

A.L. 194 ta' l-2008**ATT DWAR IT-TAXXA FUQ L-*INCOME*
(KAP. 123)****Ordni ta' l-2008 dwar Hellsien minn Taxxa Doppja
(Taxxi fuq l-*Income*) (Repubblika ta' Singapore)**

BIS-SAHHA tas-setghat moghtija bl-artiklu 76 ta' l-Att dwar it-Taxxa fuq l-*Income*, il-Ministru tal-Finanzi, l-Ekonomija u Investiment ghamel l-ordni li gej:-

1. It-titolu ta' dan l-ordni hu Ordni ta' l-2008 dwar Hellsien minn Taxxa Doppja (Taxxi fuq l-*Income*) (Repubblika ta' Singapore). Titolu.

2. B'dan qieghed jigi dikjarat:-

Arrangamenti
jkollhom effett.

(a) illi l-arrangamenti speċifikati fil-Ftehim muri fl-Iskeda li tinsab ma' dan l-ordni saru mar-Repubblika ta' Singapore sabiex jaghtu hellsien minn taxxa doppja dwar it-taxxa li gejja imposta bil-ligijiet ta' Singapore:-

it-taxxa fuq l-*income*

(b) illi huwa spedjenti li dawk l-arrangamenti ghandu jkollhom effett;

(c) illi l-Ftehim beda jsehh fid-29 ta' Frar, 2008.

FTEHIM BEJN

IL-GVERN TAR-REPUBBLIKA TA' SINGAPORE

U

IL-GVERN TA' MALTA

DWAR HELSIEN MINN TAXXA DOPPJA

U L-PREVENZJONI TA' EVAŻJONI FISKALI

DWAR TAXXI FUQ L-*INCOME*

Il-Gvern ta' Malta u l-Gvern tar-Repubblika ta' Singapore,

Billi jixtiequ jagħmlu Ftehim dwar helsien minn taxxa doppja u l-prevenzjoni ta' evażjoni fiskali dwar taxxi fuq l-*income*,

Ftehmu kif ġej:

Artikolu 1

SKOP PERSONALI

Dan il-Ftehim għandu japplika għal persuni li jkunu residenti fi Stat Kontraenti wiehed jew fit-tnejn li huma.

Artikolu 2

TAXXI KOPERTI

1. Dan il-Ftehim għandu japplika għat-taxxi fuq *l-income* imposti f'isem Stat Kontraenti jew f'isem is-sottodivizjonijiet politiċi jew l-awtoritajiet lokali tiegħu, irrispettivament mill-mod kif dawn jingabru.
2. Għandhom jitqiesu bħala taxxi fuq *l-income* it-taxxi kollha imposti fuq *l-income* totali, jew fuq elementi ta' *income*, inklużi taxxi fuq dħul mill-bejgħ ta' proprjetà mobbli jew immobbli.
3. It-taxxi eżistenti li għalihom japplika dan il-Ftehim huma :

(a) f'Malta:

it-taxxa fuq *l-income*;

(hawnhekk iżjed 'il quddiem imsejha "it-taxxa ta' Malta");

(b) f'Singapore:

it-taxxa fuq *l-income*;

(hawnhekk iżjed 'il quddiem imsejha “it-taxxa ta’ Singapore”).

4. Il-Ftehim għandu japplika wkoll għal kull taxxa identika jew sostanzjalment simili li tiġi imposta wara d-data meta jiġi ffirmat il-Ftehim b'żieda ma', jew minflok, it-taxxi eżistenti. L-awtoritajiet kompetenti ta' l-Istati Kontraenti għandhom jgħarrfu lil xulxin b'kull tibdil sostanzjali li jkun sar fil-liġijiet rispettivi tagħhom dwar it-taxxa.

Artikolu 3

TIFSIRIET ĠENERALI

1. Għall-għanijiet ta' dan il-Ftehim, kemm-il darba r-rabta tal-kliem ma teħtieġ xort'oħra:
 - (a) il-frazi “Malta” tfisser ir-Repubblika ta' Malta u, meta użata f'sens ġeografiku, tfisser il-Gżira ta' Malta, il-Gżira ta' Għawdex u l-gzejjer l-oħra Maltin inklużi l-ibħra territorjali tagħhom, kif ukoll kull area ta' qiegħ il-baħar, is-sottoswol u l-kolonna ta' baħar sovraċenti u adjaċenti għall-ibħra territorjali, fejn ir-Repubblika ta' Malta tista', skond id-dritt internazzjonali, teżerċita drittijiet sovrani jew ġurisdizzjoni għar-rigward ta' l-esplorazzjoni u l-esplojtazzjoni tar-riżorsi naturali;
 - (b) il-frazi “Singapore” tfisser it-territorji tar-Repubblika ta' Singapore, l-ibħra territorjali ta' Singapore u qiegħ il-baħar u s-sottoswol ta' l-ibħra territorjali, u meta użata f'sens ġeografiku tinkludi kull area li testendi lil hinn mil-limiti ta' l-ibħra territorjali ta' Singapore, u qiegħ il-baħar u s-sottoswol ta' kull area bħal dik, li ġew jew li jistgħu jiġu msemmija minn issa 'l quddiem taħt il-liġijiet ta' Singapore u skond id-dritt internazzjonali bħala area li fuqha Singapore għandha drittijiet sovrani għall-finijiet ta' l-esplorazzjoni għal, u l-esplojtazzjoni tar-riżorsi naturali, kemm dawk li jgħixu kemm dawk li ma jgħixux;

- (c) il-frazzjiet “Stat Kontraenti” u “l-Istat Kontraenti l-ieħor” ifissru Malta jew Singapore, skond ma tkun teħtieg ir-rabta tal-kliem;
- (d) il-frazi “persuna” tinkludi individwu, kumpannija u kull korp ieħor ta’ persuni;
- (e) il-frazi “kumpannija” tfisser korp magħqud, jew enti li jkunu trattati bħala korp magħqud għall-iskopijiet tat-taxxa;
- (f) il-frazzjiet “impriza ta’ Stat Kontraenti” u “impriza ta’ l-Istat Kontraenti l-ieħor” ifissru rispettivament impriza għestita minn residenti ta’ Stat Kontraenti u impriza għestita minn residenti ta’ l-Istat Kontraenti l-ieħor;
- (g) il-frazi “traffiku internazzjonali” tfisser trasport li jsir b’bastiment jew inġenji ta’ l-ajru mhaddma minn impriza ta’ Stat Kontraenti, hlief meta l-bastiment jew l-inġenji ta’ l-ajru jigu unikament imhaddma bejn postijiet fl-Istat Kontraenti l-ieħor;
- (h) il-frazi “awtorità kompetenti” tfisser:
 - (i) fil-każ ta’ Malta, il-Ministru responsabbli għall-finanzi jew ir-rappreżentant awtorizzat tiegħu;
 - (ii) fil-każ ta’ Singapore, il-Ministru tal-Finanzi jew ir-rappreżentant awtorizzat tiegħu;
- (i) il-frazi “cittadin” tfisser:
 - (i) individwu li jkollu n-nazzjonalità ta’ Stat Kontraenti;
 - (ii) persuna legali, soċjetà jew assoċjazzjoni li tikseb l-*istatus* tagħha bħala tali mil-liġijiet li jkunu jseħħu fi Stat Kontraenti.

2. Għar-rigward ta' l-applikazzjoni tal-Ftehim minn Stat Kontraenti, kull frazi li ma tkunx imfissra fih għandu jkollha, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'ohra, it-tifsira mogħtija lilha taħt il-liġi ta' dak l-Istat għall-finijiet tat-taxxi li dwarhom ikun japplika l-Ftehim.

Artikolu 4

RESIDENTI

1. Għall-finijiet ta' dan il-Ftehim, il-frazi "residenti ta' Stat Kontraenti" tfisser kull persuna li, taħt il-liġijiet ta' dak l-Istat, tkun soġġetta għat-taxxa hemmhekk minhabba d-domicilju, ir-residenza, il-post tal-manigġ jew xi kriterju ieħor ta' xorta simili.
2. Meta minhabba d-disposizzjonijiet tal-paragrafu 1 individwu jkun residenti taż-żewġ Stati Kontraenti, allura l-*istatus* tiegħu għandu jiġi stabbilit kif ġej:
 - (a) huwa għandu jitqies li jkun residenti unikament ta' l-Istat li fih ikollu dar permanenti għad-disposizzjoni tiegħu; jekk huwa jkollu dar permanenti għad-disposizzjoni tiegħu fiż-żewġ Stati, huwa għandu jitqies li huwa residenti ta' l-Istat li miegħu r-relazzjonijiet personali u ekonomiċi tiegħu ikunu l-aktar marbuta (ċentru ta' interessi vitali);
 - (b) jekk l-Istat li fih huwa jkollu ċ-ċentru ta' interessi vitali ma jistax jiġi determinat, jew jekk huwa ma jkollux għad-disposizzjoni tiegħu dar permanenti f'ebda Stat, huwa għandu jitqies li jkun residenti unikament ta' l-Istat li fih soltu jirrisjedi;
 - (ċ) jekk huwa soltu jirrisjedi fiż-żewġ Stati jew f'ebda wieħed minnhom, huwa għandu jitqies li jkun residenti unikament ta' l-Istat li jkun ċittadin tiegħu;
 - (d) f'kull każ ieħor, l-awtoritajiet kompetenti ta' l-Istati Kontraenti għandhom jiddeċiedu l-każ bi ftehim bejniethom.

3. Meta minhabba d-disposizzjonijiet tal-paragrafu 1 persuna li ma tkunx individwu tkun residenti taż-żewġ Stati Kontraenti, din għandha għaldaqstant titqies li tkun residenti unikament ta' l-Istat fejn ikun jinsab il-post ta' maniġġ effettiv tagħha.

Artikolu 5

STABBILIMENT PERMANENTI

1. Għall-finijiet ta' dan il-Ftehim, il-frazi “stabbiliment permanenti” tfisser post tan-negozju fiss li minnu jitmexxa għalkollox jew f'parti minnu x-xogħol ta' impriża.
2. Il-frazi “stabbiliment permanenti” tinkludi b'mod speċjali:
 - (a) post ta' maniġġ;
 - (b) fergħa;
 - (ċ) ufficċju;
 - (d) fabbrika;
 - (e) ħanut tax-xogħol; u
 - (f) minjiera, bir taż-żejt jew tal-gass, barriera jew kull post ieħor ta' estrazzjoni ta' rizorsi naturali inkluż sit ta' *offshore drilling*.
3. Il-frazi “stabbiliment permanenti” għandha tinkludi:
 - (a) art li tkun qiegħda tinbena, proġett ta' kostruzzjoni jew stallazzjoni jew assemblaġġ, jew attivitajiet ta' sorveljanza li jkollhom x'jaqsmu ma' dan, izda

biss sakemm dik l-art, dak il-proġett jew dawk is-servizzi jkomplu għal aktar minn disa' xhur.

- (b) l-ġhoti ta' servizzi, inklużi servizzi ta' konsulenza, minn impriża permezz ta' impjegati jew persunal iehor imqabbad mill-impriża għaldaqstant, iżda biss sakemm attivitajiet ta' dik in-natura jkomplu (għall-istess proġett jew għal proġett konness) fi Stat Kontraenti għal perjodu jew perjodi li flimkien igibu iżjed minn sitt xhur matul xi perjodu ta' tnax-il xahar.

4. Minkejja d-disposizzjonijiet ta' qabel ta' dan l-Artikolu, il-frazi "stabbiliment permanenti" għandha titqies li ma tinkludix:

- (a) l-użu ta' facilitajiet għall-iskop uniku ta' hażna, wiri jew kunsinna ta' oġġetti jew merkanzija li jkunu proprjetà ta' l-impriża;
- (b) il-manutenzjoni ta' hażna ta' oġġetti jew merkanzija li jkunu proprjetà ta' l-impriża għall-iskop uniku ta' hażna, wiri jew kunsinna;
- (ċ) il-manutenzjoni ta' hażna ta' oġġetti jew merkanzija li tkun proprjetà ta' l-impriża għall-iskop uniku ta' proċessar minn impriża oħra;
- (d) il-manutenzjoni ta' post fiss ta' negozju għall-iskop uniku ta' xiri ta' oġġetti jew merkanzija, jew ta' ġbir ta' tagħrif, għall-impriża;
- (e) il-manutenzjoni ta' post fiss ta' negozju għall-iskop uniku li tiġi ġestita, għall-impriża, xi attività oħra ta' xorta preparatorja jew awżiljarja;
- (f) il-manutenzjoni ta' post fiss ta' negozju għall-iskop uniku ta' xi kombinazzjoni ta' attivitajiet imsemmija fis-subparagrafi (a) sa (e), kemm-il darba l-attività kollha tal-post tan-negozju fiss li tirriżulta minn din il-kombinazzjoni tkun waħda ta' xorta preparatorja jew awżiljari.

5. Minkejja d-disposizzjonijiet tal-paragrafi 1 u 2, meta persuna - li ma tkunx agent bi status indipendenti li għalih japplika l-paragrafu 6 - tkun qed tagħxi f'isem impriża u jkollha, u tkun soltu teżerċita, fi Stat Kontraenti awtorità biex tagħmel kuntratti f'isem l-impriża, dik l-impriża għandha titqies li jkollha stabbiliment permanenti f'dak l-Istat għar-rigward ta' kull attività li dik il-persuna tagħmel għal dik l-impriża, kemm-il darba l-attivitajiet ta' dik il-persuna ma jkunux limitati għal dawk imsemmija fil-paragrafu 4 li, jekk jiġu eżerċitati minn go post tan-negozju fiss, ma jirrendux dan il-post ta' negozju fiss bħala stabbiliment permanenti taht id-disposizzjonijiet ta' dak il-paragrafu.
6. Impriża ma għandhiex titqies li jkollha stabbiliment permanenti fi Stat Kontraenti unikament għaliex tkun tiġġestixxi negozju f'dak l-Istat permezz ta' sensal, agent b'kummissjoni generali jew kull agent ieħor bi *status* indipendenti, sakemm dawk il-persuni jkunu qed jaġixxu fil-kors ordinarju tan-negozju tagħhom.
7. Il-fatt li kumpannija li tkun residenti ta' Stat Kontraenti tkun tikkontrolla jew tkun ikkontrollata minn kumpannija li tkun residenti ta' l-Istat Kontraenti l-ieħor, jew li tkun tiġġestixxi negozju f'dak l-Istat l-ieħor (sew permezz ta' stabbiliment permanenti sew xort'ohra), m'għandux fih innifsu jikkostitwixxi lil xi kumpannija waħda jew l-oħra stabbiliment permanenti tal-kumpannija l-oħra.

Artikolu 6

INCOME MINN PROPRJETÀ IMMOBBLI

1. *Income* li jinkiseb minn residenti ta' Stat Kontraenti minn proprjetà immobbli (inkluż *income* mill-agrikoltura jew ħidma fil-boskijiet) li jkunu jinsabu fl-Istat Kontraenti l-ieħor jista' jiġi intaxxat f'dak l-Istat l-ieħor.
2. Il-frazi "proprjetà immobbli" għandu jkollha t-tifsira li għandha taht il-ligi ta' l-Istat Kontraenti li fih tkun tinsab il-proprjetà involuta. Il-frazi għandha f'kull każ tinkludi proprjetà aċċessorja għal proprjetà immobbli, bhejjem f'razzett u tagħmir li jintuza fl-

agrikoltura u fil-ħidma fil-boskijiet, drittijiet li għalihom japplikaw id-disposizzjonijiet tal-liġi generali dwar il-proprjetà ta' l-art, l-użufrutt tal-proprjetà immobbli u d-drittijiet dwar ħlasijiet varjabbli jew fissi bħala korrispettiv għal ħidma fi, jew id-dritt li jinħadmu depożiti minerali, għejjun u rizorsi oħra naturali; bastimenti, opri tal-baħar u inġenji ta' l-ajru ma għandhomx jitqiesu bħala proprjetà immobbli.

3. Id-disposizzjonijiet tal-paragrafu 1 għandhom ikunu japplikaw għal *income* li jinkiseb mill-użu dirett, kiri, jew użu ta' kull xorta ta' proprjetà immobbli.
4. Id-disposizzjonijiet tal-paragrafi 1 u 3 għandhom japplikaw ukoll għall-*income* minn proprjetà immobbli ta' impriza u għal *income* minn proprjetà immobbli użata għall-għemil ta' servizzi personali indipendenti.

Artikolu 7

PROFITTI MINN NEGOZJU

1. Il-profitti ta' impriza ta' Stat Kontraenti għandhom ikunu biss taxxabbli f'dak l-Istat kemm-il darba l-impriza ma tmexxix negozju fl-Istat Kontraenti l-ieħor permezz ta' stabbiliment permanenti li jkun qiegħed hemmhekk. Jekk l-impriza tkun qiegħda tmexxi negozju kif hawn aktar qabel imsemmi, il-profitti ta' l-impriza jistgħu jiġu intaxxati fl-Istat Kontraenti l-ieħor iżda biss għal dik il-parti minnhom daqskemm tkun attribwibbli għal dak l-istabbiliment permanenti.
2. Bla ħsara għad-disposizzjonijiet tal-paragrafu 3, meta impriza ta' Stat Kontraenti tkun tmexxi negozju fl-Istat Kontraenti l-ieħor permezz ta' stabbiliment permanenti li jkun jinsab hemmhekk, għandhom f'kull Stat Kontraenti jiġu attribwiti lil dak l-istabbiliment permanenti l-profitti li kien ikun mistenni jaġġmel kieku kien impriza distinta u separata li taħdem fl-istess attivitajiet jew oħrajn bħalhom taħt l-istess kundizzjonijiet jew oħrajn bħalhom u li taħdem indipendentement għalkollox mill-impriza li tagħha tkun stabbiliment permanenti.

3. Sabiex jiġu stabbiliti l-profitti ta' stabbiliment permanenti, għandhom ikunu permessi bhala tnaqqis l-ispejjeż kollha, inklużi spejjeż amministrattivi generali u eżekuttivi, li jkunu jistgħu jitnaqqsu li kieku l-istabbiliment permanenti kien impriza indipendenti, fil-qies li dawn ikunu raġonevolment allokkabli għall-istabbiliment permanenti, sew jekk isiru fl-Istat Kontraenti fejn ikun hemm l-istabbiliment permanenti sew jekk band'oħra.
4. Sakemm tkun il-konswetudni fi Stat Kontraenti li jistabbilixxi l-profitti li għandhom jiġu attribwiti lil stabbiliment permanenti minhabba fi tqassim tal-profitti totali ta' l-impriza lill-partijiet diversi tagħha, ebda haġa fil-paragrafu 2 m'għandha tipprekludi lil dak l-Istat Kontraenti milli jistabbilixxi l-profitti li għandhom jiġu intaxxati b'dak it-tqassim skond ma jista' jkun konswetudinarju; il-metodu ta' tqassim li jiġi adottat għandu, madankollu, jkun tali li r-riżultat għandu jkun skond il-prinċipji li jinsabu f'dan l-Artikolu.
5. Ebda profitti m'għandhom jiġu attribwiti lil stabbiliment permanenti minhabba biss f'li jsir ix-xiri minn dak l-istabbiliment permanenti ta' oġġetti jew merkanzija għall-impriza.
6. Għall-għanijiet tal-paragrafi preċedenti, il-profitti li għandhom jiġu attribwiti lill-istabbiliment permanenti għandhom jiġu stabbiliti bl-istess metodu sena wara l-oħra kemm-il darba ma jkunx hemm raġuni tajba u suffiċjenti biex dan ma jsirx.
7. Meta l-profitti jkunu jinkludu oġġetti ta' *income* li qegħdin jiġu trattati separatament f'Artikoli oħra ta' dan il-Ftehim, għaldaqstant id-disposizzjonijiet ta' dawk l-Artikoli ma għandhomx jintlaqtu bid-disposizzjonijiet ta' dan l-Artikolu.

Artikolu 8

TBAHHIR U TRASPORT BL-AJRU

1. Il-profitti ta' impriża ta' Stat Kontraenti mit-thaddim ta' bastimenti jew inġenji ta' l-ajru fi traffiku internazzjonali għandhom ikunu taxxabbli biss f' dak l-Istat.
2. Għall-għanijiet ta' dan l-Artikolu, profitti mit-thaddim ta' bastimenti jew inġenji ta' l-ajru fi traffiku internazzjonali għandhom jinkludu:
 - (a) profitti mill-kiri ta' bastimenti u inġenji ta' l-ajru fuq bażi *bareboat*; u
 - (b) profitti mill-użu, manutenzjoni jew kiri ta' *containers* (inklużi *trailers* u tagħmir relatat għat-trasport ta' *containers*) użati għat-trasport ta' oġġetti jew merkanzija; meta dik il-kirja jew dak l-użu, manutenzjoni jew kirja, skond il-każ, ikunu incidental għat-thaddim ta' bastimenti jew inġenji ta' l-ajru fi traffiku internazzjonali.
3. Id-disposizzjonijiet tal-paragrafi 1 u 2 għandhom ukoll japplikaw għal profitti mill-partecipazzjoni f'*pool*, negozju bi sħab jew aġenzija b'operat internazzjonali.

Artikolu 9

IMPRIŻI ASSOĊJATI

1. Meta:
 - (a) impriża ta' Stat Kontraenti tipparteċipa direttament jew indirettament fit-tmexxija, kontroll jew kapital ta' impriża ta' l-Istat Kontraenti l-iehor, jew

(b) l-istess persuni jipparteċipaw direttament jew indirettament fit-tmexxija, kontroll jew kapital ta' impriża ta' Stat Kontraenti u ta' impriża ta' l-Istat Kontraenti l-ieħor,

u f'kull każ isiru jew jiġu imposti kondizzjonijiet bejn iż-żewġ impriži fir-relazzjonijiet kummerċjali jew finanzjarji tagħhom li ma jkunux jaqblu ma' dawk li kieku kienu jiġu magħmula bejn impriži indipendenti, f'dak il-każ il-profitti li, kieku ma kinux dawk il-kondizzjonijiet, kienu jakkumulaw għal waħda mill-impriži, imma, minhabba f'dawk il-kondizzjonijiet, ma ġewx hekk akkumulati, jistgħu jiġu inklużi fil-profitti ta' dik l-impriża u intaxxati skond hekk.

2. Meta Stat Kontraenti jkun jinkludi fil-profitti ta' impriża ta' dak l-Istat – u skond hekk jintaxxa - profitti li fuqhom impriża ta' l-Istat Kontraenti l-ieħor ġiet intaxxata f'dak l-Istat l-ieħor u l-profitti hekk inklużi jkunu profitti li kienu jinqalgħu mill-impriża ta' l-ewwel Stat li kieku l-kondizzjonijiet magħmulin bejn iż-żewġ impriži kienu dawk li kienu jsiru bejn żewġ impriži indipendenti, għaldaqshekk dak l-Istat l-ieħor jista' jagħmel it-tibdil adatt fl-ammont tat-taxxa imposta hemmhekk fuq dawk il-profitti. Biex jiġi stabbilit it-tibdil, għandhom jitqiesu kif dovut id-disposizzjonijiet l-oħra ta' dan il-Ftehim u l-awtoritajiet kompetenti ta' l-Istati Kontraenti għandhom jekk ikun hekk meħtieġ jikkonsultaw lil xulxin.

Artikolu 10

DIVIDENDI

1. Dividendi mħallsa minn kumpannija li tkun residenti ta' Stat Kontraenti lil residenti ta' l-Istat Kontraenti l-ieħor jistgħu jiġu intaxxati f'dak l-Istat.
2. Madankollu, dawk id-dividendi jistgħu jiġu intaxxati ukoll fl-Istat Kontraenti li tiegħu il-kumpannija li qed tħallas id-dividendi hija residenti u skond il-ligijiet ta' dak l-Istat. Taħt is-sistema ta' imputazzjoni shiha fil-preżent addottata miż-żewġ Stati Kontraenti, meta dividendi jithallsu minn kumpannija residenti ta' wieħed mill-Istati Kontraenti

lil residenti ta' l-Istat Kontraenti l-iehor li huwa s-sid benefiċjarju ta' dawk id-dividendi, it-taxxa fuq l-ammont gross tad-dividendi fl-Istat l-ewwel imsemmi m'għandux ikun aktar mit-taxxa li għandha tithallas fuq il-profitti jew *income* tal-kumpannija li minnhom jithallsu id-dividendi.

3. Taht is-sistema ta' imputazzjoni sħiħa addottata miż-żewġ Stati Kontraenti, ma hemm l-ebda taxxa finali miżmuma minn ras il-għajn fuq dividendi bhala zieda għat-taxxa li għandha tithallas għar-rigward tal-profitti jew *income* tal-kumpannija li minnhom jithallsu id-dividendi. Jekk, wara li jiġi iffirmit il-Ftehim, xi wiehed mill-Istati Kontraenti jintroduci taxxa finali miżmuma minn ras il-għajn fuq dividendi bhala zieda għat-taxxa li għandha tithallas għar-rigward tal-profitti jew *income* tal-kumpannija, dividendi mħallsa minn kumpannija residenti ta' dak l-Istat Kontraenti lill-Gvern ta' l-Istat Kontraenti l-iehor għandhom ikunu eżenti minn dik it-taxxa miżmuma minn ras il-għajn fl-Istat l-ewwel imsemmi.

4. Għall-finijiet tal-paragrafu 3, il-frazi "Gvern":

(a) fil-każ ta' Malta, tfisser il-Gvern ta' Malta u għandha tinkludi:

(i) il-Bank Ċentrali ta' Malta;

(ii) l-Intrapriża ta' Malta;

(iii) korp statutorju jew kull istituzzjoni li tkun kollha kemm hi jew prinċipalment proprjetà tal-Gvern ta' Malta kif jista' jkun miftiehem minn żmien għal żmien bejn l-awtoritajiet kompetenti ta' l-Istati Kontraenti.

(b) fil-każ ta' Singapore, tfisser il-Gvern ta' Singapore u għandha tinkludi:

(i) l-Awtorità Monetarja ta' Singapore u l-Bord tal-Kummissarji tal-Munita;

- (ii) il-*Government of Singapore Investment Corporation Pte Ltd*;
 - (iii) korp statutorju jew kull istituzzjoni li tkun kollha kemm hi jew prinċipalment proprjetà tal-Gvern ta' Singapore kif jista' jkun miftiehem minn żmien għal żmien bejn l-awtoritajiet kompetenti ta' l-Istati Kontraenti.
5. Id-disposizzjoni ta' dan l-Artikolu m'għandux ikun jolqot it-tassazzjoni tal-kumpannija għar-rigward tal-profitti li minnhom jithallsu id-dividendi.
 6. Il-frazi "dividendi" kif din tintuża f'dan l-Artikolu tfisser *income* minn ishma, ishma konnessi mal-minjieri jew mal-fundaturi jew drittijiet oħra, li ma jkunux pretensjonijiet ta' debitu, il-partecipazzjoni fi profitti, kif ukoll *income* minn drittijiet korporattivi oħra li jingħata l-istess trattament fl-intaxxar bhallikieku kien *income* minn ishma skond il-ligijiet ta' l-Istat li tiegħu l-kumpannija li tkun qed tagħmel it-tqassim tkun residenti.
 7. Id-disposizzjonijiet tal-paragrafu 1 m'għandhomx japplikaw jekk is-sid benefiċjarju tad-dividendi, li jkun residenti ta' Stat Kontraenti, imexxi negozju fl-Istat Kontraenti l-ieħor li tiegħu tkun residenti l-kumpannija li thallas id-dividendi, permezz ta' stabbiliment permanenti li jkun sitwat hemmhekk, jew li jkun jagħmel f'dak l-Istat l-ieħor servizzi personali indipendenti minn bażi stabbilita sitwata hemmhekk, u l-*holding* li dwaru d-dividendi jkunu mħallsa jkollu x'jaqsam effettivament ma' dak l-istabbiliment permanenti jew bażi stabbilita. F'dak il-każ għandhom japplikaw id-disposizzjonijiet ta' l-Artikolu 7 jew ta' l-Artikolu 14, skond il-każ.
 8. Meta kumpannija li tkun residenti ta' Stat Kontraenti tikseb profitti jew *income* mill-Istat Kontraenti l-ieħor, dak l-Istat l-ieħor ma jista' jimponi ebda taxxa fuq id-dividendi mħallsa mill-kumpannija, hlief għal dawk id-dividendi li jithallsu lil residenti ta' dak l-Istat l-ieħor jew għall-*holding* li dwaru jithallsu d-dividendi jkun effettivament konness ma' dak l-istabbiliment permanenti jew ma' bażi stabbilita sitwati f'dak l-Istat l-ieħor, lanqas ma jista' l-istat jassoġġetta l-profitti mhux imqassma tal-kumpannija għal taxxa fuq il-profitti mhux imqassma tal-kumpannija, ukoll jekk

id-dividendi mhallsa jew il-profitti mhux imqassma ukoll jekk ikunu kollha kemm huma jew f'parti minnhom jikkonsistu fi profitti jew *income* li jinqalghu f'dak l-Istat l-iehor.

Artikolu 11

MGHAX

1. Mghax li jinqala' fi Stat Kontraenti u jithallas lil residenti ta' l-Istat Kontraenti l-iehor jista' jigi intaxxat f'dak l-Istat l-iehor.
2. Madankollu, dak l-imghax jista' jigi intaxxat ukoll fl-Istat Kontraenti li jinqala' fih u skond il-ligijiet ta' dak l-Istat, izda jekk min jircevih huwa s-sid beneficijarju ta' l-imghax it-taxxa hekk imposta m'ghandhiex tkun aktar minn:
 - (a) 7 fil-mija ta' l-ammont gross ta' l-imghax jekk jircevih bank;
 - (b) 10 fil-mija ta' l-ammont gross ta' l-imghax f'kull kaz iehor.
3. Minkejja d-disposizzjonijiet tal-paragrafu 2, mghax li jinqala' fi Stat Kontraenti u jithallas lill-Gvern ta' l-Istat Kontraenti l-iehor ghandu jkun ezentat mit-taxxa fl-Istat Kontraenti l-ewwel imsemmi.
4. Ghall-finijiet tal-paragrafu 3, il-frazi "Gvern":
 - (a) fil-kaz ta' Malta, tfisser il-Gvern ta' Malta u ghandha tinkludi:
 - (i) il-Bank Ċentrali ta' Malta;
 - (ii) l-Intrapriża ta' Malta;

- (iii) korp statutorju jew kull istituzzjoni li tkun kollha kemm hi jew prinċipalment proprjetà tal-Gvern ta' Malta kif jista' jkun miftiehem minn zmien għal zmien bejn l-awtoritajiet kompetenti ta' l-Istati Kontraenti.
- (b) fil-każ ta' Singapore, tfisser il-Gvern ta' Singapore u għandha tinkludi:
- (i) l-Awtorità Monetarja ta' Singapore u l-Bord tal-Kummissarji tal-Munita;
 - (ii) *il-Government of Singapore Investment Corporation Pte Ltd*;
 - (iii) korp statutorju jew kull istituzzjoni li tkun kollha kemm hi jew prinċipalment proprjetà tal-Gvern ta' Singapore kif jista' jkun miftiehem minn zmien għal zmien bejn l-awtoritajiet kompetenti ta' l-Istati Kontraenti.
5. Il-frazi "mgħax" kif inhi uzata f'dan l-Artikolu tfisser *income* minn pretensjonijiet ta' debitu ta' kull xorta, sew jekk assigurati b'ipoteka sew jekk le, u sew jekk ikollhomx dritt li jipparteċipaw fil-profitti tad-debitur sew jekk le, u b'mod partikolari, *income* minn titoli tal-Gvern u *income* minn *bonds* jew *debentures*, inklużi *premiums* u premijiet marbutin ma' dawk it-titoli, *bonds* jew *debentures*. Hlasijiet ta' penali għal hlas tardiv ma jitqisux bhala mgħax għall-finijiet ta' dan l-Artikolu.
6. Id-disposizzjonijiet tal-paragrafi 1 u 2 m'għandhomx japplikaw jekk is-sid benefiċjarju ta' l-imgħax, li jkun residenti ta' Stat Kontraenti, ikun qed imexxi negozju fl-Istat Kontraenti l-iehor li fih jinqala' l-imgħax, permezz ta' stabbiliment permanenti sitwat hemmhekk, jew jagħmel servizzi personali indipendenti f'dak Istat l-iehor minn bażi stabbilita sitwata hemmhekk, u l-pretensjoni ta' debitu li dwarha jithallas l-imgħax tkun effettivament konnessa ma' dak l-istabbiliment permanenti jew bażi stabbilita. F'każ bhal dak għandhom japplikaw id-disposizzjonijiet ta' l-Artikolu 7 jew ta' l-Artikolu 14, skond il-każ.

7. L-imghax ghandu jitqies li jorigina fi Stat Kontraenti meta min iħallas ikun dak l-Istat innifsu, sottodivizjoni politika, awtorità lokali, korp statutorju jew residenti ta' dak l-Istat. Meta, madankollu, l-persuna li tkun qed thallas l-imghax, sew jekk tkun residenti ta' Stat Kontraenti sew jekk le, jkollha fi Stat Kontraenti stabbiliment permanenti jew bażi stabbilita li f'konnessjoni magħhom kien sar id-dejn li fuqu jithallas l-imghax, u dak l-imghax jiġġarrab minn dak l-istabbiliment permanenti jew bażi stabbilita, għaldaqstant dak l-imghax ghandu jitqies li jorigina fl-Istat fejn ikun jinsab l-istabbiliment permanenti jew bażi stabbilita.
8. Meta, minħabba f'relazzjoni speċjali bejn min iħallas u s-sid benefiċjarju jew bejn it-tnejn li huma u xi persuna oħra, l-ammont ta' mghax imħallas, wara li titqies xi tkun il-pretensjoni ta' debitu li dwarha jithallas, ikun iżjed mill-ammont li kien ikun miftiehem bejn min iħallas u s-sid benefiċjarju fin-nuqqas ta' dik ir-relazzjoni, id-disposizzjonijiet ta' dan l-Artikolu għandhom ikunu japplikaw biss għall-ammont l-aħhar imsemmi. F'każ bħal dak, il-parti żejda tal-ħlasijiet tibqa' taxxabbli skond il-ligijiet ta' kull Stat Kontraenti, fil-qies tad-disposizzjonijiet l-oħra ta' dan il-Ftehim.

Artikolu 12

ROYALTIES

1. *Royalties* li jinqalgħu fi Stat Kontraenti u jithallsu lil residenti ta' l-Istat Kontraenti l-ieħor jistgħu jiġu intaxxati f'dak l-Istat l-ieħor.
2. Madankollu, dawk ir-*royalties* jistgħu wkoll jiġu intaxxati fl-Istat Kontraenti fejn joriginaw u skond il-ligijiet ta' dak l-Istat, iżda jekk min jirċevihom ikun is-sid benefiċjarju tar-*royalties*, it-taxxa hekk imħallsa m'għandhiex teċċedi 10 fil-mija ta' l-ammont gross tar-*royalties*.
3. Il-frazi "*royalties*" kif din tintuża f'dan l-Artikolu tfisser ħlasijiet ta' kull xorta li jsiru b'korrissettiv għall-użu ta', jew għall-jedd ta' l-użu, ta' xi dritt ta' l-awtur ta' xogħol letterarju, artistiku jew xjentifiku inklużi *films* ċinematografiċi, *privattiva*, *trade mark*,

disinn jew mudell, pjan, formula jew proċess sigrieti, jew għall-użu ta', jew id-dritt li jintuża, tagħmir industrijali, kummerċjali jew xjentifiku, jew għal informazzjoni dwar konozzenza industrijali, kummerċjali jew xjentifika.

4. Id-disposizzjonijiet tal-paragrafi 1 u 2 m'għandhomx japplikaw jekk is-sid benefiċjarju tar-*royalties*, li jkun residenti ta' Stat Kontraenti, ikun qed imexxi negozju fl-Istat Kontraenti l-ieħor li fih jinqalghu r-*royalties*, permezz ta' stabbiliment permanenti sitwat hemmhekk, jew ikun jagħmel servizzi personali indipendenti f'dak l-Istat l-ieħor minn bażi stabbilita sitwata hemmhekk, u d-dritt jew il-proprjetà li dwarhom jithallsu r-*royalties* ikunu effettivament konnessi ma' dak l-istabbiliment permanenti jew bażi stabbilita. F'dak il-każ għandhom japplikaw id-disposizzjonijiet ta' l-Artikolu 7 jew l-Artikolu 14, skond il-każ.
5. Ir-*royalties* jitqiesu li joriġinaw fi Stat Kontraenti meta min iħallas ikun dak l-Istat innifsu, sottodivizjoni politika, awtorità lokali, korp statutorju jew residenti ta' dak l-Istat. Meta, madankollu, il-persuna li tkun qed tħallas dawk ir-*royalties*, sew jekk tkun residenti ta' Stat Kontraenti sew jekk le, jkollha fi Stat Kontraenti stabbiliment permanenti jew bażi stabbilita li f'konnessjoni miegħu kienet saret l-obbligazzjoni li fuqu jithallsu r-*royalties* u dawk ir-*royalties* jiġġarbu minn dak l-istabbiliment jew bażi stabbilita, għaldaqstant dawk ir-*royalties* għandhom jitqiesu li joriġinaw fl-Istat fejn ikun jinsab l-istabbiliment permanenti jew bażi stabbilita.
6. Meta, minħabba r-relazzjoni speċjali bejn min iħallas u s-sid benefiċjarju effettiv jew bejniethom it-tnejn u xi persuna oħra, l-ammont tar-*royalties*, fil-qies ta' x'ikun l-użu, id-dritt jew l-informazzjoni li jithallsu għalihom, ikun iżjed mill-ammont li kien ikun miftiehem bejn min iħallas u s-sid benefiċjarju fin-nuqqas ta' dik ir-relazzjoni, id-disposizzjonijiet ta' dan l-Artikolu għandhom japplikaw biss għall-ammont l-aħħar imsemmi. F'dak il-każ, il-parti żejda tal-ħlasijiet għandha tibqa' taxxabbli skond il-liġijiet ta' kull Stat Kontraenti, wara li jitqiesu d-disposizzjonijiet l-oħra ta' dan il-Ftehim.

Artikolu 13

QLIGH KAPITALI

1. Qligh li jinkiseb minn resident ta' Stat Kontraenti mit-trasferiment ta' proprjeta' immobbli msemmi fl-Artikolu 6 u li tkun tinsab fl-Istat Kontraenti l-iehor jista' jigi intaxxat f' dak l-Istat l-iehor.
2. Qligh li jinkiseb minn resident ta' Stat Kontraenti mit-trasferiment ta' ishma (li ma jkunux ishma negozjati fuq Borza rikonoxxuta) li jiksbu mill-inqas 75 fil-mija tal-valur tagħhom direttament jew indirettament minn proprjeta' immobbli li tkun tinsab fl-Istat Kontraenti l-iehor jista' jigi intaxxat f' dak l-Istat l-iehor.
3. Qligh mit-trasferiment ta' proprjeta' mobbli li tagħmel parti mill-proprjeta' tan-negozju ta' stabbiliment permanenti li impriza ta' Stat Kontraenti jkollha fl-Istat Kontraenti l-iehor jew ta' proprjeta' mobbli li tkun tappartjeni għal baži stabbilita disponibbli għal residenti ta' Stat Kontraenti fl-Istat Kontraenti l-iehor bil-għan li jitwettqu servizzi personali indipendenti, inkluż dak il-qligh mit-trasferiment ta' dak l-istabbiliment permanenti (wahdu jew flimkien ma' l-impriza kollha) jew ta' dik il-baži stabbilita, jista' jigi intaxxat f' dak Istat l-iehor.
4. Qligh li jinkiseb minn impriza ta' Stat Kontraenti mit-trasferiment ta' bastimenti jew ingeni ta' l-ajru li jithaddmu fi traffiku internazzjonali jew proprjeta' mobbli li tkun tappartjeni għat-thaddim ta' dawk il-bastimenti jew ingeni ta' l-ajru, għandhom jigu intaxxati biss f' dak l-Istat.
5. Qligh mit-trasferiment ta' proprjeta' li ma tkunx dik imsemmija f'paragrafi 1, 2, 3 u 4 għandu jkun taxxabli biss fl-Istat Kontraenti li t-trasferent ikun residenti tiegħu.

Artikolu 14

SERVIZZI PERSONALI INDIPENDENTI

1. *Income* li jinkiseb minn individwu li huwa residenti ta' Stat Kontraenti għal servizzi professjonali jew attivitajiet oħra ta' xorta indipendenti għandu jkun intaxxat biss f'dak l-Istat. Madankollu, dak l-*income* jista' jiġi intaxxat fl-Istat Kontraenti l-ieħor f'dawn iċ-ċirkostanzi li ġejjin:
 - (a) jekk ikollu bażi stabbilita regolarment disponibbli għalih fl-Istat Kontraenti l-ieħor bil-għan li jwettaq l-attivitajiet tiegħu; f'dak il-każ hi biss dik il-parti mill-*income* tiegħu daqskemm tkun attribwibbli lil dik il-bażi stabbilita li tista' tiġi intaxxata f'dak l-Istat l-ieħor; jew
 - (b) jekk il-qagħda tiegħu fl-Istat l-ieħor tkun għal perjodu jew għal perjodi li fit-total ikunu jaqbżu l-183 ġurnata f'perjodu ta' tnaħ-il xahar li jibda għaddej jew itemm fis-sena kalendarja inkwistjoni; f'dak il-każ hi biss dik il-parti mill-*income* daqskemm tinkiseb mill-attivitajiet tiegħu mwettqa f'dak l-Istat l-ieħor li tista' tiġi intaxxata f'dak l-Istat l-ieħor.
2. Il-frazi "servizzi professjonali" tinkludi attivitajiet letterarji, artistici, edukattivi jew ta' taġġim li huma speċjalment indipendenti kif ukoll l-attivitajiet indipendenti ta' tobbi, avukati, inġiniera, periti u *accountants*.

Artikolu 15

SERVIZZI PERSONALI DIPENDENTI

1. Bla hsara għad-disposizzjonijiet ta' l-Artikoli 16, 18 u 19, is-salarji, il-pagi u kumpens ieħor bħal dak li jinkisbu minn residenti ta' Stat Kontraenti dwar xi impjeg għandhom ikunu taxxabbi biss f'dak l-Istat kemm-il darba l-impjeg ma jiġix

eżerċitat fl-Istat Kontraenti l-ieħor. Jekk l-impjieg jiġi hekk eżerċitat, dak il-kumpens li jinkiseb minnu jista' jiġi intaxxat f'dak l-Istat l-ieħor.

2. Minkejja d-disposizzjonijiet tal-paragrafu 1, il-kumpens li jinkiseb minn residenti ta' Stat Kontraenti dwar impjieg eżerċitat fl-Istat Kontraenti l-ieħor għandu jkun taxxabli biss fl-Istat l-ewwel imsemmi jekk:
 - (a) min jirċevih ikun preżenti fl-Istat l-ieħor għal perjodu jew perjodi li ma jaqbżux it-total ta' 183 ġurnata f'perjodu ta' 12-il xahar li jibda għaddej jew itemm fis-sena kalendarja involuta; u
 - (b) il-kumpens jithallas minn, jew f'isem, prinċipal li ma jkunx residenti ta' l-Istat l-ieħor; u
 - (c) il-kumpens ma jkunx piż fuq l-istabbiliment permanenti jew bażi stabbilit li l-prinċipal ikollu fl-Istat l-ieħor.
3. Minkejja d-disposizzjonijiet preċedenti ta' dan l-Artikolu, il-kumpens li jinkiseb dwar impjieg eżerċitat abbord bastiment jew ingenji ta' l-ajru operati fi traffiku internazzjonali minn impriza ta' Stat Kontraenti għandu jiġi intaxxat biss f'dak l-Istat. Madankollu, jekk il-kumpens jinkiseb minn residenti ta' l-Istat Kontraenti l-ieħor, jista' jiġi intaxxat ukoll f'dak l-Istat l-ieħor.

Artikolu 16

DRITTIJIET TAD-DIRETTURI

Id-drittijiet tad-diretturi u hlasijiet simili oħra li jinkisbu minn residenti ta' Stat Kontraenti fil-kapaċità tiegħu ta' membru tal-bord ta' diretturi ta' kumpannija li tkun residenti ta' l-Istat Kontraenti l-ieħor jistgħu jiġu intaxxati f'dak l-Istat l-ieħor.

Artikolu 17

ARTISTI U SPORTIVI

1. Minkejja d-disposizzjonijiet ta' l-Artikoli 14 u 15, *income* li jinkiseb minn residenti ta' Stat Kontraenti bħala uħud li jagħtu spettaklu, bħal artisti tat-teatru, tal-*films* ċinematografiċi, tar-radju jew tat-televizjoni, jew bħala mużiċista, jew bħala sportiv, mill-attivitajiet personali tiegħu bħala tali li jiġu eżerċitati fl-Istat Kontraenti l-ieħor, jistgħu jiġu intaxxati f'dak l-Istat l-ieħor.
2. Meta *income* dwar, jew li jkollu x'jaqsam ma', attivitajiet personali eżerċitati minn min jagħti spettaklu jew sportiv jingabar mhux minn min jagħti spettaklu jew l-isportiv innifsu iżda minn xi persuna oħra, dak l-*income* jista', minkejja d-disposizzjonijiet ta' l-Artikoli 7, 14 u 15, jiġi intaxxat fl-Istat Kontraenti li fih jiġu eżerċitati l-attivitajiet ta' min jagħti spettaklu jew ta' l-isportiv.
3. Id-disposizzjonijiet tal-paragrafi 1 u 2 ma għandhomx japplikaw għal *income* li jinkiseb minn attivitajiet eżerċitati fi Stat Kontraenti jekk iż-żjara f'dak l-Istat tkun direttament jew indirettament appoġġata għalkollox jew sostanzjalment mill-flejjes pubbliċi ta' l-Istat Kontraenti l-ieħor, sottodivizjoni politika, awtorità lokali jew korp statutorju tiegħu.

Artikolu 18

PENSJONIJIET U HLASIJIET TAS-SIGURTÀ SOĊJALI

1. Bla ħsara għad-disposizzjonijiet tal-paragrafu 2 ta' l-Artikolu 19, pensjonijiet u ħlas ieħor simili li jithallsu lil residenti ta' Stat Kontraenti minħabba f'xi impieg li jkun seħħ qabel għandhom ikunu taxxabbli biss f'dak l-Istat.

2. Minkejja d-disposizzjonijiet ta' paragrafu 1, pensjonijiet u ħlasijiet oħra li jingħataw taħt il-legislazzjoni ta' l-assigurazzjoni soċjali ta' Stat Kontraenti għandhom ikunu taxxabbli biss f'dak l-Istat.

Artikolu 19

SERVIZZ TAL-GVERN

1. (a) Kull salarju, paga u rimunerazzjoni simili, minbarra pensjoni, imħallsa minn Stat Kontraenti jew minn sottodivizjoni politika jew minn awtorità lokali jew minn korp statutorju tiegħu lil individwu għar-rigward ta' servizzi mogħtijin lil dak l-Istat jew sottodivizjoni jew awtorità jew korp għandhom ikunu taxxabbli biss f'dak l-Istat.

(b) Madankollu, kull salarju, paga u kumpens simili ieħor għandhom ikunu taxxabbli biss fl-Istat Kontraenti l-ieħor jekk is-servizzi jingħataw f'dak l-Istat u l-individwu jkun residenti f'dak l-Istat li:
 - (i) jkun ċittadin ta' dak l-Istat; jew
 - (ii) ma jkunx sar residenti ta' dak l-Istat unikament sabiex jagħti dawk is-servizzi.

2. (a) Kull pensjoni mħallsa minn, jew li toħroġ minn fond maħluq minn, Stat Kontraenti jew minn sottodivizjoni politika jew minn awtorità lokali jew minn korp statutorju tiegħu lil individwu għar-rigward ta' servizzi mogħtija lil dak l-Istat jew sottodivizjoni jew awtorità jew korp għandhom ikunu taxxabbli biss f'dak l-Istat.

(b) Madankollu, kull pensjoni għandha tiġi intaxxata biss fl-Istat Kontraenti l-ieħor jekk l-individwu jkun residenti u nazzjonali ta' dak l-Istat.

3. Id-disposizzjonijiet ta' l-Artikoli 15, 16, u 18 għandhom japplikaw għal kull salarju, paga u kumpens simili ieħor u għal pensjonijiet, għar-rigward ta' servizzi mogħtijin f'dak li għandu x'jaqsam ma' negozju li jkun għestit minn Stat Kontraenti jew minn sottodivizjoni politika jew minn awtorità lokali jew minn korp statutorju tiegħu.

Artikolu 20

STUDENTI U APPRENDISTI KUMMERĊJALI

Student jew apprendist kummerċjali li jkun preżenti fi Stat Kontraenti unikament għall-fini ta' l-edukazzjoni jew it-taħriġ tiegħu u li jkun, jew li minnufih qabel ma kien hekk preżenti kien, residenti ta' l-Istat Kontraenti l-ieħor, għandu jkun eżenti mit-taxxa fl-ewwel imsemmi Stat dwar hlasijiet li huwa jircievi minn barra dak l-ewwel imsemmi Stat għall-finijiet tal-manteniment, edukazzjoni jew taħriġ tiegħu.

Artikolu 21

INCOME IEHOR

1. Elementi ta' *income* ta' residenti ta' Stat Kontraenti, jinqalgħu minn fejn jinqalgħu, li ma jkunux ittrattati fl-Artikoli hawn aktar qabel imsemmija ta' dan il-Ftehim għandhom ikunu taxxabli biss f'dak l-Istat.
2. Id-disposizzjonijiet tal-paragrafu 1 m'għandhomx japplikaw għal *income*, li ma jkunx *income* minn proprjetà immobbli kif imfisser fil-paragrafu 2 ta' l-Artikolu 6, jekk min jircievi dak l-*income*, għax ikun residenti ta' Stat Kontraenti, jigggestixxi negozju fl-Istat Kontraenti l-ieħor permezz ta' stabbiliment permanenti li jkun jinsab f'dak l-Istat, jew iwettaq f'dak l-Istat l-ieħor servizzi personali indipendenti minn bażi stabbilita li tkun tinsab hemmhekk u d-dritt jew il-proprjetà li dwarhom jithallas l-*income* ikun effettivament konness ma' dak l-istabbiliment permanenti jew bażi

stabbilita. F'dak il-każ għandhom japplikaw id-disposizzjonijiet ta' l-Artikolu 7 jew ta' l-Artikolu 14, skond il-każ.

3. Minkejja d-disposizzjonijiet tal-paragrafi 1 u 2 ta' dan l-Artikolu, partiti ta' *income* ta' residenti ta' Stat Kontraenti li ma ssemma xejn dwarhom fl-Artikoli hawn qabel imsemmija ta' dan il-Ftehim u li jitnisslu fl-Istat Kontraenti l-ieħor jistgħu jiġu intaxxati f'dak l-Istat l-ieħor.

Artikolu 22

ELIMINAZZJONI TA' TASSAZZJONI DOPPJA

1. Fil-każ ta' Malta, it-tassazzjoni doppja għandha tiġi eliminata kif ġej:

Bla hsara għad-disposizzjonijiet tal-ligi ta' Malta dwar l-ġhoti bi kreditu għat-taxxa ta' Malta għar-rigward tat-taxxa barranija, meta, skond id-disposizzjonijiet ta' dan il-Ftehim, ikun hemm inklużi fi stima ta' Malta *income* minn sorsi f'Singapore, it-taxxa ta' Singapore fuq dak l-*income* għandha tiġi permessa bħala kreditu għat-taxxa ta' Malta relattiva li tithallas dwarhom.

2. Fil-każ ta' Singapore, it-tassazzjoni doppja għandha tiġi eliminata kif ġej:

Meta residenti ta' Singapore jikseb *income* minn Malta li, skond id-disposizzjonijiet ta' dan il-Ftehim, jista' jkun intaxxat f'Malta, Singapore għandha, bla hsara għal-ligijiet tagħha dwar l-ġhoti bi kreditu għat-taxxa ta' Singapore għar-rigward ta' taxxa li tithallas f'kull pajjiż minn barra Singapore, tippermetti t-taxxa li tithallas f'Malta, sew jekk direttament jew bi tnaqqis, bħala kreditu għat-taxxa li tithallas f'Singapore fuq dak l-*income* tar-residenti. Meta dak l-*income* huwa dividend mħallas minn kumpannija li tkun residenti ta' Malta lil residenti ta' Singapore, l-ebda kreditu m'għandu jingħata kemm-il darba is-sid benefiċjarju tad-dividend ma jkunx kumpannija li tipposjedi direttament jew indirettament mhux anqas minn 10 fil-mija tal-kapital azzjonarju tal-kumpannija l-ewwel imsemmija.

3. Għall-għanijiet tal-paragrafi 1 u 2, il-frazi “taxxa ta’ Singapore” jew “taxxa ta’ Malta”, skond kif ikun meħtieġ, għandha titqies li tinkludi dik it-taxxa li altrimenti tiffhallas f’Singapore jew Malta, skond il-każ, li kieku ma gietx imnaqqsa jew eżentata minn dak l-Istat Kontraenti bis-saħħa tad-disposizzjonijiet legali tiegħu dwar inċentivi rigward it-taxxa.
4. Id-disposizzjonijiet tal-paragrafu 3 għandhom japplikaw għall-ewwel għaxar snin minn meta dan il-Ftehim jidhol fis-seħħ, u għandhom ikomplu japplikaw wara għal aktar perjodi ta’ ħames snin. Kull wieħed mill-Istati Kontraenti jista’ jtemm l-applikazzjoni tad-disposizzjonijiet tal-paragrafu 3 billi jagħti avviż bil-miktub mill-anqas sitt xhur qabel it-tmiem tal-perjodu ta’ għaxar snin jew kwalunkwe perjodu ta’ ħames snin sussegwenti, skond il-każ. Jekk dan iseħħ, id-disposizzjonijiet tal-paragrafu 3 għandhom jiefqu japplikaw kif jintemm il-perjodu rilevanti ta’ għaxar snin jew ħames snin.

Artikolu 23

EBDA DISKRIMINAZZJONI

1. Iċ-ċittadini ta’ Stat Kontraenti m’għandhomx jiġu assoġġettati fl-Istat Kontraenti l-ieħor għal xi tassazzjoni jew għal xi htieġa li jkunu konnessi ma’ dan, li tkun diversa jew ta’ iktar piż mit-tassazzjoni u htigiet konnessi li għalihom ċittadini ta’ dak l-Istat l-ieħor fl-istess ċirkostanzi huma jew jistgħu jkunu soġġetti. Din id-disposizzjoni għandha, minkejja d-disposizzjonijiet ta’ l-Artikolu 1, tkun tapplika wkoll għal persuni li ma jkunux residenti ta’ xi Stat Kontraenti wieħed jew it-tnejn li huma.
2. L-intaxxar fuq stabbiliment permanenti li impriża ta’ Stat Kontraenti jkollha fl-Istat Kontraenti l-ieħor m’għandux jingabar inqas favorevolment f’dak Istat l-ieħor mit-tassazzjoni migbura fuq impriži ta’ dak l-Istat l-ieħor li jkun qiegħed iwettaq l-istess attivitajiet.

3. Ebda haġa f'dan l-Artikolu ma għandha tiftiehem bhala li tobligha lil Stat Kontraenti li jagħti lil:
 - (a) residenti fl-Istat Kontraenti l-ieħor xi *allowance* personali, ħelsien u tnaqqis għal finijiet ta' taxxa li soltu jagħti lir-residenti tiegħu stess; jew
 - (b) ċittadini ta' l-Istat Kontraenti l-ieħor kull tali *allowance* personali, ħelsien u tnaqqis għal finijiet ta' taxxa li soltu jagħti liċ-ċittadini tiegħu stess li mhumiex residenti ta' dak l-Istat jew lil tali persuna oħra kif jista' jkun speċifikat fil-liġijiet li jirrigwardaw it-taxxa ta' dak l-Istat.
4. Hlief fejn id-disposizzjonijiet tal-paragrafu 1 ta' l-Artikolu 9, il-paragrafu 8 ta' l-Artikolu 11, jew il-paragrafu 6 ta' l-Artikolu 12 japplikaw, mgħax, *royalties* u ħlasijiet oħra li jithallsu minn impriża ta' Stat Kontraenti lil residenti ta' l-Istat Kontraenti l-ieħor għandhom, għall-għan li jiġu stabbiliti x'inhuma l-profitti taxxabbli ta' dik l-impriża, jiġu mnaqqsa taħt l-istess kondizzjonijiet bħallikieku kienu mhallsa lil residenti ta' l-ewwel imsemmi Stat.
5. Impriži ta' Stat Kontraenti, li l-kapital tagħhom ikun għalkollox jew f'parti proprjetà jew taħt il-kontroll, sew dirett sew mhux dirett, ta' resident wiehed jew aktar ta' l-Istat Kontraenti l-ieħor, ma jkunux soġġetti fl-Istat l-ewwel imsemmi għal xi tassazzjoni jew htieġa konnessa ma' dan li tkun xort'oħra jew ta' iktar piż mit-tassazzjoni u htigiet konnessi li għalihom ikun jew jistgħu jkunu assoġġettati l-impriži ta' l-ewwel imsemmi Stat.
6. Meta Stat Kontraenti jagħti liċ-ċittadini tiegħu inċentivi tat-taxxa mfasslin biex jippromwovu żvilupp ekonomiku jew soċjali skond il-politika u l-kriterji nazzjonali tiegħu, dan m'għandux jiftiehem bhala diskriminazzjoni taħt dan l-Artikolu.

Artikolu 24

PROCĊEDURA GĦAL FTEHIM REĊIPROKU

1. Meta persuna jidhrilha li l-azzjonijiet ta' xi wiehed jew taż-żewġ Stati Kontraenti jirriżultawlu jew jistgħu jirriżultawlu f'tassazzjoni li ma tkunx skond id-disposizzjonijiet ta' dan il-Ftehim, huwa jista', irrispettivament mir-rimedji pprovduti mil-liġi domestika ta' dawk l-Istati, jippreżenta l-każ tiegħu quddiem l-awtorità kompetenti ta' l-Istat Kontraenti li tiegħu huwa jkun residenti jew, jekk il-każ tiegħu jkun jaqa' taħt il-paragrafu 1 ta' l-Artikolu 23, lil dik ta' l-Istat Kontraenti li tiegħu huwa jkun ċittadin. Il-każ għandu jiġi ppreżentat fi żmien tliet snin mill-ewwel avviz ta' l-azzjoni li tirriżulta f'intaxxar li ma jkunx skond id-disposizzjonijiet tal-Ftehim.
2. L-awtorità kompetenti għandha tistharreġ, jekk ikunx jidhrilha li l-oġġezzjoni tkun ġustifikata u jekk hi nnifisha ma tkunx tista' tasal għal soluzzjoni sodisfaċenti, li tirisolvi l-każ bi ftehim reċiproku ma' l-awtorità kompetenti ta' l-Istat Kontraenti l-iehor, bil-għan li tiġi evitata tassazzjoni li ma tkunx skond il-Ftehim. Meta jintlaħaq ftehim dan għandu jiġi implimentat minkejja kull terminu ta' żmien fil-liġi domestika ta' l-Istati Kontraenti.
3. L-awtoritajiet kompetenti ta' l-Istati Kontraenti għandhom jistharrġu kif jirrisolvu permezz ta' ftehim reċiproku kull diffikultà jew dubbju li jista' jitnissel dwar l-interpretazzjoni jew l-applikazzjoni tal-Ftehim. Dawn jistgħu wkoll jikkonsultaw flimkien għall-eliminazzjoni ta' tassazzjoni doppja f'dawk il-kazijiet li m'hemm xejn provdut dwarhom fil-Ftehim.
4. L-awtoritajiet kompetenti ta' l-Istati Kontraenti jistgħu jikkomunikaw ma' xulxin direttament bil-għan li jilhq u ftehim fis-sens tal-paragrafi preċedenti.

Artikolu 25

SKAMBJU TA' INFORMAZZJONI

1. L-awtoritajiet kompetenti ta' l-Istati Kontraenti għandhom jiskambjaw dik l-informazzjoni li tista' tkun meħtieġa għat-twettiq tad-disposizzjonijiet ta' dan il-Ftehim jew tal-liġijiet domestiċi ta' l-Istati Kontraenti għar-rigward ta' taxxi koperti bil-Ftehim sakemm l-intaxxar li jsir taħthom ma jkunx kuntrarju għall-Ftehim. Kull informazzjoni hekk riċevuta mill-Istat Kontraenti għandha tiġi trattata bħala waħda sigrieta bl-istess mod bħall-informazzjoni miksuba taħt il-liġijiet domestiċi ta' dak l-Istat u għandha tiġi żvelata biss lil persuni jew awtoritajiet (inklużi qrati u korpi amministrattivi) involuti fl-istima jew fil-ġbir ta', l-infurzar jew prosekuzzjoni dwar, jew id-deċiżjoni ta' appelli dwar, it-taxxi koperti bil-Ftehim. Dawk il-persuni jew awtoritajiet għandhom jużaw dik l-informazzjoni biss għal dawk l-għanijiet. Huma jistgħu jiżvelaw l-informazzjoni fi proċeduri tal-qorti bil-miftuħ jew f'deċiżjonijiet ġudizzjarji.
2. F'ebda każ ma għandhom id-disposizzjonijiet tal-paragrafu 1 jiftiehem bħala li jimponu fuq Stat Kontraenti l-obbligu:
 - (a) li jwettaq miżuri amministrattivi li ma jkunux jaqblu mal-liġijiet u mal-prattika amministrattiva ta' dak jew ta' l-Istat Kontraenti l-ieħor;
 - (b) li jagħti informazzjoni li ma tkunx tista' tinkiseb taħt il-liġijiet jew fil-kors normali ta' l-amministrazzjoni ta' dak jew ta' l-Istat Kontraenti l-ieħor;
 - (ċ) li jagħti informazzjoni li tikxef xi sigriet ta' sengħa, negozju, industrija, kummerċ jew professjoni jew proċess tal-kummerċ, jew informazzjoni, li meta tiġi żvelata din tkun tmur kontra l-ordni pubbliku (*ordre public*).

Artikolu 26

MEMBRI TA' MISSJONIJIET DIPLOMATIČI U KARIGI KONSULARI

Ebda haġa f'dan il-Ftehim ma għandha tolqot il-privileġġi ta' membri ta' missjonijiet diplomatiċi jew karigi konsulari taħt ir-regoli generali tad-dritt internazzjonali jew taħt id-disposizzjonijiet ta' kull ftehim speċjali.

Artikolu 27

BIDU FIS-SEHH

1. Kull wiehed mill-Istati Kontraenti għandu javża lill-ieħor, permezz tal-kanali diplomatiċi, li l-proċeduri meħtieġa bil-ligijiet tiegħu sabiex dan il-Ftehim jingieb fis-seħh ikunu twettqu.
2. Dan il-Ftehim għandu jibda jseħh fid-data li fiha jasal l-aħħar wiehed mill-avvizi msemmija fil-paragrafu 1 u d-disposizzjonijiet tiegħu għandu jkollhom effett għar-rigward tat-taxxa li għandha tithallas għal sena ta' stima li tkun li tibda fl-ewwel jum ta' Jannar jew wara fit-tieni sena kalendarja li tiġi minnufih wara dik is-sena li fiha l-Ftehim jibda jseħh.

Artikolu 28

TERMINAZZJONI

Dan il-Ftehim għandu jibqa' jseħh sakemm jiġi terminat minn xi Stat Kontraenti. Sew Stat Kontraenti wiehed sew l-ieħor jistgħu jitterminaw il-Ftehim, permezz tal-kanali diplomatiċi, billi jagħtu avviz tat-terminazzjoni mill-inqas sitt xhur qabel tmiem xi sena kalendarja li tibda minnufih wara li jiskadi perjodu ta' hames snin mid-data meta l-Ftehim jibda jseħh. F'dak il-każ, il-Ftehim għandu jtemm milli jibqa' jseħh għar-rigward tat-taxxa li għandha tithallas għal

B 2912

sena ta' stima li tkun tibda fl-ewwel jum ta' Jannar jew wara fit-tieni sena kalendarja li tiġi minnufih wara dik is-sena li fiha jingħata l-avviż.

B'XIEHDA TA' DAN is-sottoskritti, awtorizzati kif imiss biex jagħmlu dan mill-Gvernijiet rispettivi tagħhom, iffirmaw dan il-Ftehim.

MAGHMUL f'żewġ originali f'Singapore, illum il-21 jum ta' Marzu, 2006, fl-ilsien Ingliż.

Dott. Michael Frendo
Ministru għall-Affarijiet Barranin

Is-Sur Raymond Lim
Tieni Ministru għall-Affarijiet Barranin

Għall-Gvern ta'
Malta

Għall-Gvern tar-Repubblika ta'
Singapore

PROTOKOLL

Fil-waqt ta' l-iffirmar tal-Ftehim għall-Helsien mit-Taxxa Doppja u l-Prevenzjoni ta' l-Evażjoni Fiskali għar-rigward ta' Taxxi fuq l-*Income*, f'dan il-jum konkluzja bejn il-Gvern tar-Repubblika ta' Singapore u l-Gvern ta' Malta, is-sottoskritti ftehm u li dawn id-disposizzjonijiet li ġejjin għandhom jiffirmaw parti integrali mill-Ftehim.

Artikolu 10

- (a) Huwa mifhum li kemm Singapore kemm Malta fil-preżent jaddottaw is-sistema ta' imputazzjoni sħiħa għar-rigward tat-tassazzjoni tal-profitti ta' kumpannija u t-tqassim sussegwenti ta' dividendi lill-azzjonisti tal-kumpannija. Taħt is-sistema ta' imputazzjoni, l-ammont ta' dividend taxxabli f'idejn l-azzjonist huwa is-somma ta' l-ammont tad-dividend u l-ammont tat-taxxa mħallsa jew li għandha tithallas mill-kumpannija fuq il-profitti jew *income* li minnhom thallas id-dividend. Din it-taxxa titpatta mat-taxxa dovuta mill-azzjonist fuq l-*income* kollu taxxabli.
- (b) Għall-finijiet tal-paragrafu 2, huwa mifhum li fil-każ ta' Singapore, meta d-dividend huwa dividend mħallas mill-profitti jew *income* eżentati mit-taxxa jew intaxxati b'rata mnaqqsa taħt il-liġijiet imfasslin biex jippromwovu żvilupp ekonomiku u dak id-dividend huwa mħallas dwar sehem ta' natura privileġġjata, it-“taxxa li għandha tithallas fuq il-profitti jew *income* tal-kumpannija li minnhom thallsu d-dividendi” għandha titqies li tinkludi it-taxxa li kienet tithallas li kieku ma kienx hemm l-eżenzjoni jew tnaqqis taħt daww il-liġijiet.

Artikolu 23

B'referenza għall-paragrafu 4, huwa mifhum li, għall-finijiet ta' għoti ta' tnaqqis rigward hlas ta' spejjeż lil persuna mhux residenti, ebda haġa fl-imsemmi paragrafu ma għandha tiftiehem

B 2914

li tipprevjeni lil Singapore milli timponi xi obligazzjoni biex titnaqqas it-taxxa minn ras il-
għajn minn dak il-ħlas.

B'XIEHDA TA' DAN is-sottoskritti, awtorizzati kif imiss biex jagħmlu dan mill-Gvernijiet
rispettivi tagħhom, iffiraw dan il-Protokoll.

MAGHMUL f'żewġ originali f'Singapore, illum il-21 jum ta' Marzu, 2006, fl-ilsien Ingliz.

Dott. Michael Frendo
Ministru għall-Affarijiet Barranin

Is-Sur Raymond Lim
Tieni Ministru għall-Affarijiet Barranin

Għall-Gvern ta'
Malta

Għall-Gvern tar-Repubblika ta'
Singapore

L.N. 194 of 2008

**INCOME TAX ACT
(CAP. 123)**

**Double Taxation Relief (Taxes on Income)
(Republic of Singapore) Order, 2008**

IN exercise of the powers conferred by article 76 of the Income Tax Act, the Minister of Finance, the Economy and Investment has made the following order:-

1. This title of this order is the Double Taxation Relief (Taxes on Income) (Republic of Singapore) Order, 2008. Citation.

2. It is hereby declared:-

Arrangements to
have effect.

(a) that the arrangements specified in the Agreement set out in the Schedule to this Order have been made with the Republic of Singapore with a view to affording relief from double taxation in relation to the following tax imposed by the laws of Singapore:-

the income tax

(b) that it is expedient that those arrangements should have effect;

(c) that the Agreement has entered into force on the 29 February, 2008.

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE
AND
THE GOVERNMENT OF MALTA
FOR THE AVOIDANCE OF DOUBLE TAXATION
AND THE PREVENTION OF FISCAL EVASION
WITH RESPECT TO TAXES ON INCOME**

The Government of Malta and the Government of the Republic of Singapore,

Desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,

Have agreed as follows:

Article 1

PERSONAL SCOPE

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

Article 2

TAXES COVERED

1. This Agreement shall apply to taxes on income imposed on behalf of a Contracting State or of its political subdivisions or local authorities, irrespective of the manner in which they are levied.
2. There shall be regarded as taxes on income all taxes imposed on total income, or on elements of income, including taxes on gains from the alienation of movable or immovable property.
3. The existing taxes to which the Agreement shall apply are :
 - (a) in Malta :
 - the income tax

(hereinafter referred to as "Malta tax");
 - (b) in Singapore :
 - the income tax

(hereinafter referred to as “Singapore tax”).

4. The Agreement shall apply also to any identical or substantially similar taxes which are imposed after the date of signature of the Agreement 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

1. For the purposes of this Agreement, unless the context otherwise requires:
 - (a) the term “Malta” means the Republic of Malta and, when used in a geographical sense, means the Island of Malta, the Island of Gozo and other Maltese islands including the territorial waters thereof, as well as any area of the sea-bed, its sub-soil and the superjacent water column adjacent to the territorial waters, wherein the Republic of Malta may, in accordance with international law, exercise sovereign rights or jurisdiction with respect to the exploration and exploitation of natural resources;
 - (b) the term “Singapore” means the territories of the Republic of Singapore, the territorial waters of Singapore and the sea bed and sub-soil of the territorial waters, and when used in a geographical sense includes any area extending beyond the limits of the territorial waters of Singapore, and the sea bed and sub-soil of any such area, which has been or may hereafter be designated under the laws of Singapore and in accordance with international law as an area over which Singapore has sovereign rights for the purposes of exploring and exploiting the natural resources, whether living or non-living;

- (c) the terms “a Contracting State” and “the other Contracting State” mean Malta or Singapore as the context requires;
- (d) the term “person” includes an individual, a company and any other body of persons;
- (e) the term “company” means any body corporate or any entity which is treated as a body corporate for tax purposes;
- (f) 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;
- (g) the term “international traffic” means any transport by a ship or aircraft operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State;
- (h) the term “competent authority” means:
 - (i) in the case of Malta, the Minister responsible for finance or his authorised representative;
 - (ii) in the case of Singapore, the Minister for Finance or his authorised representative;
- (i) the term “national” means:
 - (i) any individual possessing the nationality of a Contracting State;
 - (ii) any legal person, partnership or association deriving its status as such from the laws in force in a Contracting State.

2. As regards the application of the Agreement 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 Agreement applies.

Article 4

RESIDENT

1. For the purposes of this Agreement, the term “resident of a Contracting State” means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of management or any other criterion of a similar nature.
2. Where 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:
 - (a) he shall be deemed to be a resident only 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 only 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 only of the State of which he is a national;
 - (d) in any other case, the competent authorities of the Contracting States shall settle the question by mutual agreement.

3. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated.

Article 5

PERMANENT ESTABLISHMENT

1. For the purposes of this Agreement, the term “permanent establishment” means a fixed place of business through which the business of an enterprise is wholly or partly carried on.
2. The term “permanent establishment” includes especially:
 - (a) a place of management;
 - (b) a branch;
 - (c) an office;
 - (d) a factory;
 - (e) a workshop; and
 - (f) a mine, an oil or gas well, a quarry or any other place of extraction of natural resources including an offshore drilling site.
3. The term “permanent establishment” shall include:
 - (a) a building site, a construction or installation or assembly project, or supervisory services connected therewith, but only if such site or project or services last more than nine months;

- (b) 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 activities of that nature continue (for the same or a connected project) within a Contracting State for a period or periods aggregating more than six months within any twelve-month period.
- 4. Notwithstanding the preceding provisions of this Article, the term “permanent establishment” shall be deemed not 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 of collecting information, for the enterprise;
 - (e) 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;
 - (f) the maintenance of a fixed place of business solely for any combination of activities mentioned in sub-paragraphs (a) to (e), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.
- 5. Notwithstanding the provisions of paragraphs 1 and 2, where a person - other than an agent of an independent status to whom paragraph 6 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. An 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.
7. 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.

Article 6

INCOME FROM IMMOVABLE PROPERTY

1. Income 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. The 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, boats and aircraft shall not be regarded as immovable property.

3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting, or use in any other form of immovable property.
4. The 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

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. Subject to the provisions of paragraph 3, 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 determining the profits of a permanent establishment, there shall be allowed as deductions all expenses, including executive and general administrative expenses, which would be deductible if the permanent establishment were an independent

enterprise, insofar as they are reasonably allocable to the permanent establishment, whether incurred in the Contracting State in which the permanent establishment is situated or elsewhere.

4. Insofar 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. No 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. 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 Agreement, then the provisions of those Articles shall not be affected by the provisions of this Article.

Article 8

SHIPPING AND AIR TRANSPORT

1. Profits of an enterprise of a Contracting State derived from the operation of ships or aircraft in international traffic shall be taxable only in that State.
2. For the purposes of this Article, profits from the operation of ships or aircraft in international traffic shall include:

- (a) profits from the rental on a bareboat basis of ships and aircraft; and
- (b) profits from the use, maintenance or rental of containers (including trailers and related equipment for the transport of containers), used for the transport of goods or merchandise;

where such rental or such use, maintenance or rental, as the case may be, is incidental to the operation of ships or aircraft in international traffic.

- 3. The provisions of paragraphs 1 and 2 shall also apply to profits from the participation in a pool, a joint business or an international operating agency.

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. Where 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 shall make an appropriate adjustment to the amount of the tax charged therein on those profits. In determining such adjustment, due regard shall be had to the other provisions of this Agreement and the competent authorities of the Contracting State shall if necessary consult each other.

Article 10

DIVIDENDS

1. Dividends 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. However, 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. Under the full imputation system adopted currently by both Contracting States, where dividends are paid by a company which is a resident of one Contracting State to a resident of the other Contracting State who is the beneficial owner of such dividends, the tax on the gross amount of the dividends in the first-mentioned State shall not exceed the tax chargeable on the profits or income of the company out of which the dividends are paid.
3. Under the full imputation system adopted by both Contracting State, there is no final withholding tax on dividends in addition to the tax chargeable in respect of the profits or income of the company out of which the dividends are paid. If, subsequent to the signing of the Agreement, any of the Contracting States introduces a final withholding tax on dividends in addition to the tax chargeable in respect of the profits or income of the company, dividends paid by a company which is a resident of such Contracting

State to the Government of the other Contracting State shall be exempt from such final withholding tax in the first-mentioned State.

4. For the purposes of paragraph 3, the term “Government” :

(a) in the case of Malta, means the Government of Malta and shall include:

(i) the Central Bank of Malta;

(ii) the Malta Enterprise;

(iii) a statutory body or any institution wholly or mainly owned by the Government of Malta as may be agreed from time to time between the competent authorities of the Contracting States.

(b) in the case of Singapore, means the Government of Singapore and shall include:

(i) the Monetary Authority of Singapore and the Board of Commissioners of Currency;

(ii) the Government of Singapore Investment Corporation Pte Ltd;

(iii) a statutory body or any institution wholly or mainly owned by the Government of Singapore as may be agreed from time to time between the competent authorities of the Contracting States.

5. The provision of this Article shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

6. The term “dividends” as used in this Article means income from shares, mining shares, founders' 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.

7. The provisions of paragraph 1 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 or Article 14, as the case may be, shall apply.
8. Where 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, nor subject the company's undistributed profits to a tax on the company's undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.

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 :

- (a) 7 per cent of the gross amount of the interest if it is received by a bank;
 - (b) 10 per cent of the gross amount of the interest in all other cases.
- 3. Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State and paid to the Government of the other Contracting State shall be exempt from tax in the first-mentioned Contracting State.
- 4. For the purposes of paragraph 3, the term “Government”:
 - (a) in the case of Malta, means the Government of Malta and shall include :
 - (i) the Central Bank of Malta;
 - (ii) the Malta Enterprise;
 - (iii) a statutory body or any institution wholly or mainly owned by the Government of Malta as may be agreed from time to time between the competent authorities of the Contracting States.
 - (b) in the case of Singapore, means the Government of Singapore and shall include :
 - (i) the Monetary Authority of Singapore and the Board of Commissioners of Currency;
 - (ii) the Government of Singapore Investment Corporation Pte Ltd;
 - (iii) a statutory body or any institution wholly or mainly owned by the Government of Singapore as may be agreed from time to time between the competent authorities of the Contracting States.

5. The 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.
6. 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 14, as the case may be, shall apply.
7. Interest shall be deemed to arise in a Contracting State when the payer is that State itself, a political subdivision, a local authority, a statutory body 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 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.
8. 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 Agreement.

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 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. The term “royalties” as used in this Article means payments of any 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, 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. The 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 or Article 14, as the case may be, shall apply.
5. Royalties shall be deemed to arise in a Contracting State when the payer is that State itself, a political subdivision, a local authority, a statutory body 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 fixed base in connection with which the liability to pay the royalties was incurred, 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. 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 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 Agreement.

Article 13

CAPITAL GAINS

1. Gains derived by a resident of a Contracting State from the alienation of immovable property referred to in Article 6 and situated in the other Contracting State may be taxed in that other State.
2. Gains derived by a resident of a Contracting State from the alienation of shares (other than shares traded on a recognised Stock Exchange) deriving at least 75 per cent of their value directly or indirectly from immovable property situated in the other Contracting State may be taxed in that other State.
3. Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing 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.

4. Gains derived by an enterprise of a Contracting State from the alienation of ships or aircraft operated in international traffic, or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that State.
5. Gains from the alienation of any property other than that referred to in paragraphs 1, 2, 3 and 4 shall be taxable only in the Contracting State of which the alienator is a resident.

Article 14

INDEPENDENT PERSONAL SERVICES

1. Income derived by an individual who is 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. However, such income may be taxed in the other Contracting State in the following circumstances :
 - (a) if he has a fixed base regularly available to him in the other Contracting State for the purpose of performing his activities; in that case, only so much of the income as is attributable to that fixed base may be taxed in that other State; or
 - (b) if his stay in the other State is 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 that case, only so much of the income as is derived from his activities performed in that other State may be taxed in that other State.

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

Article 15

DEPENDENT PERSONAL SERVICES

1. Subject to the provisions of Articles 16, 18 and 19, 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 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. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State shall be taxable only in that State.

However, if the remuneration is derived by a resident of the other Contracting State, it may also be taxed in that other State.

Article 16

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 17

ARTISTES AND SPORTSMEN

1. Notwithstanding the provisions of Articles 14 and 15, 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. Where income in respect of or in connection with personal activities exercised by an entertainer or a sportsman accrues not to the entertainer or sportsman himself but to another person, that income may, notwithstanding the provisions of Articles 7, 14 and 15, be taxed in the Contracting State in which the activities of the entertainer or sportsman are exercised.
3. The provisions of paragraphs 1 and 2 shall not apply to income derived from activities exercised in a Contracting State if the visit to that State is directly or indirectly supported wholly or substantially from the public funds of the other Contracting State, a political subdivision, a local authority or a statutory body thereof.

Article 18

PENSIONS AND SOCIAL SECURITY PAYMENTS

1. Subject to the provisions of paragraph 2 of Article 19, 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. Notwithstanding the provisions of paragraph 1, pensions paid and other payments made under the social security legislation of a Contracting State shall be taxable only in that State.

Article 19

GOVERNMENT SERVICE

1. (a) Salaries, wages and other similar remuneration, other than a pension, paid by a Contracting State or a political subdivision or a local authority or a statutory body thereof to an individual in respect of services rendered to that State or subdivision or authority or body shall be taxable only in that State.

(b) However, such salaries, wages and other similar 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:
 - (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.
2. (a) Any pension paid by, or out of funds created by, a Contracting State or a political subdivision or a local authority or a statutory body thereof to an

individual in respect of services rendered to that State or subdivision or authority or body 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. The provisions of Articles 15, 16 and 18 shall apply to salaries, wages and other similar remuneration, and to pensions, in respect of services rendered in connection with a business carried on by a Contracting State or a political subdivision or a local authority or a statutory body thereof.

Article 20

STUDENTS AND BUSINESS APPRENTICES

A student or business apprentice who is present in a Contracting State solely for the purpose of his education or training and who is, or immediately before being so present was, a resident of the other Contracting State shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State for the purposes of his maintenance, education or training.

Article 21

OTHER INCOME

1. Items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Agreement shall be taxable only in that State.
2. The provisions of paragraph 1 shall not apply to income, other than income from immovable property as defined in paragraph 2 of Article 6, if the recipient of such income, being a resident of a Contracting State, carries on business in the other

Contracting State 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 income is paid is effectively connected with such permanent establishment or fixed base. In such case, the provisions of Article 7 or Article 14, as the case may be, shall apply.

3. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of this Agreement and arising in the other Contracting State may be taxed in that other Contracting State.

Article 22

ELIMINATION OF DOUBLE TAXATION

1. In the case of Malta, double taxation shall be eliminated as follows:

Subject to the provisions of the law of Malta regarding the allowance of a credit against Malta tax in respect of foreign tax, where, in accordance with the provisions of this Agreement, there is included in a Malta assessment income from sources within Singapore, the Singapore tax on such income shall be allowed as a credit against the relative Malta tax payable thereon.

2. In the case of Singapore, double taxation shall be eliminated as follows:

Where a resident of Singapore derives income from Malta which, in accordance with the provisions of this Agreement, may be taxed in Malta, Singapore shall, subject to its laws regarding the allowance as a credit against Singapore tax of tax payable in any country other than Singapore, allow the Malta tax paid, whether directly or by deduction, as a credit against the Singapore tax payable on that income of the resident. Where such income is a dividend paid by a company which is a resident of Malta to a resident of Singapore, no credit shall be given unless the beneficial owner of the

dividend is a company owning directly or indirectly not less than 10 per cent of the share capital of the first-mentioned company.

3. For the purposes of paragraphs 1 and 2, the term “Singapore tax” or “Malta tax”, as the context requires, shall be deemed to include the tax which is otherwise payable in Singapore or Malta, as the case may be, had it not been reduced or exempted by that Contracting State under its legal provisions for tax incentives.
4. The provisions of paragraph 3 shall apply for the first ten years for which this Agreement has effect, and shall continue to apply thereafter for further periods of five years. Either Contracting State may terminate the application of the provisions of paragraph 3 by giving notice in writing at least six months before the expiry of the ten-year period or any subsequent five-year period, as the case may be. In such event, the provisions of paragraph 3 shall cease to apply on the expiry of the relevant ten-year or five-year period.

Article 23

NON-DISCRIMINATION

1. 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. This provision shall, notwithstanding the provisions of Article 1, also apply to persons who are not residents of one or both of the Contracting States.
2. The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities.
3. Nothing in this Article shall be construed as obliging a Contracting State to grant to:

- (a) residents of the other Contracting State any personal allowances, reliefs and reductions for tax purposes which it grants to its own residents; or
 - (b) nationals of the other Contracting State those personal allowances, reliefs and reductions for tax purposes which it grants to its own nationals who are not residents of that State or to such other person as may be specified in the taxation laws of that State.
4. Except where the provisions of paragraph 1 of Article 9, paragraph 8 of Article 11, or paragraph 6 of Article 12 apply, interest, royalties 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.
 5. 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 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.
 6. Where a Contracting State grants tax incentives to its nationals designed to promote economic or social development in accordance with its national policy and criteria, it shall not be construed as discrimination under this Article.

Article 24

MUTUAL AGREEMENT PROCEDURE

1. Where 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 Agreement, 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 23, 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 Agreement.

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 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 Agreement. 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 Agreement. They may also consult together for the elimination of double taxation in cases not provided for in the Agreement.
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.

Article 25

EXCHANGE OF INFORMATION

1. The competent authorities of the Contracting States shall exchange such information as is necessary for carrying out the provisions of this Agreement or of the domestic laws of the Contracting States concerning taxes covered by the Agreement insofar as the taxation thereunder is not contrary to the Agreement. Any information so received by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons

or authorities (including courts and administrative bodies) 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 Agreement. 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. In no case shall the provisions of paragraph 1 be construed so as to impose on a Contracting State the obligation:
 - (a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;
 - (b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;
 - (c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy (ordre public).

Article 26

MEMBERS OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

Nothing in this Agreement 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 27

ENTRY INTO FORCE

1. Each of the Contracting States shall notify the other, through diplomatic channels, that the procedures required by its law for the entry into force of this Agreement have been complied with.
2. The Agreement shall enter into force on the date of the later of the notifications referred to in paragraph 1 and its provisions shall have effect in respect of tax chargeable for any year of assessment beginning on or after the first day of January in the second calendar year following the year in which the Agreement enters into force.

Article 28

TERMINATION

This Agreement shall remain in force until terminated by a Contracting State. Either Contracting State may terminate the Agreement, through diplomatic channels, by giving notice of termination at least six months before the end of any calendar year beginning after the expiration of a period of five years from the date on which the Agreement enters into force. In such event, the Agreement shall cease to have effect in respect of tax chargeable for any year of assessment beginning on or after the first day of January in the second calendar year following the year in which the notice is given.

IN WITNESS WHEREOF the undersigned, duly authorised thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at Singapore on this 21st day of March, 2006 in the English language.

Dr Michael Frendo
Minister of Foreign Affairs

Mr Raymond Lim
Second Minister of Foreign Affairs

For the Government of
Malta

For the Government of
the Republic of Singapore

PROTOCOL

At the moment of signing the Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, this day concluded between the Government of the Republic of Singapore and the Government of Malta, the undersigned have agreed that the following provisions shall form an integral part of the Agreement.

Article 10

- (a) It is understood that both Singapore and Malta currently adopt the full imputation system regarding the taxation of company profits and the subsequent distribution of dividends to the company's shareholders. Under the imputation system, the amount of dividend chargeable to tax in the shareholder's hands is the aggregate of the amount of the dividend and the amount of the tax paid or payable by the company on the profits or income out of which dividend is paid. Such tax is set off against the shareholder's tax liability on all income chargeable to tax.

- (b) For the purposes of paragraph 2, it is understood that in the case of Singapore, where the dividend is a dividend paid out of the profits or income exempt from tax or taxed at a reduced rate under the laws designed to promote economic development and such dividend is paid on a share of a preferential nature, the "tax chargeable on the profits or income of the company out of which the dividends are paid" shall be deemed to include the tax which would have been paid but for the exemption or reduction under such laws.

Article 23

With reference to paragraph 4, it is understood that, for the purposes of allowing deduction of a payment of expenses to a non-resident, nothing in the said paragraph shall be construed as preventing Singapore from imposing any obligation to withhold tax from such a payment.

IN WITNESS WHEREOF the undersigned, duly authorised thereto by their respective Governments, have signed this Protocol.

DONE in duplicate at Singapore on this 21st day of March, 2006 in the English language.

Dr Michael Frendo
Minister of Foreign Affairs

Mr Raymond Lim
Second Minister of Foreign Affairs

For the Government of
Malta

For the Government of
the Republic of Singapore

