

ARTICLE IV

(1) Where—

- (a) an enterprise of one of the territories participates directly or indirectly in the management, control or capital of an enterprise of the other territory, or
- (b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the territories and an enterprise of the other territory, and
- (c) in either case conditions are made or imposed between the two enterprises, in either their commercial or financial relations, which differ from those which would be made between independent enterprises,

then any profits which would but for those conditions have accrued to one of the enterprises but by reason of those conditions have not so accrued may be included in the profits of that enterprise and taxed accordingly.

(2) Profits included in the profits of an enterprise of one of the territories under paragraph (1) of this Article shall be deemed, if, apart from this agreement, the law of that other territory in respect of the taxes which are the subject of this Agreement so provide, to be income derived from sources in that territory and shall be taxed accordingly.

(3) If the information available to the Taxation Authorities concerned is inadequate to determine, for the purposes of paragraph (1) of this Article, the profits which might be expected to accrue to an enterprise, nothing in that paragraph shall affect the application of the law of either territory in relation to the liability of that enterprise to pay tax on an amount determined by the exercise of a discretion or the making of an estimate by the Taxation Authorities of that territory: Provided that such discretion shall be exercised or such estimate shall be made, so far as the information available to the Taxation Authorities permits, in accordance with the principles stated in paragraphs (1) and (2) of this Article.

ARTICLE V

Profits derived by the Government of or by a resident of one of the territories from operating ships or aircraft shall be exempt from tax in the other territory.

ARTICLE VI

(1) An individual who is a resident of the Union shall be exempt from Canadian tax on profits or remuneration in respect of personal (including professional) services performed within Canada in any year of assessment if—

- (a) he is present within Canada for a period or periods not exceeding in the aggregate 183 days during that year; and
- (b) the services are performed for or on behalf of a person resident in the Union.

(2) An individual who a resident of Canada shall be exempt from Union tax on profits or remuneration in respect of personal (including professional) services performed within the Union in any year of assessment if—

- (a) he is present within the Union for a period or periods not exceeding in the aggregate 183 days during that year; and
- (b) the services are performed for or on behalf of a person resident in Canada.