

No. 49649

**Hungary
and
Germany**

Agreement between the Republic of Hungary and the Federal Republic of Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital (with protocol). Budapest, 28 February 2011

Entry into force: *30 December 2011, in accordance with article 30*

Authentic texts: *English, German and Hungarian*

Registration with the Secretariat of the United Nations: *Hungary, 22 June 2012*

**Hongrie
et
Allemagne**

Accord entre la République de Hongrie et la République fédérale d'Allemagne tendant à éviter la double imposition et la fraude fiscale en matière d'impôts sur le revenu et sur la fortune (avec protocole). Budapest, 28 février 2011

Entrée en vigueur : *30 décembre 2011, conformément à l'article 30*

Textes authentiques : *anglais, allemand et hongrois*

Enregistrement auprès du Secrétariat des Nations Unies : *Hongrie, 22 juin 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement

between

the Republic of Hungary

and

the Federal Republic of Germany

for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with
respect to Taxes on Income and on Capital

The Republic of Hungary

and

the Federal Republic of Germany,

Desiring to promote their mutual economic relations by removing fiscal obstacles and to strengthen their cooperation in tax matters,

Have agreed as follows:

Article 1

Persons Covered

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

Article 2

Taxes Covered

(1) This Agreement shall apply to taxes on income and on capital imposed on behalf of a Contracting State, of a Land or a political subdivision or local authority thereof, irrespective of the manner in which they are levied.

(2) There shall be regarded as taxes on income and on capital all taxes imposed on total income, on total capital, or on elements of income or of capital, 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 this Agreement shall apply are:

a) in the Federal Republic of Germany:

- the income tax (Einkommensteuer),
 - the corporation tax (Körperschaftsteuer),
 - the trade tax (Gewerbesteuer),
 - the capital tax (Vermögensteuer) and
 - the land tax (Grundsteuer)
- including the supplements levied thereon

(hereinafter referred to as "German tax");

b) in the Republic of Hungary:

- the personal income tax (személyi jövedelemadó),
 - the corporate tax (társasági adó),
 - the land parcel tax (telekadó) and
 - the building tax (építményadó)
- including the supplements levied thereon

(hereinafter referred to as "Hungarian 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 Contracting States shall notify each other of any significant changes that have been made in their respective taxation laws.

Article 3

General Definitions

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

- a) the term "Germany" means the Federal Republic of Germany and, when used in a geographical sense, the territory of the Federal Republic of Germany as well as the area of the sea-bed, its sub-soil and the superjacent water column adjacent to the territorial sea, in so far as the Federal Republic of Germany may exercise sovereign rights and jurisdiction in conformity with international law and its national legislation for the purpose of exploring, exploiting, conserving and managing the living and non-living natural resources;**
- b) the term "Hungary" means the Republic of Hungary and, when used in a geographical sense it means the territory of the Republic of Hungary;**
- c) the terms "a Contracting State" and "the other Contracting State" mean Hungary or Germany, as the context requires,**
- d) the term "person" means 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;**
- f) the term "enterprise" applies to the carrying on of any business;**
- g) the term "business" includes the performance of professional services and of other activities of an independent character;**
- h) the terms "enterprise of a Contracting State" and "enterprise of the other Contracting State" mean respectively an enterprise carried on by a resident of a Contracting State or an enterprise carried on by a resident of the other Contracting State;**