

CONVENTION BETWEEN THE PEOPLE'S REPUBLIC OF BULGARIA AND THE KINGDOM OF BELGIUM FOR THE AVOIDANCE OF DOUBLE TAXATION WITH RESPECT TO TAXES ON INCOME AND ON CAPITAL

Prom. SG. 36/30 Apr 1993

The People's Republic of Bulgaria and the Kingdom of Belgium

Desiring to promote and deepen their relationship and the economic cooperation between the two countries,

decided to conclude a Convention for the avoidance of double taxation with respect to taxes on income and capital and

Have agreed to the following provisions:

Personal Scope

Art. 1

1. This Agreement shall apply to persons who are residents of one or both of the Contracting States.

2. For the purposes of this Convention, are considered to be residents:

(a) of the People's Republic of Bulgaria, any individual who is a national of Bulgaria, as well as any legal person or body of persons which has its head office in the People's Republic of Bulgaria or is registered therein;

(b) of the Kingdom of Belgium any individual who is domiciled in the Kingdom of Belgium and any legal person, the place of management, the head or main office of which is situated in Belgium.

3. Where by reason of the provisions of paragraph (2), an individual is a resident of both Contracting States, then he shall be deemed to be a resident of the Contracting State with which his personal and economic relations are closer (centre of vital interests).

4. Where by reason of the provisions of paragraph (2) a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident of the Contracting State in which its place of effective management is situated.

Taxes Covered

Art. 2

1. This Convention shall apply to the following taxes:

(a) as far as Bulgaria is concerned:

(I) the tax on the total income;

(II) the tax on the income of single males and females, divorced persons and spouses without children

(III) the tax on profits; and

(IV) the tax on buildings,

(hereinafter referred to as "Bulgarian tax");

(b) as far as Belgium is concerned:

(I) the individual income tax;

(II) the corporation tax;

(III) the profit tax on legal persons;

(IV) the nonresident taxes;

(V) the special levy assimilated to individual income tax;

including the withholdings, as well as the additional decimes and centimes to the said taxes and

withholdings, as well as the additional taxes to the individual income tax, (hereinafter referred to as "Belgian tax");

2. This Convention shall also apply to any identical or substantially similar taxes of those referred to in paragraph 1 of this Art. which are imposed after the date of signature of this Convention in addition to, or in place of, the existing taxes. The competent authorities of the Contracting States shall notify each other of any substantial changes which have been made in their respective taxation laws.

Territorial Scope

Art. 3

This convention shall apply:

a) in Belgium:

with respect of the national territory, as well as to the maritime zones adjacent to the national territory over which Belgium exercises sovereign right or jurisdiction in accordance with international law;

b) in Bulgaria:

with respect of the national territory and the continental shelf over which Bulgaria exercises its sovereign rights or its or jurisdiction in accordance with the international law; the Convention shall likewise apply with respect of the exclusive economic zone, which Bulgaria may establish in conformity with international law.

General Definitions

Art. 4

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

(a) the term "Belgium" means the Kingdom of Belgium and the term "Bulgaria" means the People's Republic of Bulgaria

(b) the terms "a Contracting State" and "the other Contracting State" mean Belgium or Bulgaria, as the context requires;

(c) the term "international traffic" means any transport by ship, aircraft or road vehicle operated by a resident, which place of effective management is situated in a Contracting State except when the ship or aircraft is operated solely between places in the other Contracting State;

(e) the term "competent authority" means:

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

(II) in the case of Bulgaria, the Minister of Finance or his authorised representative.

2. As regards the application of this Convention by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting State concerning the taxes to which this Convention applies.

Permanent Establishment

Art. 5

1. For the purposes of this Convention, the term "permanent establishment" means a fixed place of business through which the business activities of a resident of a Contracting State is wholly or partly carried on in the other Contracting State.

2. The term "permanent establishment" includes especially:

(a) a place of management;

(b) a branch;

- (c) an office;
- (d) a factory;
- (e) a workshop;
- (f) a mine, an oil or gas well, a quarry or any other place of extraction of natural resources.

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

4. The participation of a Belgian resident in a partnership, set up in accordance with the Bulgarian legislation, is considered to be a permanent establishment, situated in Bulgaria.

5. Notwithstanding the provisions of the preceding paragraphs of this Art., 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 resident;

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

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

(d) the merchandise belonging to a resident of a Contracting State and exposed on a trade fair or exhibition are sold by that resident after the conclusion of such fair or exhibition;

(e) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise or of collecting information for the resident;

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

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

6. Notwithstanding the provisions of paragraphs 1 and 2, where a person - other than an agent of an independent status to whom the provisions of paragraph 5 apply - is acting on behalf of a resident and has, and habitually exercises, in a Contracting State an authority to conclude contracts in the name of the resident of a Contracting State, that resident shall be deemed to have a permanent establishment in that Contracting State in respect of any activities which that person undertakes for the resident, unless the activities of such person are limited to those mentioned in paragraph 3 which, if exercised through a fixed place of business, would not make that fixed place of business a permanent establishment under the provisions of that paragraph.

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

Income From Immovable Property

Art. 6

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

2. The term "immovable property" shall have the meaning which it has under the laws of the Contracting State in which the property in question is situated.

Business Profits

Art. 7

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

2. Subject to the provisions of paragraph 3, where a resident of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate person 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 Contracting State in which the permanent establishment is situated or elsewhere.

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

5. 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.

6. Where profits include items of income which are dealt with separately in other Art.s of this Convention, the provisions of those Art.s shall not be affected by the provisions of this Art..

7. The provisions of this Art. shall apply in respect of resident of a Contracting State, carrying on business activities in the other Contracting State independently or jointly with another person, including with a resident of the other State.

International Traffic

Art. 8

1. Profits of a resident of a Contracting State derived from the operation of ships, aircraft and road vehicles in the international traffic shall be taxable only in that Contracting State.

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

Inland Waterways Transport

Art. 9

Profits of a resident of a Contracting State from the operation of boats serving for inland waterways transport may be taxed only in that State.

Dividends

Art. 10

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

2. However, such dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident, and according to the laws of that Contracting State, but if the

beneficial owner of the dividends is a resident of the other Contracting State the tax so charged shall not exceed 10 per cent of the gross amount of the dividends.

The provisions of 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 Art. means income from shares founder's shares or other similar rights, as well as income from other corporate rights which are subjected to the same tax treatment as income from shares by the taxation laws of the Contracting State of which the company paying the dividends 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 Contracting State, carries on business in the other Contracting State of which the company paying dividends is a resident, through a permanent establishment situated therein, or performs in that other Contracting State liberal profession 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 Art. 7 or Art. 14, as the case may be, shall apply.

5. Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other Contracting State may not impose any tax on the dividends paid by the company, except 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 Contracting State, 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 that other Contracting State.

Interest

Art. 11

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

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

3. Notwithstanding the provisions of paragraphs 1 and 2, the interest shall be taxed only in the Contracting State in which the beneficial owner of the interest is a resident, if:

(a) the interest is derived directly by a Contracting State or by an institution, the capital of which is wholly owned by that State;

(b) interest on commercial loans - including such represented by securities - resulting from deferred payments sales of goods, merchandise and services between enterprises;

(c) interest on loans, advanced payments or credits of every kind not represented by bearer securities and guaranteed by a banking institution;

(d) credit interest on current accounts open in banking enterprises or interest deposits of money lent not represented by securities and cashed in that enterprises.

4. The term "interest" as used in this Art. means income from debt-claims of every kind, and especially income from government securities and income from bonds and debentures, including premiums and prizes attaching to such securities, bonds or debentures; however, penalties for late payment shall not be considered as interest for the purposes of this Art..

5. The provisions of paragraphs 1, 2 and 3 shall not apply if the beneficial owner of the interest, being a resident of a Contracting State, carries on business in the other Contracting State in which the interest arises, through a permanent establishment situated therein, or performs in that other Contracting State liberal profession 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 Art. 7 or Art. 14, as the case may be, shall apply.

6. Interest shall be deemed to arise in a Contracting State when the payer is that Contracting State itself, its political subdivision, a local authority thereof or a resident of that State. Where, however, the person paying the interest, whether he is a resident of a Contracting State or not, has in a Contracting State 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 Contracting State in which the permanent establishment or fixed base is situated.

Royalties

Art. 12

1. Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other Contracting State.

2. However, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State the tax so charged shall not exceed 5 per cent of the gross amount of the royalties.

3. The term "royalties" as used in this Art. 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 cinematograph films and films or tapes for radio or television broadcasting, any patent, trade mark, design or model, plan, secret formula or process, as well as for the use of, or the right to use, industrial, commercial, or scientific equipment or for information concerning industrial, commercial or scientific experience (know-how).

4. The provisions of this Art. shall likewise apply with respect of fees for technical services, to the extent such payments are connected with the use of, or the right to use the rights or goods mentioned in paragraph 3.

5. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner 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 Contracting State liberal profession from a fixed base situated therein, and the right or property in respect of which the royalties are paid is effectively connected with such a permanent establishment or fixed base. In such case the provisions of Art. 7 or Art. 14, as the case may be, shall apply.

6. Royalties shall be deemed to arise in a Contracting State when the payer is that Contracting State itself, its political subdivision, a local authority thereof or a resident of that Contracting 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 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 Contracting State in which the permanent establishment or fixed base is situated.

Capital Gains

Art. 13

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

2. Gains from the alienation of movable property, forming part of the business property of a permanent establishment which a resident of a Contracting State has in the other Contracting State or 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 liberal profession, including gains from the alienation of such a permanent establishment or of such a fixed base, may be taxed in that other State.

3. Gains which a resident of a Contracting State derives from the alienation of ships, aircraft and road vehicles operated in international traffic and movable property, pertaining to the operation of such ships, aircraft and road vehicles shall be taxable only in that State.

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

Liberal Professions

Art. 14

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

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

Dependent Professional Services

Art. 15

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

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

(a) the recipient is present in the other Contracting State for a period or periods not exceeding in the aggregate 183 days in the calendar year concerned;

(b) the remuneration is paid by, or is on behalf of, an employer who is not a resident of that other Contracting State; and

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

3. Notwithstanding the preceding provisions of this Art., salaries and other similar remuneration derived by a resident of a Contracting State in respect of an employment exercised aboard a ship or aircraft in international traffic, or aboard of a boat serving for inland waterways transport are taxable in the Contracting State in which the place of effective management of the enterprise is situated.

Members of Boards of Directors and Supervisory Councils

Art. 16

Directors' fees and other similar payments derived by a resident of a Contracting State in his capacity as a member of the Board of Directors or Supervisory Councils, or of any similar body of a joint-stock company which is resident of the other Contracting State may be taxed in that other

Contracting State. The same shall apply with respect of awards, derived by reason of exercising of functions, similar to those mentioned in the preceding sentence.

Artists and Athletes

Art. 17

1. Notwithstanding the provisions of Art.s 14 and 15, income derived by an individual who is a resident of a Contracting State as an entertainer such as a theatre, motion picture, radio or television artiste, and as a musician, or as an athlete, from his personal activities as such exercised in the other Contracting State, may be taxed in that other State.

2. Notwithstanding the provisions of paragraph 1, income of an entertainer, resident of a Contracting State from his personal activities exercised in the other Contracting State, in his capacity as such may be taxed in the first mentioned State if such activities are supported wholly or substantially from the public funds of the first State, or if they are performed in that other State in the framework of an official program of cultural cooperation between both States.

Pensions

Art. 18

1. Subject to the provisions of Art. 19, pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State.

Government Service

Art. 19

1. Remunerations including pensions, paid by, or out of funds created by, a Contracting State, a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in that State.

2. Services rendered to an organisation in connection with a business carried on shall not be considered as rendered in respect of exercising governmental functions.

3. The provisions of paragraph 1 shall likewise apply with respect of remunerations derived by a resident of a Contracting State for services rendered to an agency or representation, to a cultural institution or as a press, radio or television correspondent, provided that the beneficial is present in the other Contracting State with the sole purpose of rendering the services and that the remuneration is directly of charge of the first State.

Professors and Students

Art. 20

1. Any remuneration which a professor or other member of the teaching staff, who are residents of a Contracting State and who are present temporarily in the other Contracting State for the purpose of teaching or scientific research for a period not exceeding two years in an university or other officially recognized educational institution may be taxed in the first-mentioned State.

2. Payments which a student or business apprentice who is a resident of a Contracting State and who is present in the other Contracting State solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall be exempt from tax of that other State, provided that such payments are made to him from outside that other State.

3. Notwithstanding the provisions of paragraph 2, remunerations which a student or a business

apprentice who is a resident of a Contracting State and who is present in the other Contracting State solely for the purpose of his education or training, receives in respect of services rendered in that other State, shall be exempted from tax therein provided that the payment in respect of such services are necessary to complete the resources for his maintenance.

Other Income

Art. 21

Income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Art.s of this Convention shall be taxable only in that Contracting State.

Capital

Art. 22

1. Capital represented by immovable property owned by a resident of a Contracting State and situated in the other Contracting State, shall be taxable in that other State.

2. Capital represented by movable property, forming part of the business property of a permanent establishment, which a resident of a Contracting State has in the other Contracting State, or by movable property, pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the performance of liberal profession, may be taxed in that other State.

3. Capital represented by ships, aircraft and road vehicles operated in international traffic, or by boats serving for inland waterways transport, as well as movable property pertaining to such ships, aircrafts, boats or road vehicles, which a resident of a Contracting State has in the other Contracting State may be taxed in the first mentioned State.

4. All other elements of capital of a resident of a Contracting State may be taxed in that State.

Provisions for the Elimination of Double Taxation

Art. 23

1. As far as Belgium is concerned, double taxation shall be avoided as follows:

(a) where a resident of Belgium derives income or owns elements of capital, other than those referred to in paragraph 2 of Art. 10, paragraph 2 of Art. 12 and paragraphs 2 and 4 of Art. 12, which, in accordance with the provisions of this Convention may be taxed in Bulgaria, Belgium shall exempt such income or such elements of capital from tax, but may nevertheless, in calculating the tax on the remaining income or capital of that resident, apply the rate which would have been applicable if the income or capital in question was not so exempted;

(b) where a resident of Belgium derives elements of income included in the global income subjected to Belgian tax and representing dividends taxable in accordance with paragraph 2 of Art. 10, interest taxable in accordance with paragraph 2 of Art. 11 or royalties taxable in accordance with paragraphs 2 and 4 of Art. 12, the overall amount of the foreign tax, under the conditions and at a rate provided for in the Belgian legislation, is credited against the Belgian tax with respect of such income.

(c) where, in accordance with the Belgian legislation, losses incurred for a Belgian resident with respect of a permanent establishment situated in Bulgaria have been effectively compensated against profit of that resident with respect of its taxation in Belgium, the exemption provided for in subparagraph (a) shall not apply in Belgium with regards to profits derived in other taxable periods, attributable to that permanent establishment, provided that such profits has been also exempted from tax in Bulgaria by reason of compensation of the said losses.

2. As far as Bulgaria is concerned, the double taxation will be avoided in the following manner:

(a) where a resident of Bulgaria derives income or owns capital which, in accordance with the provisions of this Convention may be taxed in Belgium, Bulgaria shall, subject to the provisions of subparagraphs (b) and (c), exempt such income or capital from tax;

(b) where a resident of Bulgaria derives elements of income which, in conformity with the provisions of Art.s 10, 11 and 12 of this Convention may be taxed in Belgium, Bulgaria shall allow as a deduction from the tax computed on the income of that resident, an amount equal to the tax paid in Belgium. Such deduction shall not, however, exceed that part of the tax, computed before the deduction is given, which is appropriate to the elements of income derived in Belgium.

(c) Where, in accordance with any provision of this Convention income derived or capital owned by Bulgarian residents is exempted from tax in Bulgaria, Bulgaria may nevertheless, in calculating the tax on the remaining income or capital of that resident, take into consideration the exempted income or capital.

Non-discrimination

Art. 24

1. Individuals, possessing the nationality of a Contracting State and legal persons incorporated according to the legislation 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 or any requirement connected therewith to which individuals, possessing the nationality of a Contracting State and legal persons incorporated according to the legislation of a Contracting State in the same circumstances are or may be subjected.

2. The taxation of a permanent establishment which a resident of a Contracting State has in the other Contracting State shall not be less favourably levied in that other Contracting State than the taxation on which are subjected, according to a Convention for the avoidance of double taxation with respect to taxes on income and on capital concluded by that other State, residents of any third State, who performs the same activities in that other State.

3. Nothing in this Convention shall be construed as obliging a Contracting State to grant to residents of the other Contracting State any of the personal allowances, reliefs and reductions for tax purposes which are granted to its own residents.

4. The provisions of this Art. shall apply, notwithstanding the provisions of Art. 2, to taxes of any kind or description.

Mutual Agreement Procedure

Art. 25

1. Where a person considers that the actions of one or both of the Contracting States result or will result for him in taxation not in accordance with the provisions of this Convention, he may, irrespective of the remedies provided for by the domestic laws of those States, present his case to the competent authority of the Contracting State of which he is a resident or, if the case comes under paragraph (1) of Art. 24, to that of the Contracting State 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 Convention.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not of itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with the view to the avoidance of taxation not in accordance with the Convention.

3. The competent authorities of the Contracting States shall endeavour to resolve by mutual

agreement any difficulties or doubts arising as to the application of the Convention.

4. The competent authorities of the Contracting States will communicate with respect of the necessary administrative measures for the application of this Convention, and especially the requirements to be fulfilled by residents of a Contracting State in order to obtain, in the other Contracting State, exemptions or reductions from taxes covered by the Convention.

5. The competent authorities of the Contracting State may communicate with each other directly for the purpose of the application of the Convention.

Exchange of Information

Art. 26

1. The competent authorities of the Contracting States shall exchange such information as is necessary for carrying out the provisions of this Convention or of the domestic laws of the Contracting States concerning taxes covered by the Convention insofar as the taxation thereunder is not contrary to the Convention. Any information exchanged shall be treated as secret and shall be disclosed only to persons or authorities involved in assessment or collection of the taxes covered by the Convention.

2. In no case shall the provisions of paragraph (1) of this Art. be construed so as to impose on the competent authority of a Contracting State the obligation:

(a) to carry out administrative measures in variance with its laws and its administrative practice or that of the other Contracting State;

(b) to supply information which is not obtainable under its laws or in the normal course of its administrative practice or that of the other Contracting State;

(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).

Limitation of The Benefits of The Convention

Art. 27

The provisions of this Convention shall not limit the taxation of a company which is resident of Belgium, in conformity with the Belgian legislation, in the case of repurchase of its own shares or other rights or in the case of sharing of its fixed assets.

Members of Diplomatic Missions and Consular Posts

Art. 28

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

Entry Into Force

Art. 29

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Sofia as soon as possible.

2. The Convention shall enter into force on the fifteenth day following the date of exchange of the instruments of ratification and its provisions shall apply:

(a) in Belgium:

(i) in respect of withholdings at the source on income received or due after the 31 December of the year in which the Convention has entered into force;

(ii) in respect of other taxes on income collected for taxable periods ending after 31 of December of the same year.

(b) in Bulgaria:

to all kind of taxes, collected for taxable years, beginning after the 31 of December of the year, in which the Convention has entered into force.

3. From the date of the application of this Convention and so long as it remains in force, Art. 19 of the Maritime agreement between the Belgian-Luxembourg Economic Union and the People's Republic of Bulgaria, signed at Brussels on February 24, 1976 shall not apply in the relations between the Kingdom of Belgium and the People's Republic of Bulgaria.

Termination

Art. 30

This Convention shall remain in force until terminated by a Contracting State but any Contracting State may by June 30, of every calendar year after the expiration of a 5 year period from the date of the exchange of the instruments of ratification, terminate the Convention by giving a notice through diplomatic channels, to the other Contracting State. In case of termination before the 1 of July in such an year, the Convention shall apply for the last time:

(a) in Belgium:

(i) in respect to withholdings at the source, to income paid or due at latest on December 31 of the year of termination;

(ii) in respect to other taxes on income, collected for the taxable periods ending before 31 of December in the same year;

(b) in Bulgaria:

to all kinds of taxes on income collected for taxable periods ending before the 31 of December in the same year.

In witness whereof the undersigned, duly authorised by their respective authorities, have signed this Convention and have put their seals.

Done at Brussels, on October 24, 1988 in duplicate in the Bulgarian, French and Dutch languages, three versions being equally authentic.