

ARTICLE 10

Article 13 of the Convention shall be deleted and replaced by the following:

"Article 13

Capital Gains

1. (a) Gains from the alienation of immovable property may be taxed in the Contracting State in which such property is situated.
- (b) Gains from the alienation of shares or other rights in a company the assets of which consist principally of immovable property situated in a Contracting State may be taxed in that State.
- (c) Gains from the alienation of an interest in a partnership or a trust the assets of which consist principally of immovable property situated in a Contracting State may be taxed in that State.
- (d) For the purposes of subparagraphs (b) and (c), and for the purposes of paragraph 2 of Article 22, the term "immovable property situated in a Contracting State" includes immovable property situated in that State which is referred to in Article 6, and the shares or other rights the value of which is derived, directly or indirectly, principally from immovable property situated in that State, and an interest in a partnership or trust, the value of which is derived, directly or indirectly, principally from immovable property situated in that State; but it does not include property, other than rental property, through which the business of the company, partnership or trust is carried on."
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 independent personal services, including such gains from the alienation of such a permanent establishment (alone or with the whole enterprise) or of such fixed base may be taxed in that other State.
3. Gains derived by an enterprise of a Contracting State from the alienation of ships or aircraft operated by that enterprise in international traffic or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that State.
4. Gains from the alienation of any property other than that referred to 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 prevent a Contracting State from taxing, according to its law, gains derived by an individual who is a resident of the other Contracting State from the alienation of any property, if the alienator:
 - (a) is a national of the first-mentioned State or has been a resident of that State for ten years or more prior to the date of the alienation of the property, and