

PROTOCOL

At the signing of the Convention concluded this day between Canada and the Republic of Korea for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, the undersigned have agreed on the following provisions which shall be an integral part of the Convention:

1. It is understood that as long as the temporary defense surtax is imposed in Korea and charged by reference to the income tax and the corporation tax, it shall be the subject of this Convention within the meaning of paragraph 2(b) of Article II.
2. With reference to Article IV, it is understood that where by reason of the provisions of paragraph 1 of that Article, a person other than an individual or a company is a resident of both Contracting States, the competent authorities of the Contracting States shall by mutual agreement endeavour to settle the question and to determine the mode of application of the Convention to such person.
3. It is understood that notwithstanding the provisions of paragraph 1 of Article VIII and the provisions of Article VII, income or profits derived by an enterprise of a Contracting State from a voyage of a ship or aircraft where the principal purpose of the voyage is to transport passengers or goods between places in the other Contracting State may be taxed in that other State.
4. It is understood that the provisions of paragraph 7 of Article XXI concerning interest arising in a Contracting State and paid to a financial instrumentality wholly-owned by the Government or the central bank of the other Contracting State or both, shall apply only to interest paid to the Export Development Corporation of Canada, the Korea Exchange Bank and to any other instrumentality which is specified and agreed to in letters exchanged between the competent authorities of the Contracting States.
5. It is understood that for the purposes of applying the provisions of paragraph 1 of Article XIII, the term immovable property shall also include shares of a company the property of which consists principally of immovable property.
6. It is understood that a student, apprentice or business trainee who is, or was immediately before visiting one of the Contracting States, a resident of the other Contracting State and who is present in the first-mentioned State solely for the purpose of his education or training shall not be taxed in that first-mentioned State in respect of remittances received by him from abroad for the purpose of his maintenance, education or training. It is further understood that a student, apprentice or business trainee who is, or was immediately before visiting Canada, a resident of Korea and who is present in Canada solely for the purpose of his education or training shall, in determining his income for any taxation year be allowed to deduct, for purposes of Canadian taxation, five hundred Canadian dollars (\$500) from the total amount of scholarships or bursaries received by him in the year from sources in Canada and, subject to the appropriate existing provisions of Canadian law and to