

No. 33070

**IRELAND
and
PORTUGAL**

Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (with protocol). Signed at Dublin on 1 June 1993

Authentic texts: English and Portuguese.

Registered by Ireland on 26 August 1996.

**IRLANDE
et
PORTUGAL**

Convention visant à éviter la double imposition et à prévenir l'évasion fiscale en matière d'impôts sur le revenu (avec protocole). Signée à Dublin le 1^{er} juin 1993

Textes authentiques : anglais et portugais.

Enregistrée par l'Irlande le 26 août 1996.

CONVENTION¹ BETWEEN IRELAND AND THE PORTUGUESE REPUBLIC FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

The Government of Ireland and the Government of the Portuguese Republic, 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:

CHAPTER I

SCOPE OF THE CONVENTION

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. This Convention shall apply to taxes on income imposed on behalf of a Contracting State or of its political or administrative subdivisions or local authorities, irrespective of the manner in which they are levied.

¹ Came into force on 11 July 1994 by the exchange of instruments of ratification at Lisbon, in accordance with article 28.

2. There shall be regarded as taxes on income all taxes imposed on total income or on elements of income, including taxes on gains from the alienation of movable or immovable property, as well as taxes on capital appreciation.

3. The existing taxes to which this Convention shall apply are:

(a) in the case of Ireland:

- (i) the income tax;
 - (ii) the corporation tax; and
 - (iii) the capital gains tax;
- (hereinafter referred to as "Irish tax");

(b) in the case of Portugal:

- (i) personal income tax (Imposto sobre o Rendimento das Pessoas Singulares - IRS);
 - (ii) corporate income tax (Imposto sobre o Rendimento das Pessoas Colectivas - IRC); and
 - (iii) local surtax on corporate income tax (Derrama);
- (hereinafter referred to as "Portuguese Tax").

4. 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 any substantial changes which have been made in their respective taxation laws.

CHAPTER II
DEFINITIONS

Article 3

GENERAL DEFINITIONS

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

- (a) the term "Ireland" includes any area outside the territorial waters of Ireland which, in accordance with international law, has been or may hereafter be designated under the laws of Ireland as an area within which the rights of Ireland with respect to the sea bed and subsoil and their natural resources may be exercised;

- (b) the term "Portugal" means the territory of the Portuguese Republic situated in the European Continent, the archipelagoes of Azores and Madeira, the respective territorial sea and any other zone in which, in accordance with the laws of Portugal and international law, the Portuguese Republic has sovereign rights with respect to the exploration and exploitation of the

natural resources of the sea bed and subsoil, and of the superjacent waters;

- (c) the terms "Contracting State", "one of the Contracting States" and "the other Contracting State" mean Ireland or Portugal, as the context requires; and the term "Contracting States" means Ireland and Portugal;
- (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 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;
- (g) the term "international traffic" means any transport by a ship or aircraft operated by an enterprise which has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State;
- (h) the term "a national" means:
 - (i) in relation to Ireland, any citizen of Ireland and any legal person, association or other entity