an oil or gas well, a quarry or any other place of extraction of natural resources. |

3.http://online.ibfd.org/images/spacer.gifThe term "permanent establishment" likewise encompasses:

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| (a) | a building site or construction, installation or assembly project, or supervisory activities connected therewith, only if such site or project lasts for more than 12 months, or such activities continue for more than 12 months; and |
| (b) | the use of an installation or drilling rig or ship or supervisory activities connected therewith in a Contracting State to explore for or exploit natural resources only if such use lasts for more than 12 months; and |
| (c) | the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by the enterprise for such purpose, but only where the activities of that nature continue (for the same or connected project) for a period or periods aggregating more than 12 months. |

4.http://online.ibfd.org/images/spacer.gifNotwithstanding the preceding provisions of this Article, the term "permanent establishment" shall be deemed not to include:

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| (a) | the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise, without deriving income; |
| (b) | the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery, without deriving income; |
| (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 sale of exhibited goods or merchandise belonging to the enterprise displayed in the frame of an occasional temporary fair or exhibition after the closing of the said fair or exhibition; |
| (e) | the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise or of collecting information, for the enterprise; |
| (f) | the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character; |
| (g) | the maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs (a) to (f), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character. |

5.http://online.ibfd.org/images/spacer.gifNotwithstanding the provisions of paragraphs 1 and 2, where a person -- other than an agent of an independent status to whom paragraph 7 applies -- is acting on behalf of an enterprise and has, and habitually exercises, in a Contracting State an authority to conclude contracts in the name of the enterprise, that enterprise shall be deemed to have a permanent establishment in that State in respect of any activities which that person undertakes for the enterprise, unless the activities of such person are limited to those mentioned in paragraph 4 which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph.

6.http://online.ibfd.org/images/spacer.gifNotwithstanding the preceding provisions of this Article, an insurance company, except for reinsurance, of a Contracting State shall be deemed to have a permanent establishment in the other Contracting State if it collects premiums on the territory of the other State or it insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies.

7.http://online.ibfd.org/images/spacer.gifAn enterprise shall not be deemed to have a permanent establishment in a Contracting State merely because it carries on business in that State through a broker, general commission agent or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business.

8.http://online.ibfd.org/images/spacer.gifThe 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.

**Article 6**

**Income from immovable property**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a6&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a6) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a6&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a6) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifIncome derived by a resident of a Contracting State from immovable property (including income from agriculture or forestry) situated in the other Contracting State may be taxed in that other State.

2.http://online.ibfd.org/images/spacer.gifThe term "immovable property" shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources; ships, aircraft and railway vehicles shall not be regarded as immovable property.

3.http://online.ibfd.org/images/spacer.gifThe provisions of paragraph 1 shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

4.http://online.ibfd.org/images/spacer.gifThe provisions of paragraphs 1 and 3 shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of independent personal services.

**Article 7**

**Business profits**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a7&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a7) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a7&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a7) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifThe profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on or has carried on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on or has carried 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:

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| http://online.ibfd.org/images/spacer.gif |  |
| (a) | that permanent establishment; |
| (b) | sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or |
| (c) | other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment. |

2.http://online.ibfd.org/images/spacer.gifSubject to the provisions of paragraph 3, where an enterprise of a Contracting State carries on or has carried 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.http://online.ibfd.org/images/spacer.gifIn determining the profits of a permanent establishment, there shall be allowed as deductions expenses which are incurred for the purposes of the permanent establishment, including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere. However, the permanent establishment shall not be allowed a deduction for amounts paid to its head office or any of the other offices of the resident by way of royalties, fees or other similar payments in return for the use of patents or other rights, or by way of commission, for specific services performed or for management, or by way of interest on moneys lent to the permanent establishment.

4.http://online.ibfd.org/images/spacer.gifInsofar as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary; the method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article.

5.http://online.ibfd.org/images/spacer.gifNo profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

6.http://online.ibfd.org/images/spacer.gifWhere profits include items of income or capital gains which are dealt with separately in other Articles of this Convention, then the provisions of those Articles shall not be affected by the provisions of this Article.

7.http://online.ibfd.org/images/spacer.gifFor 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.

**Article 8**

**International traffic**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a8&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a8) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a8&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a8) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifProfits from the operation of ships, aircraft or railway vehicles in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.

2.http://online.ibfd.org/images/spacer.gifIf 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 harbour of the ship is situated, or, if there is no such home harbour, in the Contracting State of which the operator of the ship is a resident.

3.http://online.ibfd.org/images/spacer.gifThe provisions of paragraph 1 shall also apply to profits derived from the participation in a pool, a joint business or an international operating agency.

4.http://online.ibfd.org/images/spacer.gifThe profits referred to paragraph 1 of this Article shall not include profits derived from the operation of a hotel whose activity is distinct from the operation of ships, aircraft or railway vehicles in international traffic.

**Article 9**

**Associated enterprises**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a9&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a9) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a9&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a9) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifWhere:

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| (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.http://online.ibfd.org/images/spacer.gifWhere a Contracting State includes in the profits of an enterprise of that State -- and taxes accordingly -- profits on which an enterprise of the other Contracting State has been charged to tax in that other State and the profits so included are profits which would have accrued to the enterprise of the first-mentioned State if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other State may make an appropriate adjustment to the amount of the tax charged therein on those profits. In determining such adjustment, due regard shall be had to the other provisions of this Convention and the competent authorities of the Contracting States shall if necessary consult each other.

**Article 10**

**Dividends**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a10&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a10) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a10&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a10) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifDividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State may be taxed in that other State.

2.http://online.ibfd.org/images/spacer.gifHowever, 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 is the beneficial owner of the dividends the tax so charged shall not exceed 10 per cent of the gross amount of the dividends.

This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

3.http://online.ibfd.org/images/spacer.gifThe term "dividends" as used in this Article means income from shares, or other rights, not being debt-claims, participating in profits, as well as income from other corporate rights which is subjected to the same taxation treatment as income from shares by the laws of the State of which the company making the distribution is a resident.

4.http://online.ibfd.org/images/spacer.gifThe provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the dividends, being a resident of a Contracting State, carries on business in the other Contracting State of which the company paying the dividends is a resident, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment or fixed base. In such case, the provisions of Article 7 (Business profits) or Article 15 (Independent personal services), as the case may be, shall apply.

5.http://online.ibfd.org/images/spacer.gifWhere a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other State may not impose any tax on the dividends paid by the company, except insofar as such dividends are paid to a resident of that other State or insofar as the holding in respect of which the dividends are paid is effectively connected with a permanent establishment or a fixed base situated in that other State.

6.http://online.ibfd.org/images/spacer.gifNotwithstanding the provisions of this Convention, the permanent establishment of a company which is a resident of a Contracting State and which carries on business in the other Contracting State may be subject in that other State to a tax in addition to the tax on profits. For the purpose of this provision, the tax on profits shall be determined in accordance with the domestic legislation of each Contracting State.

**Article 11**

**Interest**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a11&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a11) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a11&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a11) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifInterest arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2.http://online.ibfd.org/images/spacer.gifHowever, 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 10 per cent of the gross amount of the interest.

3.http://online.ibfd.org/images/spacer.gifNotwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if it is derived and beneficially owned by the Government of the other Contracting State, an administrative-territorial unit or a local authority thereof or any agency or bank unit or institution of that Government or an administrative-territorial unit or a local authority, or if the debt-claims of a resident of the other Contracting State are warranted, insured or directly financed by a financial institution wholly owned by the Government of the other Contracting State.

4.http://online.ibfd.org/images/spacer.gifThe term "interest" as used in this Article means income from debt-claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor's profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. Penalty charges for late payment shall not be regarded as interest for the purpose of this Article.

5.http://online.ibfd.org/images/spacer.gifThe 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 (Business profits) or Article 15 (Independent personal services) as the case may be, shall apply.

6.http://online.ibfd.org/images/spacer.gifInterest shall be deemed to arise in a Contracting State when the payer is that State itself, an administrative-territorial unit, a local authority or a resident of that State. Where, however, the person paying the interest, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment 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 Contracting State in which the permanent establishment or fixed base is situated.

7.http://online.ibfd.org/images/spacer.gifWhere, 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.

8.http://online.ibfd.org/images/spacer.gifThe provisions of this Article shall not apply if it was the main purpose or one of the main purposes of any person concerned with the creation or assignment of the debt-claim in respect of which the interest is paid to take advantage of this Article by means of that creation or assignment.

**Article 12**

**Royalties**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a12&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a12) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a12&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a12) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifRoyalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2.http://online.ibfd.org/images/spacer.gifHowever, such royalties may also be taxed in the Contracting State in which they arise and according to the laws of that State, but if the recipient is the beneficial owner of the royalties the tax so charged shall not exceed 10 per cent of the gross amount of the royalties.

3.http://online.ibfd.org/images/spacer.gifThe term "royalties" as used in this Article means payments of any kind, including payments in kind, received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work, including cinematograph films, and films or tapes for radio or television broadcasting, transmission to the public by satellite, cable, optic fibre or similar technology, any patent, trade mark, 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.http://online.ibfd.org/images/spacer.gifThe provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the royalties, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties arise, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the right or property in respect of which the royalties are paid is effectively connected with such permanent establishment or fixed base. In such case, the provisions of Article 7 (Business profits) or Article 15 (Independent personal services), as the case may be, shall apply.

5.http://online.ibfd.org/images/spacer.gifRoyalties shall be deemed to arise in a Contracting State when the payer is that State itself, an administrative-territorial unit, a local authority 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 or a fixed base in connection with which the right or property giving rise to the royalties is effectively connected, and such royalties are borne by such permanent establishment or fixed base, then such royalties shall be deemed to arise in the Contracting State in which the permanent establishment or fixed base is situated.

6.http://online.ibfd.org/images/spacer.gifWhere, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.

7.http://online.ibfd.org/images/spacer.gifThe provisions of this Article shall not apply if it was the main purpose or one of the main purposes of any person concerned with the creation or assignment of the rights in respect of which the royalties are paid to take advantage of this Article by means of that creation or assignment.

**Article 13**

**Commission**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a13&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a5) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a13&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a5) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifCommission arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2.http://online.ibfd.org/images/spacer.gifHowever, such commission 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 commission, the tax so charged shall not exceed 10 per cent of the gross amount of the commission.

3.http://online.ibfd.org/images/spacer.gifThe term "commission" as used in this Article means a payment made to a broker, a general commission agent or to any other person assimilated to a broker or agent by the taxation law of the Contracting State in which such payment arises.

4.http://online.ibfd.org/images/spacer.gifThe provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the commission, being a resident of a Contracting State, carries on business in the other Contracting State in which the commission arises, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the activities in respect of which the commission is paid is effectively connected with such permanent establishment or fixed base. In such case, the provisions of Article 7 (Business profits) or Article 15 (Independent personal services), as the case may be, shall apply.

5.http://online.ibfd.org/images/spacer.gifCommission shall be deemed to arise in a Contracting State when the payer is that State itself, an administrative-territorial unit, a local authority, or a resident of that State. Where, however, the person paying the commission, whether he is a resident of Contracting State or not, has in a Contracting State a permanent establishment or a fixed base in connection with which the activities for which the payment is made was incurred, and such commission is borne by such permanent establishment or fixed base, then such commission shall be deemed to arise in the Contracting State in which the permanent establishment or fixed base is situated.

6.http://online.ibfd.org/images/spacer.gifWhere, 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 commission, having regard to the activities 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 14**

**Capital gains**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a14&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a13) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a14&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a13) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifGains derived by a resident of a Contracting State from the alienation of immovable property referred to in Article 6 (Income from immovable property) and situated in the other Contracting State, or shares in a company the assets of which consist wholly or principally of such property, or an interest in a partnership or trust the assets of which consist wholly or principally of immovable property situated in the other Contracting State may be taxed in that other State.

2.http://online.ibfd.org/images/spacer.gifGains 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 independent personal services, including such gains from the alienation of such a permanent establishment (alone or with the whole enterprise) or of such fixed base, may be taxed in that other State.

3.http://online.ibfd.org/images/spacer.gifGains from the alienation of ships, aircraft or railway vehicles operated in international traffic or movable property pertaining to the operation of such ships, aircraft or railway vehicles shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.

4.http://online.ibfd.org/images/spacer.gifGains from the alienation of any property other than that referred to in paragraphs 1, 2 and 3 shall be taxable only in the Contracting State of which the alienator is a resident.

**Article 15**

**Independent personal services**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a15&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a14) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a15&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a14) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifIncome derived by a resident of a Contracting State in respect of professional services or other activities of an independent character shall be taxable only in that State unless such services are performed or were performed in the other Contracting State, and

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| http://online.ibfd.org/images/spacer.gif |  |
| (a) | the income is attributable to a fixed base which the individual has or had regularly available to him in that other State; or |
| (b) | such individual is present or was present in that other State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the calendar year concerned. |

In the cases referred to in subparagraph (a) or (b), the income attributable to the services may be taxed in that other State in accordance with principles similar to those of Article 7 (Business profits) for determining the amount of business profits and attributing business profits to a permanent establishment or a fixed base.

2.http://online.ibfd.org/images/spacer.gifThe 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**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a16&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a15) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a16&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a15) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifSubject to the provisions of Articles 17 (Directors' fees, 19 (Pensions and other payments) [and] 20 (Government service), salaries 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.http://online.ibfd.org/images/spacer.gifNotwithstanding 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:

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| http://online.ibfd.org/images/spacer.gif |  |
| (a) | the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the calendar year concerned; and |
| (b) | the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State; and |
| (c) | the remuneration is not borne by a permanent establishment or a fixed base which the employer has in the other State. |

3.http://online.ibfd.org/images/spacer.gifNotwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship, aircraft or railway vehicle operated 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**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a17&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a16) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a17&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a16) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

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

**Article 18**

**Entertainers and sportsmen**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a18&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a17) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a18&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a17) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifNotwithstanding the provisions of Articles 15 (Independent personal services) and 16 (Dependent personal services), income derived by a resident of a Contracting State as an entertainer, such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsman, from his personal activities as such exercised in the other Contracting State, may be taxed in that other State.

2.http://online.ibfd.org/images/spacer.gifWhere income in respect of personal activities exercised by an entertainer or a sportsman in his capacity as such accrues not to the entertainer or sportsman himself but to another person, that income may, notwithstanding the provisions of Articles 7 (Business profits), 15 (Independent personal services) and 16 (Dependent personal services), be taxed in the Contracting State in which the activities of the entertainer or sportsman are exercised.

3.http://online.ibfd.org/images/spacer.gifNotwithstanding the provisions of paragraphs 1 and 2, the income derived from the activities referred to in paragraph 1 within the framework of cultural or sports exchanges agreed to by the Governments of both Contracting States and carried out, other than for the purpose of profit, shall be exempted from tax in the Contracting State in which these activities are exercised.

**Article 19**

**Pensions and other payments**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a19&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a18) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a19&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a18) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifSubject to the provisions of paragraph 2 of Article 20 (Government service), pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment and any annuity paid to such a resident shall be taxable only in that State.

2.http://online.ibfd.org/images/spacer.gifThe term "annuity" means a stated sum payable to an individual periodically at stated times during his 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**

**Government service**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a20&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a19) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a20&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a19) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

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| http://online.ibfd.org/images/spacer.gif |  |
| 1.(a) | Remuneration, other than a pension, paid by a Contracting State or an administrative-territorial unit or a local authority thereof to an individual in respect of services rendered to that State or unit or authority shall be taxable only in that State. |
| (b) | However, such remuneration shall be taxable only in the other Contracting State if the services are rendered in that State and the individual is a resident of that State who:   |  |  | | --- | --- | | http://online.ibfd.org/images/spacer.gif |  | | (i) | is a national of that State; or | | (ii) | did not become a resident of that State solely for the purpose of rendering the services. | |

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| http://online.ibfd.org/images/spacer.gif |  |
| 2.(a) | Any pension paid by, or out of funds created by a Contracting State or an administrative-territorial unit or a local authority thereof to an individual in respect of services rendered to that State or unit or authority shall be taxable only in that State. |
| (b) | However, such pension shall be taxable only in the other Contracting State if the individual is a resident of, and a national of, that State. |

3.http://online.ibfd.org/images/spacer.gifThe provisions of Articles 16 (Dependent personal services), 17 (Directors' fees) and 19 (Pensions and other payments) shall apply to remuneration and pensions in respect of services rendered in connection with a business carried on by a Contracting State or an administrative-territorial unit or a local authority thereof.

**Article 21**

**Students and trainees**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a21&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a20) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a21&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a20) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifA resident of a Contracting State who is [temporarily] present in the other Contracting State as a student or a trainee who receives a technical, professional or business training shall not be taxed in the other Contracting State, for a period of 7 years, for remittances from aboard for the purpose of his maintenance, education or training or as a scholarship to continue his education.

2.http://online.ibfd.org/images/spacer.gifRemuneration paid to a student or trainee, as the case may be, who is a resident of a Contracting State, for services rendered in the other State shall not be taxed in that other State for a period of 3 years, provided that such services are connected with his education, maintenance or training.

**Article 22**

**Professors and researchers**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a22&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a20) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a22&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a20) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifAn individual who is or was a resident of a Contracting State immediately before making a visit to the other Contracting State and who, at the invitation of any university, college, school or other similar non-profitable educational institution which is recognised by the Government of that other Contracting State, is present in that other Contracting State for a period not exceeding 2 years from the date of his first arrival in that other Contracting State, solely for the purpose of teaching or research or both, at such educational institution shall be exempt from tax in that other Contracting State on his remuneration for teaching or research.

2.http://online.ibfd.org/images/spacer.gifThe provisions of paragraph 1 of this Article shall not apply to income from research, if such research is undertaken not in the public interest but for the private benefit of a specific person or persons.

**Article 23**

**Other income**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a23&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a21) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a23&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a21) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

Items of income of a resident of a Contracting State, arising in the other Contracting State and not dealt with in the foregoing Articles of this Convention, may be taxed in that other State.

**Article 24**

**Capital**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a24&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a22) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a24&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a22) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifCapital represented by immovable property referred to in Article 6 (Income from immovable property), owned by a resident of a Contracting State and situated in the other Contracting State, may be taxed in that other State.

2.http://online.ibfd.org/images/spacer.gifCapital represented by 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 by 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 independent personal services, may be taxed in that other State.

3.http://online.ibfd.org/images/spacer.gifCapital represented by ships, aircraft and railway vehicles operated in international traffic, and by movable property pertaining to the operation of such ships, aircraft, or railway vehicles shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.

4.http://online.ibfd.org/images/spacer.gifAll other elements of capital of a resident of a Contracting State shall be taxable only in that State.

**Article 25**

**Elimination of double taxation**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a25&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a23a;tt_o2_02_eng_2014_mo__td1_a23b) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a25&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a23a;tt_u2_02_eng_2011_mo__td1_a23b) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifIn the case of Kazakhstan, double taxation shall be eliminated as follows:

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| http://online.ibfd.org/images/spacer.gif |  |
| (a) | Where a resident of Kazakhstan derives income or owns capital which, in accordance with the provisions of this Convention, may be taxed in Romania, Kazakhstan shall allow:   |  |  | | --- | --- | | http://online.ibfd.org/images/spacer.gif |  | | (i) | as a deduction from the tax on the income of that resident, an amount equal to the income tax paid in Romania; | | (ii) | as a deduction from the tax on the capital of that resident, an amount equal to the capital tax paid in Romania. |     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 Romania. |
| (b) | Where a resident of Kazakhstan derives income or owns capital, which, in accordance with the provisions of this Convention, shall be taxable only in Romania, Kazakhstan may include this income or capital in the tax base but only for purposes of determining the rate of tax on such income or capital as is taxable in Kazakhstan. |

2.http://online.ibfd.org/images/spacer.gifIn the case of Romania double taxation shall be eliminated as follows:

Where a resident of Romania derives income or items of income referring to in Articles 10 (Dividends), 11 (Interest), 12 (Royalties) and 13 (Commission), or profits, gains or owns capital which under the law of Kazakhstan and in accordance with this Convention may be taxed in Kazakhstan, Romania shall allow as a credit against its tax on the income, items of income, profits, gains or on capital an amount equal to the tax paid in Kazakhstan.

The amount of credit, however, shall not exceed the amount of Romanian tax on that income, items of income, profits or gains, or on capital computed in accordance with the taxation laws and regulations of Romania.

**Article 26**

**Non-discrimination**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a26&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a24) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a26&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a24) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifNationals 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.http://online.ibfd.org/images/spacer.gifThe taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities. This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for tax purposes on account of civil status or family responsibilities which it grants to its own residents.

3.http://online.ibfd.org/images/spacer.gifExcept where the provisions of paragraph 1 of Article 9 (Associated enterprises), paragraph 7 of Article 11 (Interest), or paragraph 6 of Article 12 (Royalties), or paragraph 6 of Article 13 (Commission), apply, interest, royalties, commissions and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned State. Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State.

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

**Article 27**

**Mutual agreement procedure**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a27&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a25) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a27&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a25) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifWhere a person considers that the actions of one or both of the Contracting [States] result or will result for him in taxation not in accordance with the provisions of this Convention, he may, irrespective of the remedies provided by the domestic law of those States, present his case to the competent authority of the Contracting State of which he is a resident or, if his case comes under paragraph 1 of Article 26 (Non-discrimination), to that of the Contracting State of which he is a national. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Convention.

2.http://online.ibfd.org/images/spacer.gifThe competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation which is not in accordance with the Convention. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States.

3.http://online.ibfd.org/images/spacer.gifThe 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.http://online.ibfd.org/images/spacer.gifThe 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 28**

**Assistance in collection**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a28&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a27) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifThe competent authorities of the Contracting States undertake to lend assistance to each other in the collection of taxes, together with interest, penalties for late payment and fines without penal character relating to such taxes, referred to in this Article as a "tax claim".

2.http://online.ibfd.org/images/spacer.gifThe tax claim of a competent authority of a Contracting State shall include a certification by such authority that, under the laws of that State, the tax claim has been finally determined. For the purposes of this Article, a tax claim is finally determined when a Contracting State has the right under its internal law to apply the tax claim in the collection and the taxpayer has no further rights to restrain collection.

3.http://online.ibfd.org/images/spacer.gifClaims which are the subject of requests for assistance shall not have priority over taxes owing in the Contracting State rendering assistance and the provisions of paragraph 1 of Article 27 (Mutual agreement procedure) shall also apply to any information which, by virtue of this Article, is supplied to the competent authority of a Contracting State.

4.http://online.ibfd.org/images/spacer.gifA tax claim of a competent authority of a Contracting State that has been accepted by the competent authority of the other Contracting State shall be collected by the competent authority of the other State as though such claim were related to its own taxes.

5.http://online.ibfd.org/images/spacer.gifAmounts collected by the competent authority of a Contracting State pursuant to this Article shall be forwarded to the competent authority of the other Contracting State.

6.http://online.ibfd.org/images/spacer.gifNo assistance shall be provided under this Article for a tax claim of a Contracting State in respect of a taxpayer to the extent that the tax claim relates to a period during which the taxpayer was a resident of the other Contracting State.

7.http://online.ibfd.org/images/spacer.gifNotwithstanding the provisions of Article 2 (Taxes covered), the provisions of this Article shall apply to all taxes of every kind and description, defined in accordance with the tax law of the Contracting States.

8.http://online.ibfd.org/images/spacer.gifThe provisions of this Article shall not be construed as imposing on either Contracting State the obligation to carry out administrative measures of a different nature from those used in the collection of its own taxes or that would be contrary to its public policy (ordre public).

**Article 29**

**Exchange of information**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a29&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a26) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a29&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a26) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifThe competent authorities of the Contracting States shall exchange such information as is necessary for carrying out the provisions of this Convention or of the domestic laws of the Contracting States concerning taxes covered by the Convention insofar as the taxation thereunder is not contrary to the Convention. The exchange of information is not restricted by Article 1 (Personal scope). Any information received by a Contracting State shall be treated as secret in the dame 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) involved in the assessment or collection of, the enforcement or prosecution in respect of, or the determination of appeals in relation to, the taxes covered by the Convention. 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.

2.http://online.ibfd.org/images/spacer.gifIn no case shall the provisions of paragraph 1 be construed so as to impose on a Contracting State the obligation:

|  |  |
| --- | --- |
| http://online.ibfd.org/images/spacer.gif |  |
| (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). |

**Article 30**

**Members of diplomatic missions and consular posts**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a30&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a28) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a30&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a27) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

Nothing in this Convention shall affect the fiscal privileges of members of diplomatic missions or consular posts under the general rules of international law or under the provisions of special agreements.

**Article 31**

**Entry into force**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a31&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a30) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a31&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a28) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

This Convention shall be ratified and shall enter into force on the 30th day after the date of the latter notification indicating that both Contracting States have complied with the domestic legal procedures required in each Contracting State for its entry into force.

The Convention shall apply:

|  |  |
| --- | --- |
| http://online.ibfd.org/images/spacer.gif |  |
| (a) | in respect of taxes withheld at the source, to the income derived on or after the first day of January in the calendar year next following the year in which the Convention enters into force; and |
| (b) | in respect of other taxes on profit, income and on capital, derived on or after the first day of January in the calendar year next following the year in which the Convention enters into force. |

**Article 32**

**Termination**

[Compare: [OECD Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a32&file2=/linkresolver/static/tt_o2_02_eng_2014_mo__td1_a31) | [UN Model](http://online.ibfd.org/document-compare/?file1=/linkresolver/static/tt_kz-ro_02_eng_1998_tt__td1_a32&file2=/linkresolver/static/tt_u2_02_eng_2011_mo__td1_a29) | [Other Treaty/Model](http://online.ibfd.org/kbase/#topic=tac&doc1=tt_kz-ro_02_eng_1998_tt__td1)]

1.http://online.ibfd.org/images/spacer.gifThis Convention shall remain in force indefinitely.

2.http://online.ibfd.org/images/spacer.gifEither of the Contracting States may give to the other Contracting State, through diplomatic channels, written notice of termination on or before the thirtieth day of June in any calendar year from the fifth year following that in which the Convention entered into force.

In such event, this Convention shall cease to have effect:

|  |  |
| --- | --- |
| http://online.ibfd.org/images/spacer.gif |  |
| (a) | in respect of taxes withheld at the source, to the income derived on or after the 1st January in the calendar year next following the year in which the notice is given; and |
| (b) | in respect of other taxes on profit, income and on capital, derived on or after the 1st January in the calendar year next following the year in which the notice of termination is given. |

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed this Convention.

Done at Bucharest this 21st day of September 1998, in duplicate [in] the Kazakh, Romanian, Russian and English languages, all texts being equally authentic. In case of divergence between the texts, the English text shall prevail.