

**PROTOCOL**  
**BETWEEN**  
**THE GOVERNMENT OF CANADA**  
**AND**  
**THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA**  
**AMENDING THE CONVENTION FOR THE AVOIDANCE OF DOUBLE**  
**TAXATION AND THE PREVENTION OF FISCAL EVASION WITH**  
**RESPECT TO TAXES ON INCOME AND ON CAPITAL**  
**SIGNED AT VIENNA ON THE 9TH DAY OF DECEMBER 1976**

**THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA**, hereinafter referred to as the "Parties",

**DESIRING** to amend the Convention between Canada and the Republic of Austria for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital, signed at Vienna on the 9th day of December 1976 (hereinafter referred to as "the Convention"),

**HAVE AGREED** as follows:

**Article I**

1. Paragraph 2 of Article 10 of the Convention shall be deleted and replaced by the following:

"2. However, such dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident and according to the laws of that State, but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed

- (a) except in the case of dividends paid by a non-resident-owned investment corporation that is a resident of Canada, 5 per cent of the gross amount of the dividends if the beneficial owner is a company that controls directly or indirectly at least 10 per cent of the voting power in the company paying the dividends; and
- (b) 15 per cent of the gross amount of the dividends, in all other cases.

The provisions of this paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid."

2. Paragraph 6 of Article 10 of the Convention shall be deleted and replaced by the following: