V. METHODS FOR PREVENTION OF DOUBLE TAXATION

ARTICLE 23

Elimination of Double Taxation

1. In the case of Lithuania, double taxation shall be avoided as follows:

(a) Where a resident of Lithuania derives income or owns capital which, in accordance with this Convention, may be taxed in Canada, unless a more favourable treatment is provided in its domestic law, Lithuania shall allow:

(i) as a deduction from the tax on the income of that resident, an amount equal to the income tax paid thereon in Canada;

(ii) as a deduction from the tax on the capital of that resident, an amount equal to the capital tax paid thereon in Canada.

Such deduction in either case shall not, however, exceed that part of the income or capital tax in Lithuania as computed before the deduction is given, which is attributable, as the case may be, to the income or the capital which may be taxed in Canada.

(b) For the purpose of subparagraph (a), where a company that is a resident of Lithuania receives a dividend from a company that is a resident of Canada in which it owns at least 10 per cent of its shares having full voting rights, the tax paid in Canada shall include not only the tax paid on the dividend but also the tax paid on the underlying profits of the company out of which the dividend was paid.

2. In the case of Canada, double taxation shall be avoided as follows:

(a) subject to the existing provisions of the law of Canada regarding the deduction from tax payable in Canada of tax paid in a territory outside Canada and to any subsequent modification of those provisions -- which shall not affect the general principle hereof -- and unless a greater deduction or relief is provided under the laws of Canada, tax payable in Lithuania on profits, income or gains arising in Lithuania shall be deducted from any Canadian tax payable in respect of such profits, income or gains;

(b) subject to the existing provisions of the law of Canada regarding the taxation of income from a foreign affiliate and to any subsequent modification of those provisions -- which shall not affect the general principle hereof -- for the purpose of computing Canadian tax, a company which is a resident of Canada shall be allowed to deduct in computing its taxable income any dividend received by it out of the exempt surplus of a foreign affiliate which is a resident of Lithuania; and

(c) where in accordance with any provision of the Convention income derived by a resident of Canada is exempt from tax in Canada, Canada may nevertheless, in calculating the amount of tax on the remaining income of such resident, take into account the exempted income.