

ARTICLE IV

With reference to Articles 7 and 13 of the Convention:

It is understood that, notwithstanding paragraph 7 of Article 7, where items of income are dealt with in both Article 7 and paragraph 2 of Article 13 of this Convention, then the provisions of Article 7 shall apply.

ARTICLE V

With reference to Article 8 of the Convention:

The interpretation of the term "profits" in paragraph 2 of Article 8 should be guided by the first sentence of paragraph 5 of the Commentary on Article 8 of the Organisation for Economic Co-Operation and Development Model Tax Convention on Income and on Capital (July 2008).

ARTICLE VI

With reference to Articles 10, 11 and 12 of the Convention:

It is understood that in determining, for the purposes of those Articles, whether dividends, interest or royalties are beneficially owned by a resident of New Zealand:

- (a) dividends, interest or royalties in respect of which a trustee is subject to tax in New Zealand;
- (b) dividends in respect of which a trustee would be subject to tax in New Zealand but for an exemption that applies in relation to those dividends as agreed by the competent authorities of the Contracting States,

shall be treated as being beneficially owned by that trustee.

ARTICLE VII

With reference to Article 12 of the Convention:

- (a) It is understood that the term "royalties" does not include income dealt with in Article 8;
- (b) It is understood that the interpretation of subparagraph 3(e) should be guided by paragraph 11.6 of the Commentary on Article 12 of the Organisation for Economic Co-Operation and Development Model Tax Convention on Income and on Capital (July 2008).