

PROTOCOL TO AMEND THE CONVENTION BETWEEN THE GOVERNMENT
OF NEW ZEALAND AND THE GOVERNMENT OF FINLAND FOR THE
AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL
EVASION WITH RESPECT TO TAXES ON INCOME

The Government of New Zealand and the Government
of Finland,

Desiring to conclude a Protocol to amend the Convention
between the Contracting States for the avoidance of double
taxation and the prevention of fiscal evasion with respect
to taxes on income, signed at Helsinki on 12 March 1982,

Have agreed as follows:

ARTICLE I

The following new Article 23A shall be inserted
immediately after Article 23:

"ARTICLE 23A

Non-discrimination

- 1 Nationals of a Contracting State shall not be
subjected in the other Contracting State to any
taxation or any requirement connected therewith which
is other or more burdensome than the taxation and
connected requirements to which nationals of that
other State in the same circumstances are or may
be subjected.

2 The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities.

3 Except where the provisions of Article 9, paragraph 6 of Article 11, or paragraph 6 of Article 12, apply, interest, royalties and other disbursements paid by a resident of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of the first-mentioned resident, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned State.

4 Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which enterprises of the first-mentioned State carrying on the same activities, the capital of which is owned or controlled by residents of the first-mentioned State, are or may be subjected. °

5 This Article shall not apply to any provision of the taxation laws of a Contracting State which:

(a) is reasonably designed to prevent or defeat the avoidance or evasion of taxes; or

(b) is in force on 5 December 1986 or is substantially similar in general purpose or intent to any such provision but is enacted after that date;

provided that any such provision (except where that provision is in an international agreement) does not allow for different treatment of residents or nationals of the other Contracting State as compared with the treatment of residents or nationals of any third State.

6 Nothing in this Article shall be construed as preventing a Contracting State from distinguishing in its taxation laws between residents and non-residents solely on the basis of their residence and to levy taxes or grant exemption, relief, reduction or allowance for tax purposes accordingly.

7 In this Article the terms "taxation" and "taxes" mean the taxes to which this Convention applies."

ARTICLE II

Paragraph 7 of the Protocol to the Convention is hereby deleted.

ARTICLE III

1 The Contracting States shall notify each other through diplomatic channels that the constitutional requirements for the entry into force of this Protocol have been complied with.

2 This Protocol shall enter into force thirty days after the date of the latter of the notifications referred to in paragraph 1 and its provisions shall have effect:

(a) in New Zealand:

for any income year beginning on or after 1 April in the calendar year next following the date on which the Protocol enters into force;

(b) in Finland:

(i) in respect of taxes withheld at source, on income derived on or after 1 January in the calendar year next following the date on which the Protocol enters into force;

(ii) in respect of other taxes on income, for taxes chargeable for any tax year beginning on or after 1 January in the calendar year next following the date on which the Protocol enters into force.

In witness whereof the undersigned, duly authorised thereto, have signed this Protocol.

DONE in duplicate at Helsinki this 5th day of December 1986, in the English language.

For the Government of
New Zealand:

Alison Vale Stokes

For the Government of
Finland:

A. Wain

