

"3. Nothing in this Convention shall be construed as preventing a Contracting State from imposing on the earnings attributable to permanent establishments in that State of a company which is a resident of the other Contracting State, tax in addition to the tax which would be chargeable on the earnings of a company which is a resident of the first-mentioned State, provided that the rate of any additional tax so imposed shall not exceed 15 per cent of the amount of such earnings which have not been subjected to such additional tax in previous taxation years.

4. For the purpose of paragraph 3 of this Article, the term "earnings" means the profits attributable to permanent establishments in a Contracting State (including gains from the alienation of property forming part of the business property of such permanent establishments) in a year and previous years after deducting therefrom:

- (a) business losses attributable to such permanent establishments (including losses from the alienation of property forming part of the business property of such permanent establishments) in such year and previous years; and
- (b) all taxes, other than the additional tax referred to in paragraph 3 of this Article, imposed on such profits in that State; and
- (c) the profits reinvested in that State, provided that where that State is Canada, the amount of such deduction shall be determined in accordance with the existing provisions of the law of Canada regarding the computation of the allowance in respect of investment in property in Canada, and any subsequent modification of those provisions which shall not affect the general principle thereof; and
- (d) five hundred thousand Canadian dollars (\$500,000), or two hundred and fifty thousand pounds sterling (£250,000), whichever is the greater, less any amount deducted in that State under this sub-paragraph (d) by the company or a company associated therewith; for the purposes of this sub-paragraph (d) a company is associated with another company if one of them directly or indirectly has control of the other or both are directly or indirectly under the control of the same person; or if the two companies deal with each other not at arm's length."

#### ARTICLE IV

The following new Article shall be inserted immediately after Article 27 of the Convention:

#### "ARTICLE 27A

##### *Micellaneous Rules Applicable to certain offshore activities*

1. The provisions of this Article shall apply notwithstanding any other provision of this Convention.