

No. 30870

**NEW ZEALAND
and
REPUBLIC OF KOREA**

Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (with protocol). Signed at Seoul on 6 October 1981

Authentic text: English.

Registered by New Zealand on 31 March 1994.

**NOUVELLE-ZÉLANDE
et
RÉPUBLIQUE DE CORÉE**

Convention tendant à éviter la double imposition et à prévenir l'évasion fiscale en matière d'impôts sur le revenu (avec protocole). Signée à Séoul le 6 octobre 1981

Texte authentique : anglais.

Enregistrée par la Nouvelle-Zélande le 31 mars 1994.

CONVENTION¹ BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE REPUBLIC OF KOREA 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 the Republic of Korea,

Desiring to conclude a Convention for the Avoidance
of Double Taxation and the Prevention of Fiscal Evasion
with respect to Taxes on Income,

Have agreed as follows:

ARTICLE 1

PERSONAL SCOPE

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

ARTICLE 2

TAXES COVERED

1. The taxes to which this Convention shall apply are:

(a) In the case of Korea:

(i) the income tax;

¹ Came into force on 22 April 1983, i.e., the thirtieth day following the date of exchange of the instruments of ratification, which took place at Wellington on 23 March 1983, in accordance with article 28 (1).

- (ii) the corporation tax; and
 - (iii) the inhabitant tax
(hereinafter referred to as "Korean tax");
- (b) In the case of New Zealand:
- (i) the income tax; and
 - (ii) the excess retention tax
(hereinafter referred to as "New Zealand tax").
2. The Convention shall apply also to any identical or substantially similar taxes which 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 substantial changes which have been made in their respective taxation laws.

ARTICLE 3

GENERAL DEFINITIONS

1. For the purposes of this Convention, unless the context otherwise requires:
- (a) the term "Korea" means the Republic of Korea and, when used in a geographical sense, it includes any area adjacent to the territorial

sea of the Republic of Korea which, in accordance with international law, has been or may hereafter be designated under the laws of the Republic of Korea as an area within which the sovereign rights of the Republic of Korea with respect to the sea-bed and sub-soil and their natural resources may be exercised;

- (b) the term "New Zealand", when used in a geographical sense, means the metropolitan territory of New Zealand (including the outlying islands) but does not include the Cook Islands, Niue or Tokelau; it also includes areas adjacent to the territorial sea of the metropolitan territory of New Zealand (including the outlying islands) which by New Zealand legislation and in accordance with international law have been, or may hereafter be, designated as areas over which New Zealand has sovereign rights for the purposes of exploring them or of exploring, exploiting, conserving and managing the natural resources of the sea, or of the sea-bed and sub-soil;
- (c) the terms "a Contracting State" and "the other Contracting State" mean Korea or New Zealand, as the context requires;
- (d) the term "tax" means Korean tax or New Zealand tax as the context requires;

- (e) the term "person" includes an individual, a company and any other body of persons;
- (f) the term "company" means any body corporate or any entity which is treated as a body corporate for tax purposes;
- (g) 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;
- (h) 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;
- (i) the term "competent authority" means, in the case of Korea, the Minister of Finance or his authorised representative; and in the case of New Zealand, the Commissioner of Inland Revenue or his authorised representative;
- (j) the term "national" means:
 - (i) in respect of New Zealand, any individual possessing citizenship of New Zealand and any legal person, partnership or association