PROTOCOL

At the signing of the Convention between the Government of Canada and the Government of the Republic of Korea for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income (hereinafter referred to as the "Convention"), the undersigned have agreed upon the following provisions which shall be an integral part of the Convention:

1. With reference to subparagraph (a) of paragraph 1 of Article 2 of the Convention, it is understood that Korea has agreed to include the "inhabitant tax" and the "special tax for rural development" based on Korea's understanding that the political subdivisions of Canada do not impose withholding tax on income arising in their respective subdivisions and paid to non-residents of Canada and that the political subdivisions recognize and take into account the provisions of Canada's income tax agreements or conventions.

2. With reference to Article 10 of the Convention, the Contracting States may, through an exchange of diplomatic notes, agree to the insertion in that Article of the following provisions which will have effect from the date of the later of the two notes:

"7. Notwithstanding the provisions of paragraph 2, dividends arising in a Contracting State and paid to an organisation that is operated in the other Contracting State exclusively to administer or provide benefits under one or more pension, retirement or employee benefits plans shall be exempt from tax in the first-mentioned State if:

(a) the organisation is the beneficial owner of the shares on which the dividends are paid, holds those shares as an investment and is generally exempt from tax in the other State;

(b) the organisation does not own directly or indirectly more than 5 per cent of the capital or 5 per cent of the voting stock of the company paying the dividends; and

(c) the class of shares of the company on which the dividends are paid is regularly traded on an approved stock exchange.