

2. 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 professional services, including such gains from the alienation of such a permanent establishment (alone or together with the whole enterprise) or of such a fixed base may be taxed in the other State. However, gains from the alienation of ships or aircraft operated in international traffic and movable property pertaining to the operation of such ships or aircraft, shall be taxable only in the Contracting State in which such property is taxable according to paragraph 3 of Article XXI.

3. Gains from the alienation of shares of a company, the property of which consists principally of immovable property situated in a Contracting State, may be taxed in that State.

Gains from the alienation of an interest in a partnership or a trust, the property of which consists principally of immovable property situated in a Contracting State, may be taxed in that State.

4. Gains from the alienation of any property, other than those mentioned in paragraphs 1, 2 and 3 shall be taxable only in the Contracting State of which the alienator is a resident.

5. The provisions of paragraph 4 shall not affect the right of a Contracting State to levy, according to its domestic law, a tax on gains derived by an individual who is a resident of the other Contracting State from the alienation of any property, if the alienator:

- (a) possesses the nationality of the first-mentioned State or was resident therein for ten years or more prior to the alienation of the property; and
- (b) was resident in the first-mentioned State at any time during the five years immediately preceding the alienation of the property.

ARTICLE XIV

Independent Personal Services

1. Income derived by a resident of a Contracting State from the performance of independent personal services may be taxed in that Contracting State. Subject to the provisions of paragraph 2, such income is exempt from tax in the other Contracting State.

2. Income derived by a resident of a Contracting State from the performance of independent personal services in the other Contracting State may be taxed in that other State:

- (a) if he is present in the other Contracting State for a period or periods amounting to or exceeding in the aggregate 183 days in the taxation year; or