

No. 47723

**Belgium
and
Rwanda**

Convention between the Kingdom of Belgium and the Republic of Rwanda for the avoidance of double taxation and the prevention of tax fraud and fiscal evasion with respect to taxes on income and on capital (with protocol). Kigali, 16 April 2007

Entry into force: *6 July 2010 by notification, in accordance with article 29*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Belgium, 30 August 2010*

**Belgique
et
Rwanda**

Convention entre le Royaume de Belgique et la République du Rwanda tendant à éviter la double imposition et à prévenir la fraude et l'évasion fiscales en matière d'impôts sur le revenu et sur la fortune (avec protocole). Kigali, 16 avril 2007

Entrée en vigueur : *6 juillet 2010 par notification, conformément à l'article 29*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Belgique, 30 août 2010*

[ENGLISH TEXT – TEXTE ANGLAIS]

**CONVENTION
BETWEEN
THE KINGDOM OF BELGIUM
AND
THE REPUBLIC OF RWANDA
FOR THE AVOIDANCE OF DOUBLE TAXATION
AND THE PREVENTION OF TAX FRAUD AND FISCAL EVASION
WITH RESPECT TO TAXES ON INCOME AND ON CAPITAL**

THE KINGDOM OF BELGIUM

AND

THE REPUBLIC OF RWANDA,

DESIRING to conclude a Convention for the avoidance of double taxation and the prevention of tax fraud and fiscal evasion with respect to taxes on income and on capital,

HAVE AGREED as follows:

CHAPTER I - SCOPE OF THE CONVENTION

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 or of its political subdivisions or local authorities, 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 the Convention shall apply are in particular:
 - a) in the case of Rwanda:
 - 1° the personal income tax;
 - 2° the corporate income tax;
 - 3° the withholding taxes, and
 - 4° the tax on rent of immovable property as imposed under Law No 17/2002 establishing the source of revenue for districts and towns and its management, as amended;(hereinafter referred to as "Rwandan tax");
 - b) in the case of Belgium:
 - 1° the individual income tax;
 - 2° the corporate income tax;
 - 3° the income tax on legal entities;
 - 4° the income tax on non-residents;
 - 5° the supplementary crisis contribution,including the prepayments and the surcharges on these taxes and prepayments;(hereinafter referred to as "Belgian tax").
4. The Convention shall apply also 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 that have been made in their taxation laws.

CHAPTER II - DEFINITIONS

Article 3

General definitions

1. For the purposes of this Convention, unless the context otherwise requires:
 - a) 1° the term "Belgium", means the Kingdom of Belgium; used in its geographical sense, it means the territory of the Kingdom of Belgium, including the territorial sea and any other area in the sea and in the air within which the Kingdom of Belgium, in accordance with international law, exercises sovereign rights or its jurisdiction;
2° the term "Rwanda", means the Republic of Rwanda; used in its geographical sense it includes all the territory, lakes and any other area in the lakes and in the air within which Rwanda may exercise sovereign rights in accordance with international law;
 - b) the terms "a Contracting State" and "the other Contracting State" mean Belgium or Rwanda, as the context requires;
 - c) the term "person" includes an individual, a company and any other body of persons;
 - d) the term "company" means any body corporate or any entity that is treated as a body corporate for tax purposes in the Contracting State of which it is a resident;
 - e) the term "enterprise" applies to the carrying on of any business;
 - 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 that 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 "competent authority" means:
 - 1° in the case of Belgium, the Minister of Finance or his authorised representative, and
 - 2° in the case of Rwanda, the Minister in charge for Finance or his authorised representative;
 - i) the term "national", in relation to a Contracting State, means:
 - 1° any individual possessing the nationality or citizenship of that Contracting State; and
 - 2° any legal person, partnership or association deriving its status as such from the laws in force in that Contracting State;
 - j) the term "business" includes the performance of professional services and of other activities of an independent character.

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 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.
3. It is understood that the provisions of the Convention which are identical or in substance similar to the provisions of the OECD Model Tax Convention on Income and on Capital shall be interpreted in accordance with the general principles expressed in the commentaries on the Articles of the Model Tax Convention. This will not apply with respect to:
 - a) any disagreement expressed by a Contracting State in an observation on the commentaries;
 - b) any contrary interpretation provided for in this Convention;
 - c) any contrary interpretation published by one of the Contracting States and notified to the competent authority of the other Contracting State prior to the entry into force of the Convention;
 - d) any contrary interpretation agreed on by the competent authorities of the Contracting States after the entry into force of the Convention.

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 incorporation, place of management or any other criterion of a similar nature, and also includes that State and any political subdivision or local authority thereof. This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State 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 State in which he has a permanent home available to him; if he has a permanent home available to him in both States, he shall be deemed to be a resident only of the State with which his personal and economic relations are closer (centre of vital interests);
 - b) if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State, he shall be deemed to be a resident only of the State in which he has an habitual abode;
 - c) if he has an habitual abode in both States or in neither of them, he shall be deemed to be a resident only of the State of which he is a national;
 - d) if he is a national of both 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.