

- (b) if the Contracting State in which the individual's centre of vital interests cannot be determined, or if there is not a permanent home available to the individual in either Contracting State, the individual shall be deemed to be a resident only of the Contracting State in which the individual has an habitual abode;
- (c) if the individual has an habitual abode in both Contracting States or in neither of them, the individual shall be deemed to be a resident only of the Contracting State of which the individual is a national;
- (d) if the Contracting State of which the individual is a resident can not be determined under the preceding criteria, the competent authorities of the Contracting States shall settle the question by mutual agreement.

3. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, the competent authorities of the Contracting States shall by mutual agreement endeavour to settle the question and to determine the mode of application of the Convention to such person. In the absence of such agreement, the person shall be deemed not to be a resident of either Contracting States for the purpose of obtaining benefits provided under the Convention.

## ARTICLE 5

### Permanent Establishment

1. For the purposes of this Convention, the term "permanent establishment" means a fixed place of business through which the business of an enterprise is wholly or partly carried on.
2. The term "permanent establishment" includes especially:
  - (a) a place of management;
  - (b) a branch;
  - (c) an office;
  - (d) a factory;
  - (e) a workshop;
  - (f) a sales outlet;
  - (g) a mine, an oil or gas well, a quarry or any other place of extraction of natural resources;
  - (h) a building site or construction or installation project or supervisory activities in connection therewith but only if the site, project or activity continues for a period of more than three months;
  - (i) the furnishing of services, including consultancy services, by an enterprise through employees or other personnel hired by the enterprise for that purpose, but only if activities of that nature continue (for the same or a connected project) within the country for a period or periods aggregating more than three months within any twelve month period.