

- (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 Kyrgyzstan;
  - (c) where in accordance with any provision of this Agreement income or capital derived by a resident of Canada is exempt from tax in Canada, Canada may nevertheless, in calculating the amount of tax on other income or capital, take into account the exempted income or capital.
2. In the case of Kyrgyzstan, double taxation shall be avoided as follows: where a resident of Kyrgyzstan derives income or owns capital which, in accordance with the provisions of this Agreement, may be taxed in Canada, Kyrgyzstan shall, subject to the existing provisions of the law of Kyrgyzstan, allow:
- (a) as a deduction from the tax on the income of that resident, an amount equal to the income tax paid in Canada;
  - (b) as a deduction from the tax on the capital of that resident, an amount equal to the capital tax paid in Canada.

Such deduction in either case shall not, however, exceed that part of the income tax or capital tax 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.

Where in accordance with any provision of the Agreement income derived or capital owned by a resident of Kyrgyzstan is exempt from tax in Kyrgyzstan, Kyrgyzstan may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital.

3. For the purposes of this Article, profits, income or gains of a resident of a Contracting State which are taxed in the other Contracting State in accordance with this Agreement shall be deemed to arise from sources in that other State.

## VI. SPECIAL PROVISIONS

### ARTICLE 24

#### Non-Discrimination

1. Nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the same circumstances are or may be subjected.
2. The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities.