

No. 51475

**United Kingdom of Great Britain and Northern Ireland
and
Germany**

Convention between the United Kingdom of Great Britain and Northern Ireland 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). London, 30 March 2010

Entry into force: *30 December 2010 by the exchange of the instruments of ratification, in accordance with article 32*

Authentic texts: *English and German*

Registration with the Secretariat of the United Nations: *United Kingdom of Great Britain and Northern Ireland, 29 November 2013*

**Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
et
Allemagne**

Convention entre le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et la République fédérale d'Allemagne tendant à éviter la double imposition et à prévenir l'évasion fiscale en matière d'impôts sur le revenu et sur la fortune (avec protocole). Londres, 30 mars 2010

Entrée en vigueur : *30 décembre 2010 par l'échange des instruments de ratification, conformément à l'article 32*

Textes authentiques : *anglais et allemand*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, 29 novembre 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

**CONVENTION BETWEEN THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND 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 United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany,

Desiring to conclude a new Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital;

Have agreed as follows:

ARTICLE 1

Persons covered

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

ARTICLE 2

Taxes covered

1. This Convention 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 of a "Land" or a Contracting State, 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 which are the subject of this Convention are in particular:
 - a) in the Federal Republic of Germany:
 - aa) the income tax ("Einkommensteuer");
 - bb) the corporation tax ("Körperschaftsteuer");
 - cc) the trade tax ("Gewerbsteuer"); and

dd) the capital tax ("Vermögensteuer");

including the supplements levied thereon

(hereinafter referred to as "German tax");

b) in the United Kingdom:

aa) the income tax;

bb) the corporation tax; and

cc) the capital gains tax;

(hereinafter referred to as "United Kingdom tax").

4. This Convention shall also apply to any identical or substantially similar taxes that are imposed after the date of signature of the Convention 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 which have been made in their taxation laws.

ARTICLE 3

General definitions

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

- a) the terms "a Contracting State" and "the other Contracting State" mean the Federal Republic of Germany or the United Kingdom, as the context requires;
- b) 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 subsoil and the superjacent water column adjacent to the territorial sea, wherein the Federal Republic of Germany exercises 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;
- c) the term "United Kingdom" means Great Britain and Northern Ireland, including any area outside the territorial sea of the United Kingdom designated under its laws concerning the Continental Shelf and in accordance with international law as an area within which the rights of

the United Kingdom with respect to the sea-bed and subsoil and their natural resources may be exercised;

- 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 which 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 and an enterprise carried on by a resident of the other Contracting State;
- i) the term "international traffic" means any transport by a ship or aircraft operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State;
- j) the term "national" means:
 - aa) in relation to Germany any German within the meaning of the Basic Law for the Federal Republic of Germany and any legal person, partnership and association deriving its status as such from the laws in force in Germany;
 - bb) in relation to the United Kingdom any British citizen, or any British subject not possessing the citizenship of any other Commonwealth country or territory, provided he has the right of abode in the United Kingdom; and any legal person, partnership, association or other entity deriving its status as such from the law in force in the United Kingdom;
- k) the term "competent authority" means:
 - aa) in the case of Germany the Federal Ministry of Finance or the agency to which it has delegated its powers;
 - bb) in the case of the United Kingdom the Commissioners for Her Majesty's Revenue and Customs or their authorised representative.

2. As regards the application of the Convention at any time by a Contracting State 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 Contracting State for the purposes of the taxes to which the Convention applies, any meaning under the applicable tax laws of that State prevailing over a meaning given to the term under other laws of that State.

ARTICLE 4

Resident

1. For the purposes of this Convention, the term "resident of a Contracting State" means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of management, place of incorporation or any other criterion of a similar nature, and also includes that State and any political subdivision or local authority of a "Land" or a Contracting State. This term, however, does not include any person who is liable to tax in that Contracting State only if he derives income or capital gains from sources therein or capital situated therein.

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

- a) he shall be deemed to be a resident only of the Contracting State in which he has a permanent home available to him; if he has a permanent home available to him in both Contracting States, he shall be deemed to be a resident only of the Contracting State with which his personal and economic relations are closer (centre of vital interests);
- b) if the Contracting State in which he has his centre of vital interests cannot be determined, or if he does not have a permanent home available to him in either Contracting State, he shall be deemed to be a resident only of the Contracting State in which he has an habitual abode;
- c) if he has an habitual abode in both Contracting States or in neither of them, he shall be deemed to be a resident only of the Contracting State of which he is a national;
- d) if he is a national of both Contracting States or of neither of them, the competent authorities of the Contracting States 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 Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated.