right to use industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience, and including payments of any kind in respect of motion pictures films and works on films or videotapes for use in connection with television, and payments for technical and economic studies.

3. The provisions of paragraphs 1 and 2 shall not apply if the recipient of the royalties, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties arise through a permanent establishment situated therein, or performs in that other State professional services from a fixed base situated therein, and the right or property in respect of which the royalties are paid is effectively connected with such permanent establishment or fixed base. In such a case, the provisions of Article VII or Article XIV, as the case may be, shall apply.

4. Royalties shall be deemed to arise in a Contracting State when the payer is that State itself, a political subdivision, a local authority or a resident of that State. Where however the person paying the royalties, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or fixed base in connection with which the obligation to pay the royalties was incurred, and such royalties are borne by that permanent establishment or fixed base, then such royalties shall be deemed to arise in the Contracting State in which the permanent establishment or fixed base is situated.

5. Where, owing to a special relationship between the payer and the recipient or between them or either of them and some other person, the amount of the royalties paid, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In that case, the excess part of the payments shall remain taxable according to the law of each Contracting State, due regard being had to the other provisions of this Convention.

Article XIII

Gains from the alienation of property

1. Gains from the alienation of immovable property may be taxed in the Contracting State in which such property is situated.

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 professional 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 the Contracting State in which such permanent establishment or fixed base is situated.

3. Gains from the alienation of ships or aircraft operated in international traffic, boats engaged in inland waterways transportation, or movable property pertaining to the operation of such ships, aircraft or boats, shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.

4. Gains from the alienation of shares of the capital stock of a company the property of which consists wholly or principally of immovable property situated in a Contracting State may be taxed in that State.

5. Gains from the alienation of any property other than that mentioned in paragraphs 1, 2, 3 and 4 shall be taxable only in the Contracting State of which the alienator is a resident.

6. Les dispositions des paragraphes 2 et 3 ne s'appliquent pas lorsque le bénéficiaire des revenus, résidant d'un Etat contractant exerce dans l'autre Etat contractant d'où proviennent les revenus soit une activité commerciale par l'intermédiaire d'un établissement stable, soit une profession libérale au moyen d'une base fixe si que le droit ou le bien générateur des revenus s'y rattache effectivement. Dans ces hypothèses, les dispositions de l'article VII ou de l'article XIV, suivant les cas, s'appliquent.

7. Les revenus sont réputés comme provenant d'un Etat contractant lorsque le débiteur est cet Etat lui-même, une subdivision politique, une collectivité locale ou un résident de cet Etat. Toutefois, lorsque le débiteur des redevances, qu'il soit ou non résident d'un Etat contractant, a dans un Etat contractant un établissement stable ou une base fixe pour lesquel la redevance donnant lieu au paiement des redevances a été contractée et qui supporte la charge des redevances, ces redevances sont réputées provenir de l'Etat contractant où l'établissement stable ou la base fixe est situé.

8. Si, par suite de relations spéciales existant entre le débiteur et le créancier ou que l'un et l'autre entretiennent avec des tierces personnes, le montant des redevances payées, compte tenu de la prestation pour laquelle elles sont versées, excède celui dont seraient convenus le débiteur et le créancier en l'absence de pareilles relations, les dispositions du présent article ne s'appliquent qu'à ce dernier montant. En ce cas, la partie excédentaire des paiements reste imposable conformément à la législation de chaque Etat contractant et compte tenu des autres dispositions de la présente Convention.

Article XIII

Gains provenant de l'aliénation de biens

1. Les gains provenant de l'aliénation des biens immobiliers sont imposables dans l'Etat contractant où ces biens sont situés.

2. Les gains provenant de l'aliénation de biens mobiliers faisant partie de l'actif d'un établissement stable qu'une entreprise d'un Etat contractant a dans l'autre Etat contractant, ou de biens mobiliers constituant d'une base fixe dont un résident d'un Etat contractant dispose dans l'autre Etat contractant pour l'exercice d'une profession libérale, y compris de tels gains provenant de l'aliénation pleine de cet établissement stable (seul ou avec l'ensemble de l'entreprise) ou de cette base fixe,