

## PROTOCOL

At the moment of signing the *Convention between Canada and the Republic of Poland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income* (the "Convention") the signatories have agreed that the following provisions shall form an integral part of the Convention:

1. For the purposes of subparagraph 1(h) of Article 3 and paragraph 2 of Article 8 of the Convention, it is understood that a navigation or an incidental stop outside the other Contracting State does not, in and of itself, render a transport not "solely" between places in the other Contracting State.
2. With reference to paragraph 4 of Article 6 of the Convention, that paragraph is included given that, in the case of Canada, certain alienations of immovable property, in particular in connection with trading activities, give rise to "income" rather than "capital gains" for tax purposes.
3. With reference to paragraph 4 of Article 9 and paragraph 3 of Article 23 of the Convention, in the case of Poland, the expression "in the case of fraud or wilful default" also includes all cases where a person has been notified that administrative proceedings concerning fraud or wilful default have been initiated against that person.