AGREEMENT

BETWEEN

THE KINGDOM OF BELGIUM

AND

THE ISLE OF MAN

FOR THE AVOIDANCE OF DOUBLE TAXATION

AND THE PREVENTION OF TAX FRAUD

WITH RESPECT TO TAXES ON INCOME

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THE GOVERNMENT OF THE KINGDOM OF BELGIUM

AND

THE GOVERNMENT OF THE ISLE OF MAN,

DESIRING to conclude an Agreement for the avoidance of double taxation and the prevention of tax fraud with respect to taxes on income,

HAVE AGREED as follows:

Article 1

PERSONS COVERED

This Agreement shall apply to persons who are residents of one or both of the Parties.

ARTICLE 2

TAXES COVERED

1. This Agreement shall apply to taxes on income imposed on behalf of a Party or of its political subdivisions or local authorities, irrespective of the manner in which they are levied.

2. There shall be regarded as taxes on income all taxes imposed on total income or on elements of income, including taxes on gains from the alienation of movable or immovable property, taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation.

3. The existing taxes to which the Agreement shall apply are in particular:

   a) in the case of the Isle of Man:

      taxes on income or profit,

      (hereinafter referred to as "Manx tax");

   b) in the case of Belgium:

      i) the individual income tax;
      ii) the corporate income tax;
      iii) the income tax on legal entities;
      iv) the income tax on non-residents,
      including the prepayments and the surcharges on these taxes and prepayments,

      (hereinafter referred to as "Belgian tax").

4. The Agreement shall apply also to any identical or substantially similar taxes that are imposed after the date of signature of the Agreement in addition to, or in place of, the existing taxes. The competent authorities of the Parties shall notify each other of any significant changes that have been made in their taxation laws.

Article 3

GENERAL DEFINITIONS

1. For the purposes of this Agreement, unless the context otherwise requires:

   a) the term "Isle of Man" means the island of the Isle of Man;

b) the term “Belgium” means the Kingdom of Belgium; used in a geographical sense, it means the territory of the Kingdom of Belgium, including the territorial sea and any other area in the sea and in the air within which the Kingdom of Belgium, in accordance with international law, exercises sovereign rights or its jurisdiction;

c) the terms “a Party” and “the other Party” mean the Isle of Man or Belgium as the context requires; the term “Parties” means the Isle of Man and Belgium;

d) the term “person” includes an individual, a company and any other body of persons;

e) the term “company” means any body corporate or any entity that is treated as a body corporate for tax purposes in the Party of which it is a resident;

f) the terms “enterprise of a Party” and “enterprise of the other Party” mean respectively an enterprise carried on by a resident of a Party and an enterprise carried on by a resident of the other Party;

g) the term “international traffic” means any transport by a ship or aircraft operated by an enterprise that has its place of effective management in a Party, except when the ship or aircraft is operated solely between places in the other Party;

h) the term “competent authority” means:

   i) in the case of the Isle of Man, the Assessor of Income Tax or his delegate; and

   ii) in the case of Belgium, the Minister of Finance or his authorised representative;

i) the term “national”, in relation to a Party, means:

   i) any individual possessing the nationality or citizenship of that Party;

   ii) any legal person, partnership or association deriving its status as such from the laws in force in that Party;

j) the term “pension fund” means any person established in a Party that is:

   i) in the case of Belgium, an entity organised under Belgian law and regulated by the Banking, Finance and Insurance Commission; and which is operated:

      A) to administer or provide retirement benefits, and/or
      B) to earn income on behalf of one or more persons operated to administer or provide retirement benefits;

   ii) in the case of the Isle of Man, a pension scheme or arrangement regulated by the Insurance and Pensions Authority, approved by the Assessor and which is operated to administer or provide retirement benefits.

2. As regards the application of the Agreement at any time by a Party, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that Party for the purposes of the taxes to which the Agreement applies, any meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.

Article 4

RESIDENT

1. For the purposes of this Agreement, the term "resident of a Party" means any person who, under the laws of that Party, is liable to tax therein by reason of his domicile, residence, place of management or any other criterion of a similar nature, and also includes that Party, any political subdivision or local authority thereof and a pension fund. This term, however, does not include any person who is liable to tax in that Party in respect only of income from sources in that Party.

2. Where by reason of the provisions of paragraph 1 an individual is a resident of both Parties, then his status shall be determined as follows:

   a) he shall be deemed to be a resident only of the Party in which he has a permanent home available to him; if he has a permanent home available to him in both Parties, he shall be deemed to be a resident only of the Party with which his personal and economic relations are closer (centre of vital interests);

   b) if the Party in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either Party, he shall be deemed to be a resident only of the Party in which he has an habitual abode;

   c) if he has an habitual abode in both Parties or in neither of them, he shall be deemed to be a resident only of the Party of which he is a national;

   d) if he is a national of both Parties or of neither of them, the competent authorities of the Parties 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 Parties, then it shall be deemed to be a resident only of the Party in which its place of effective management is situated.

Article 5

PERMANENT ESTABLISHMENT

1. For the purposes of this Agreement, 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; and
f) a mine, an oil or gas well, a quarry or any other place of extraction of natural resources.

3. A building site or construction or installation project constitutes a permanent establishment only if it lasts more than 12 months.

4. Notwithstanding the preceding provisions of this Article, the term “permanent establishment” shall be deemed not to include:

a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;

b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;

c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;

d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise or of collecting information, for the enterprise;

e) the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character;

f) the maintenance of a fixed place of business solely for any combination of activities mentioned in sub-paragraphs a) to e), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.

5. Notwithstanding the provisions of paragraphs 1 and 2, where a person other than an agent of an independent status to whom paragraph 6 applies, is acting on behalf of an enterprise and has, and habitually exercises, in a Party an authority to conclude contracts in the name of the enterprise, that enterprise shall be deemed to have a permanent establishment in that Party in respect of any activities which that person undertakes for the enterprise, unless the activities of such person are limited to those mentioned in paragraph 4 which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph.

6. An enterprise of a Party shall not be deemed to have a permanent establishment in the other Party merely because it carries on business in that Party through a broker, general commission agent or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business.

7. The fact that a company which is a resident of a Party controls or is controlled by a company which is a resident of the other Party, or which carries on business in that other Party (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

Article 6

INCOME FROM IMMOVABLE PROPERTY

1. Income derived by a resident of a Party from immovable property (including income from agriculture or forestry) situated in the other Party may be taxed in that other Party.

2. The term "immovable property" shall have the meaning which it has under the law of the Party in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of private law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources; ships, boats and aircraft shall not be regarded as immovable property.

3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

4. The provisions of paragraphs 1 and 3 shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of independent personal services.

ARTICLE 7

BUSINESS PROFITS

1. The profits of an enterprise of a Party shall be taxable only in that Party unless the enterprise carries on business in the other Party through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other Party but only so much of them as is attributable to that permanent establishment.

2. Subject to the provisions of paragraph 3, where an enterprise of a Party carries on business in the other Party through a permanent establishment situated therein, there shall in each Party be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently.

3. In determining the profits of a permanent establishment, there shall be allowed as deductions expenses which are incurred for the purposes of the permanent establishment, including executive and general administrative expenses so incurred, whether in the Party in which the permanent establishment is situated or elsewhere.

4. Insofar as it has been customary in a Party to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Party from determining the profits to be taxed by such an apportionment as may be customary; the method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article.

5. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

6. For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary.

7. Where profits include items of income which are dealt with separately in other Articles of this Agreement, then the provisions of those Articles shall not be affected by the provisions of this Article.

Article 8

SHIPPING AND AIR TRANSPORT

1. Profits from the operation of ships or aircraft in international traffic shall be taxable only in the Party in which the place of effective management of the enterprise is situated.

2. If the place of effective management of a shipping enterprise is aboard a ship, then it shall be deemed to be situated in the Party in which the home harbour of the ship is situated, or, if there is no such home harbour, in the Party of which the operator of the ship is a resident.

3. For the purpose of this Article, profits from the operation of ships or aircraft in international traffic shall include in particular:

   a) profits from the leasing of ships or aircraft engaged in international traffic on charter fully equipped, manned and supplied;

   b) profits from the leasing of ships or aircraft on a bare boat charter basis if such leasing activity is an ancillary activity for the enterprise engaged in international traffic;

   c) profits from the leasing of containers (including trailers and related equipment for the transport of containers) if such leasing activity is an ancillary activity for the enterprise engaged in international traffic.

4. The provisions of paragraph 1 shall also apply to profits from the participation in a pool, a joint business or an international operating agency.

ARTICLE 9

ASSOCIATED ENTERPRISES

1. Where

   a) an enterprise of a Party participates directly or indirectly in the management, control or capital of an enterprise of the other Party, or

   b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Party and an enterprise of the other Party,

and in either case conditions are made or imposed between the two enterprises in 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. Where a Party includes in the profits of an enterprise of that Party - and taxes accordingly - profits on which an enterprise of the other Party has been charged to tax in that other Party and the profits so included are profits which would have accrued to the enterprise of the first-mentioned Party if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other Party shall make such an adjustment as it considers appropriate to the amount of the tax charged therein on those profits. In determining such adjustment, due regard shall be had to the other provisions of this Agreement and the competent authorities of the Parties shall consult each other.

3. The provisions of paragraph 2 shall not apply in case of fraud by one of the concerned enterprises in their transactions leading to an adjustment of profits in accordance with paragraph 1.

ARTICLE 10

DIVIDENDS

1. Dividends paid by a company which is a resident of a Party to a resident of the other Party may be taxed in that other Party.

2. However, such dividends may also be taxed in the Party of which the company paying the dividends is a resident and according to the laws of that Party, but if the beneficial owner of the dividends is a resident of the other Party, the tax so charged shall not exceed:

   a) 0 per cent of the gross amount of the dividends if the beneficial owner is:

      i) a company which holds, for an uninterrupted period of at least twelve months, directly at least 10 per cent of the capital of the company paying the dividends; or

      ii) a pension fund, provided that such dividends are not derived from the carrying on of a business by the pension fund or through an associated enterprise; and

   b) 15 per cent of the gross amount of the dividends in all other cases.

   This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

3. The term “dividends” as used in this Article means income from shares, “jouissance” shares or “jouissance” rights, mining shares, founders’ shares or other rights, not being debt-claims, participating in profits, as well as income which is subjected to the same taxation treatment as income from shares by the tax legislation of the Party of which the paying company is a resident.

4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the dividends, being a resident of a Party, carries on business in the other Party of which the company paying the dividends is a resident, through a permanent establishment situated therein, or performs in that other Party independent personal services from a fixed base situated therein, and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.

5. Where a company which is a resident of a Party derives profits or income from the other Party, that other Party may not impose any tax on the dividends paid by the company, except insofar as such dividends are paid to a resident of that other Party or insofar as the holding in respect of which the dividends are paid is effectively connected with a permanent establishment or a fixed base situated in that other Party, nor subject the company's undistributed profits to a tax on the company's undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other Party.

ARTICLE 11

INTEREST

1. Interest arising in a Party and paid to a resident of the other Party may be taxed in that other Party.

2. However, such interest may also be taxed in the Party in which it arises and according to the laws of that Party, but if the beneficial owner of the interest is a resident of the other Party, the tax so charged shall not exceed 10 per cent of the gross amount of the interest.

3. Notwithstanding the provisions of paragraph 2, interest shall be exempted from tax in the Party in which it arises if it is:

   a) interest paid in respect of a loan granted or a credit extended by an enterprise to another enterprise;

   b) interest paid in respect of a loan granted, guaranteed or insured or a credit extended, guaranteed or insured under a scheme organised by a Party or one of its political subdivisions or local authorities in order to promote export;

   c) interest paid to a pension fund;

   d) interest paid to the other Party or one of its political subdivisions or local authorities.

4. The term "interest" as used in this Article means income from debt-claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor's profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. However, the term "interest" shall not include for the purpose of this Article penalty charges for late payment or interest regarded as dividends under paragraph 3 of Article 10.

5. The provisions of paragraphs 1, 2 and 3 shall not apply if the beneficial owner of the interest, being a resident of a Party, carries on business in the other Party in which the interest arises, through a permanent establishment situated therein, or performs in that other Party independent personal services from a fixed base situated therein, and the debt-claim in respect of which the interest is paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.

6. Interest shall be deemed to arise in a Party when the payer is a resident of that Party. Where, however, the person paying the interest, whether he is a resident of a Party or not, has in a Party a permanent establishment or a fixed base in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment or fixed base, then such interest shall be deemed to arise in the Party in which the permanent establishment or fixed base is situated.

7. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Party, due regard being had to the other provisions of this Agreement.

ARTICLE 12

ROYALTIES

1. Royalties arising in a Party and paid to a resident of the other Party shall be taxable only in that other Party if such resident is the beneficial owner of the royalties.

2. The term “royalties” as used in this Article means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work including software as well as cinematograph films and films or tapes for television or radio broadcasting, any patent, trade mark, design or model, plan, secret formula or process, or for information concerning industrial, commercial or scientific experience.

3. The provisions of paragraph1 shall not apply if the beneficial owner of the royalties, being a resident of a Party, carries on business in the other Party in which the royalties arise through a permanent establishment situated therein, or performs in that other Party independent personal 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 case the provisions of Article 7 or Article 14, as the case may be, shall apply.

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

5. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties, 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 beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Party, due regard being had to the other provisions of this Agreement.

Article 13

CAPITAL GAINS

1. Gains derived by a resident of a Party from the alienation of immovable property referred to in Article 6 and situated in the other Party may be taxed in that other Party.

2. Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Party has in the other Party or of movable property pertaining to a fixed base available to a resident of a Party in the other Party for the purpose of performing independent personal 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 that other Party.

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

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

ARTICLE 14

INDEPENDENT PERSONAL SERVICES

1. Income derived by a resident of a Party in respect of professional services or other activities of an independent character shall be taxable only in that Party unless he has a fixed base regularly available to him in the other Party for the purpose of performing his activities. If he has such a fixed base, the income may be taxed in the other Party but only so much of it as is attributable to that fixed base.

2. The term "professional services" includes especially independent scientific, literary, artistic, educational or teaching activities as well as the independent activities of physicians, lawyers, engineers, architects, dentists and accountants.

ARTICLE 15

DEPENDENT PERSONAL SERVICES

1. Subject to the provisions of Articles 16, 18, 19 and 20 salaries, wages and other similar remuneration derived by a resident of a Party in respect of an employment shall be taxable only in that Party unless the employment is exercised in the other Party. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other Party.

2. Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Party in respect of an employment exercised in the other Party shall be taxable only in the first-mentioned Party if:

   a) the recipient is present in the other Party for a period or periods not exceeding in the aggregate 183 days in any twelve month period commencing or ending in the taxable period concerned, and

   b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other Party, and

   c) the remuneration is not borne by a permanent establishment or a fixed base which the employer has in the other Party.

3. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic may be taxed in the Party in which the place of effective management of the enterprise is situated.

ARTICLE 16

COMPANY MANAGERS

1. Directors' fees and other similar payments derived by a resident of a Party in his capacity as a member of the board of directors or a similar organ of a company which is a resident of the other Party may be taxed in that other Party.
   The preceding provision shall also apply to payments derived in respect of the discharge of functions which, under the laws of the Party of which the company is a resident, are regarded as functions of a similar nature as those exercised by a person referred to in the said provision.

2. Remuneration derived by a person referred to in paragraph 1 from a company which is a resident of a Party in respect of the discharge of day-to-day functions of a managerial or technical, commercial or financial nature, and remuneration received by a resident of a Party in respect of his day-to-day activity as a partner of a company, other than a company with share capital, which is a resident of a Party, shall be taxable in accordance with the provisions of Article 15, as if such remuneration were remuneration derived by an employee in respect of an employment and as if references to the "employer" were references to the company.

Article 17

ARTISTES AND SPORTSMEN

1. Notwithstanding the provisions of Articles 14 and 15, income derived by a resident of a Party as an entertainer, such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsman, from his personal activities as such exercised in the other Party, may be taxed in that other Party.

2. Where income in respect of personal activities exercised by an entertainer or a sportsman in his capacity as such accrues not to the entertainer or sportsman himself but to another person, that income may, notwithstanding the provisions of Articles 7, 14 and 15, be taxed in the Party in which the activities of the entertainer or sportsman are exercised.

3. Where a resident of a Party derives income referred to in paragraph 1 or 2 and such income is taxable in the other Party on a gross basis, that income shall, upon request before July 1 of the year next following the year in which the personal activities are exercised, be taxed on a net basis in that other Party.

4. The provisions of paragraphs 1 and 2 shall not apply if the activities exercised in a Party are wholly or mainly supported from public funds of the other Party or a political subdivision or a local authority thereof. In such case, income derived from such activities shall be taxable only in that other Party.

ARTICLE 18

PENSIONS

1. Subject to the provisions of paragraph 2 of Article 19, pensions and other similar remuneration paid to a resident of a Party in consideration of past employment shall be taxable only in that Party.

2. Notwithstanding the provisions in paragraph 1 of this Article, pensions and other similar payments made under the provisions of the social security legislation of a Party or under a public scheme organised by that Party in order to supplement the benefits of its social security legislation shall be taxable only in that Party.

ARTICLE 19

GOVERNMENT SERVICE

1. Salaries, wages and other similar remuneration, other than a pension, paid by a Party or a political subdivision or a local authority thereof to an individual in respect of services rendered to that Party or subdivision or authority shall be taxable only in that Party. However, such salaries, wages and other similar remuneration shall be taxable only in the other Party if the services are rendered in that Party and the individual is a resident of that Party who:

   a) is a national of that Party; or

b) did not become a resident of that Party solely for the purpose of rendering the services.

2. Notwithstanding the provisions of paragraph 1, pensions and other similar remuneration paid by, or out of funds created by, a Party or a political subdivision or a local authority thereof, to an individual in respect of services rendered to that Party or subdivision or authority shall be taxable only in that Party. However, such pensions and other similar remuneration shall be taxable only in the other Party if the individual is a resident of, and a national of, that Party.

3. The provisions of Articles 15, 16, 17 and 18 shall apply to salaries, wages and other similar remuneration and to pensions in respect of services rendered in connection with a trade or business carried on by a Party or a political subdivision or a local authority thereof.

ARTICLE 20

PROFESSORS, TEACHERS AND RESEARCHERS

1. A professor, teacher or researcher who makes a temporary visit to a Party for a period not exceeding two years for the purpose of teaching or conducting research at an officially recognised university, college, school, or other similar educational institution, and who is a resident of the other Party shall be exempt from tax in the first-mentioned Party in respect of remuneration from such teaching or research.

2. The provisions of paragraph 1 shall not apply to remuneration received in consideration for research carried on not in the public interest, but primarily for the private benefit of a specific person or persons.

ARTICLE 21

STUDENTS AND BUSINESS APPRENTICES

Payments which a student or business apprentice who is or was immediately before visiting a Party a resident of the other Party and who is present in the first-mentioned Party solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed in that Party, provided that such payments arise from sources outside that Party.

ARTICLE 22

OTHER INCOME

1. Items of income of a resident of a Party, wherever arising, not dealt with in the foregoing Articles of this Agreement shall be taxable only in that Party.

2. The provisions of paragraph 1 shall not apply to income, other than income from immovable property as defined in paragraph 2 of Article 6, if the recipient of such income, being a resident of a Party, carries on business in the other Party through a permanent establishment situated therein, or performs in that other Party independent personal services from a fixed base situated therein, and the right or property in respect of which the income is paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.

3. Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Party not dealt with in the foregoing articles of the Agreement and arising in the other Party may also be taxed in that other Party if these items are not taxed in the first-mentioned Party.

Article 23

MISCELLANEOUS

A person that is a resident of a Party and derives income from the other Party shall not be entitled to relief from taxation otherwise provided for in this Agreement if it was the main purpose or one of the main purposes of any person concerned with the creation or assignment of such item of income to take advantage of the provisions of this Agreement.

ARTICLE 24

METHODS FOR ELIMINATION OF DOUBLE TAXATION

1. In the case of the Isle of Man, double taxation shall be avoided as follows:

   a) When imposing tax on its residents the Isle of Man may include in the basis upon which such taxes are imposed the items of income, which, according to the provisions of this Agreement, may be taxed in Belgium.

   b) Where a resident of the Isle of Man derives income which, in accordance with the provisions of this Agreement, may be taxed in Belgium the Isle of Man shall allow as a deduction from the tax on the income of that resident, an amount equal to the income tax paid in Belgium. Such deduction shall not, however, exceed that part of the income tax, as computed before the deduction is given, which is attributable to the income which may be taxed in Belgium.

   c) Notwithstanding the provisions of sub-paragraph b), where a company which is a resident of the Isle of Man holds, for an uninterrupted period of at least twelve months, directly at least 10 per cent of the capital of a company which is a resident of Belgium paying dividends, the Isle of Man shall exempt from tax the dividends paid to the company which is a resident of the Isle of Man by the company which is a resident of Belgium.

2. In the case of Belgium, double taxation shall be avoided as follows:

a) Where a resident of Belgium derives income, not being dividends, interest or royalties, which may be taxed in the Isle of Man in accordance with the provisions of this Agreement, and which are taxed there, Belgium shall exempt such income from tax but may, in calculating the amount of tax on the remaining income of that resident, apply the rate of tax which would have been applicable if such income had not been exempted.

However, in the case of a company which is a resident of Belgium, where the Manx tax is less than 10 per cent of the net amount of the income referred to in this sub-paragraph, Belgium shall not exempt that income, but reduce to a third the Belgian tax which is proportionally relating to that income, calculated as if that income were income from Belgian sources.

The preceding provisions of this sub-paragraph shall also apply to income treated as dividends under Belgian law, which is derived by a resident of Belgium from a participation in an entity that derives its status as such from the laws of the Isle of Man, where that entity has not been taxed as such in the Isle of Man, provided that the resident of Belgium has been taxed in the Isle of Man on his share of the income of that entity. The exempted income is the income received after deduction of the costs incurred in Belgium or elsewhere in relation to the management of the participation in the entity.

b) Notwithstanding the provisions of sub-paragraph a) of this paragraph and any other provision of this Agreement, Belgium shall, for the determination of the additional taxes established by Belgian municipalities and conurbations, take into account the earned income (revenus professionnels or beroepsinkomsten) that is exempted from tax in Belgium in accordance with sub-paragraph a) of this paragraph. These additional taxes shall be calculated on the tax which would be payable in Belgium if the earned income in question had been derived from Belgian sources.

c) Dividends derived by a company which is a resident of Belgium from a company which is a resident of the Isle of Man shall be exempt from the corporate income tax in Belgium under the conditions and within the limits provided for in Belgian law. However, this exemption shall apply when the income out of which the dividends are paid is taxed in the Isle of Man at a rate of not less than 10 per cent.

d) Subject to the provisions of Belgian law regarding the deduction from Belgian tax of taxes paid abroad, where a resident of Belgium derives items of his aggregate income for Belgian tax purposes which are interest or royalties, the Manx tax levied on that income shall be allowed as a credit against Belgian tax relating to such income.

e) Where, in accordance with Belgian law, losses incurred by an enterprise carried on by a resident of Belgium in a permanent establishment situated in the Isle of Man have been effectively deducted from the profits of that enterprise for its taxation in Belgium, the exemption provided for in sub-paragraph a) shall not apply in Belgium to the profits of other taxable periods attributable to that establishment to the extent that those profits have also been exempted from tax in the Isle of Man by reason of compensation for the said losses.

Article 25

NON-DISCRIMINATION

1. Nationals of a Party shall not be subjected in the other Party 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 Party in the same circumstances, in particular with respect to residence, are or may be subjected. This provision shall, notwithstanding the provisions of Article 1, also apply to persons who are not residents of one or both of the Parties.

2. Stateless persons who are residents of a Party shall not be subjected in either Party to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of the Party concerned in the same circumstances, in particular with respect to residence, are or may be subjected.

3. The taxation on a permanent establishment which an enterprise of a Party has in the other Party shall not be less favourably levied in that other Party than the taxation levied on enterprises of that other Party carrying on the same activities. This provision shall not be construed as obliging a Party to grant to residents of the other Party any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.

4. Contributions to a pension scheme made by or on behalf of an individual who renders dependent personal services in a Party:

   a) where the pension scheme is recognised for tax purposes in the other Party, and

   b) in which the individual participated immediately before beginning to provide dependent personal services in the first-mentioned Party, and

   c) in which the individual participated at a time when that individual was providing dependent personal services in, or was a resident of, the other Party, and

   d) that is accepted by the competent authority of the first-mentioned Party as generally corresponding to a pension scheme recognised as such for tax purposes by that Party,

   shall, for a period of 10 years, for the purposes of

      i) determining the individual's tax payable in the first-mentioned Party, and

      ii) determining the profits of an enterprise which may be taxed in the first-mentioned Party,

   be treated in that Party in the same way and subject to the same conditions and limitations as contributions made to a pension scheme that is recognised for tax purposes in that first-mentioned Party.

   For the purposes of this paragraph:

      a) the term "pension scheme" means an arrangement in which the individual participates in order to secure retirement benefits payable in respect of the services referred to in this paragraph; and

b) a pension scheme is recognised for tax purposes in a Party if the contributions to the scheme would qualify for tax relief in that Party.

5. Except where the provisions of paragraph 1 of Article 9, paragraph 7 of Article 11, or paragraph 5 of Article 12, apply, interest, royalties and other disbursements paid by an enterprise of a Party to a resident of the other Party shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned Party.

6. Enterprises of a Party, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Party, shall not be subjected in the first-mentioned Party to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of the first-mentioned Party are or may be subjected.

7. The provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description.

Article 26

MUTUAL AGREEMENT PROCEDURE

1. Where a person considers that the actions of one or both of the Parties result or will result for him in taxation not in accordance with the provisions of this Agreement, he may, irrespective of the remedies provided by the domestic law of those Parties, present his case to the competent authority of the Party of which he is a resident, or if his case comes under paragraph 1 of Article 25, to that of the Party of which he is a national. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Agreement.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Party, with a view to the avoidance of taxation which is not in accordance with the Agreement. If an agreement is reached, it shall be implemented notwithstanding any time limits in the domestic law of the Parties.

3. The competent authorities of the Parties shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Agreement.

4. The competent authorities of the Parties shall agree on the measures necessary to carry out the provisions of the Agreement and particularly on the proofs to be furnished by residents of either Party in order to benefit in the other Party from the exemptions or reductions of tax provided for in the Agreement.

5. The competent authorities of the Parties shall communicate directly with each other for the application of the Agreement.

6. Where,

a) under paragraph 1, a person has presented a case to the competent authority of a Party on the basis that the actions of one or both of the Parties have resulted for that person in taxation not in accordance with the provisions of this Agreement, and

b) the competent authorities are unable to reach an agreement to resolve that case pursuant to paragraph 2 within two years from the presentation of the case to the competent authority of the other Party,

any unresolved issues arising from the case shall be submitted to arbitration if the person so requests. These unresolved issues shall not, however, be submitted to arbitration if a decision on these issues has already been rendered by a court or administrative tribunal of either Party. Unless a person directly affected by the case does not accept the mutual agreement that implements the arbitration decision, that decision shall be binding on both Parties and shall be implemented notwithstanding any time limits in the domestic laws of these Parties.

Article 27

EXCHANGE OF INFORMATION

1. The competent authorities of the Parties shall exchange such information as is foreseeably relevant for carrying out the provisions of this Agreement or to the administration or enforcement of the domestic laws concerning taxes covered by Article 2, insofar as the taxation thereunder is not contrary to the Agreement. The exchange of information is not restricted by Article 1.

2. Any information received under paragraph 1 by a Party shall be treated as secret in the same manner as information obtained under the domestic laws of that Party and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions. Notwithstanding the foregoing, information received by a Party may be used for other purposes when such information may be used for such other purposes under the laws of both Parties and the competent authority of the supplying Party authorises such use.

3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Party the obligation:

a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Party;

b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Party;

c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy (ordre public).

4. If information is requested by a Party in accordance with this Article, the other Party shall use its information gathering measures to obtain the requested information, even though that other Party may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Party to decline to supply information solely because it has no domestic interest in such information.

5. In no case shall the provisions of paragraph 3 be construed so as to permit a Party to decline to supply information requested by the other Party because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interest in a person. In order to obtain such information the tax administration of the requested Party shall have the power to ask for the disclosure of information and to conduct investigations and hearings notwithstanding any contrary provisions in its domestic tax laws. Banking records will be exchanged only upon request. If the request does not identify both a specific taxpayer and a specific bank or financial institution, the competent authority of the requested Party may decline to obtain any information that it does not already possess.

6. Penalties provided by the domestic tax laws of the requested Party for a person failing to give information relevant for carrying out its domestic tax laws shall apply as if the obligation to give information foreseen in paragraph 5 was an obligation provided by the domestic tax laws of the requested Party.

7. Where a person refuses to give information requested within the framework of this Article or fails to give such information within the time required by the tax administration of the requested Party, the requested Party may bring appropriate enforcement proceedings against such person.

8. If specifically requested by the competent authority of a Party, the competent authority of the other Party shall provide information under this Article in the form of depositions of witnesses and authenticated copies of unedited original documents (including books, papers, statements, records, accounts and writings).

9. The requested Party may allow representatives of the requesting Party to enter the requested Party to attend interviews of individuals and examinations of books and records. Such interviews or examinations shall take place under the conditions and within the limits agreed upon by the competent authorities of both Parties.

ARTICLE 28

ASSISTANCE IN THE COLLECTION OF TAXES

1. The Parties shall lend assistance to each other in the collection of revenue claims. This assistance is not restricted by Article 1. The competent authorities of the Parties may by mutual agreement settle the mode of application of this Article.

2. The term “revenue claim” as used in this Article means any amount owed in respect of taxes covered by the Agreement, together with interest, administrative penalties and costs of collection or conservancy related to such amount, insofar as the taxation thereunder is not contrary to the Agreement.

3. When a revenue claim of a Party is enforceable under the laws of that Party and is owed by a person who, at that time, cannot, under the laws of that Party, prevent its collection, that revenue claim shall, at the request of the competent authority of that Party, be accepted for purposes of collection by the competent authority of the other Party. That revenue claim shall be collected by that other Party in accordance with the provisions of its laws applicable to the enforcement and collection of its own taxes as if the revenue claim were a revenue claim of that other Party.

4. When a revenue claim of a Party is a claim in respect of which that Party may, under its law, take measures of conservancy with a view to ensure its collection, that revenue claim shall, at the request of the competent authority of that Party, be accepted for purposes of taking measures of conservancy by the competent authority of the other Party. That other Party shall take measures of conservancy in respect of that revenue claim in accordance with the provisions of its laws as if the revenue claim were a revenue claim of that other Party even if, at the time when such measures are applied, the revenue claim is not enforceable in the first-mentioned Party or is owed by a person who has a right to prevent its collection.

5. Notwithstanding the provisions of paragraphs 3 and 4, a revenue claim accepted by a Party for purposes of paragraph 3 or 4 shall not, in that Party, be subject to the time limits or accorded any priority applicable to a revenue claim under the laws of that Party by reason of its nature as such. In addition, a revenue claim accepted by a Party for the purposes of paragraph 3 or 4 shall not, in that Party, have any priority applicable to that revenue claim under the laws of the other Party.

6. Proceedings with respect to the existence, validity or amount of a revenue claim of a Party shall not be brought before the courts or administrative bodies of the other Party.

7. Where, at any time after a request has been made by a Party under paragraph 3 or 4 and before the other Party has collected and remitted the relevant revenue claim to the first-mentioned Party, the relevant revenue claim ceases to be

   a) in the case of a request under paragraph 3, a revenue claim of the first-mentioned Party that is enforceable under the laws of that Party and is owed by a person who, at that time, cannot under the laws of that Party, prevent its collection; or

   b) in the case of a request under paragraph 4, a revenue claim of the first-mentioned Party in respect of which that Party may, under its laws, take measures of conservancy with a view to ensure its collection

   the competent authority of the first-mentioned Party shall promptly notify the competent authority of the other Party of that fact and, at the option of the other Party, the first-mentioned Party shall either suspend or withdraw its request.

8. In no case shall the provisions of this Article be construed so as to impose on a Party the obligation:

   a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Party;

   b) to carry out measures which would be contrary to public policy (ordre public);

c) to provide assistance if the other Party has not pursued all reasonable measures of collection or conservancy, as the case may be, available under its laws or administrative practice; or

d) to provide assistance in those cases where the administrative burden for that Party is clearly disproportionate to the benefit to be derived by the other Party.

ARTICLE 29

MEMBERS OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

Nothing in this Agreement shall affect the fiscal privileges of members of diplomatic missions or consular posts under the general rules of international law or under the provisions of special agreements.

ARTICLE 30

ENTRY INTO FORCE

1. Each Party shall notify the other Party of the completion of the procedures required by its laws for the bringing into force of this Agreement. The Agreement shall enter into force from the date on which the later of these notifications is received.

2. The provisions of the Agreement shall have effect:

   a) with respect to taxes due at source on income credited or payable on or after January 1 of the year next following the year in which the Agreement entered into force;

   b) with respect to taxes, other than taxes due at source, on income of taxable periods beginning on or after January 1 of the year next following the year in which the Agreement entered into force.

ARTICLE 31

TERMINATION

This Agreement shall remain in force until terminated by a Party but either Party may terminate the Agreement by giving to the other Party written notice of termination not later than the 30th June of any calendar year from the fifth year following that in which the Agreement entered into force. In the event of termination before July 1 of such year, the Agreement shall cease to have effect:

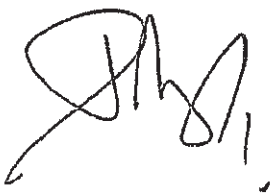
   a) with respect to taxes due at source on income credited or payable from January 1 of the year next following the year in which the notice of termination is given;

b) with respect to taxes other than taxes due at source on income of taxable periods beginning on or after January 1 of the year next following the year in which the notice of termination is given.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at Brussels, this sixteenth day of July 2009, in the English language.

FOR THE KINGDOM OF BELGIUM:



FOR THE ISLE OF MAN:

PROTOCOL

At the moment of signing the Agreement between the Kingdom of Belgium and the Isle of Man for the avoidance of double taxation and the prevention of tax fraud with respect to taxes on income, the undersigned have agreed upon the following provisions which shall form an integral part of the Agreement.

It is understood that:

1. The provisions of the Agreement shall not prevent the application of the Agreement in the form of an exchange of letters between the Isle of Man and the Kingdom of Belgium providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments signed on 19 November 2004.

2. An item of income derived through an entity that is fiscally transparent under the laws of either Party shall be considered to be derived by a resident of a Party to the extent that the item is treated for purposes of the tax laws of such Party as the income of a resident.

3. **Ad Article 3, paragraph 1, d):**

   In the case of the Isle of Man the term "person" includes a trust where and only to the extent to which such a trust is subject to Manx income tax.

4. **Ad Article 9, paragraph 3:**

   For the purposes of the application of paragraph 3 of Article 9 the competent authorities of the Parties shall consult each other.

5. **Ad Article 15, paragraph 1:**

   An employment is exercised in a Party where the activity in respect of which the salaries, wages and other similar remuneration are paid, is effectively carried on in that Party, this means where the employee is physically present in that Party for the exercise of that activity.

6. **Ad Article 23:**

   In no case shall the provisions of the Agreement be construed so as to prevent a Party from applying the provisions of its national law relating to the prevention of tax fraud.

7. **Ad Article 28:**

   The provisions of Article 28 shall only apply if, after the signing of this Agreement, the Isle of Man signs with a third party an agreement which provides for assistance in the collection of taxes. In such a case the provisions of Article 28 shall apply from the date on which the agreement between the Isle of Man and that third party shall have effect.

8. The provisions of the Agreement which are drafted according to the corresponding provisions of the OECD Model Convention on Income and on Capital shall generally be expected to have the same meaning as expressed in the OECD Commentary thereon. The understanding in the preceding sentence will not apply with respect to the following:

   a) any reservations or observations to the OECD Model or its Commentary by either Party;

b) any contrary interpretations in this Protocol;

c) any contrary interpretation in a published explanation by one of the Parties that has been provided to the competent authority of the other Party prior to the entry into force of the Agreement;

d) any contrary interpretation agreed on by the competent authorities after the entry into force of the Agreement.

The OECD Commentary - as it may be revised from time to time - constitutes a means of interpretation in the sense of the Vienna Convention of 23 May 1969 on the Law of Treaties.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Protocol.

DONE in duplicate at Brussels, this sixteenth day of July 2009, in the English language.

FOR THE KINGDOM OF BELGIUM:

FOR THE ISLE OF MAN: