

**AGREEMENT  
BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF CHINA (TAIWAN)  
AND  
THE GOVERNMENT OF TUVALU  
FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF  
FISCAL EVASION WITH RESPECT TO TAXES ON INCOME**

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The Government of the Republic of China (Taiwan) and the Government of Tuvalu (hereinafter referred to individually as a “Contracting State” and collectively as the “Contracting States”);

Desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income for the purpose of maintaining and promoting bilateral economic and commercial relations between the countries.

Hereby have agreed as follows:

**ARTICLE 1  
Persons Covered**

- 1.1 This Agreement shall apply to persons who are residents of one or both of the Contracting States.
- 1.2 For the purposes of this Agreement, income derived by or through an entity or arrangement that is treated as wholly or partly fiscally transparent under the tax law of either Contracting State shall be considered to be income of a resident of a Contracting State but only to the extent that the income is treated, for purposes of taxation by that State, as the income of a resident of that State.

**ARTICLE 2  
Taxes Covered**

- 2.1 The existing taxes to which this Agreement shall apply are:
  - 2.1.1 in the Republic of China (Taiwan):

2.1.1.1 the profit-seeking enterprise income tax;

2.1.1.2 the individual consolidated income tax;

2.1.1.3 the income basic tax.

2.1.2 in Tuvalu:

2.1.2.1 the income tax imposed under the laws of Tuvalu.

2.2 This Agreement shall apply also to any identical or substantially similar taxes that are imposed after the date of signature of this 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 the taxation laws of the respective States.

### **ARTICLE 3**

#### **General Definitions**

3.1 For the purposes of this Agreement, unless the context otherwise requires:

3.1.1 the term “ROC” means the Republic of China (Taiwan) and, when used in a geographical sense, includes the territorial sea thereof as well as any area outside the territorial sea in respect of which the ROC is entitled, in accordance with international law, to exercise sovereign rights or jurisdiction;

3.1.2 the term “Tuvalu”, when used in a geographical sense, includes the territorial sea thereof as well as any area outside the territorial sea in respect of which Tuvalu is entitled, in accordance with international law, to exercise sovereign rights or jurisdiction;

3.1.3 the terms “a Contracting State” and “the other Contracting State” mean the Republic of China (Taiwan) or Tuvalu as the context requires;

3.1.4 the term “person” includes an individual, an estate, a trust, a partnership, a company and any other body of persons;

- 3.1.5 the term “company” means any body corporate or any entity that is treated as a body corporate for tax purposes;
- 3.1.6 the term “enterprise” applies to the carrying on of any business, but does not include the performance of professional services and any activities of independent character;
- 3.1.7 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;
- 3.1.8 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;
- 3.1.9 the term “competent authority” means:
- 3.1.9.1 in the case of the ROC, the Minister of Finance or the Minister’s authorised representative, and
- 3.1.9.2 in the case of Tuvalu, the Minister of Finance and Economic Development or the Minister’s authorised representative;
- 3.1.10 the term “national” means:
- 3.1.10.1 any individual possessing the nationality of a Contracting State;  
and
- 3.1.10.2 any legal person, partnership or association deriving its status as such from the laws in force in a Contracting State.
- 3.2 As regards the application of the Agreement 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 this Agreement 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. In the event of any dispute, Article 24 will apply.

## **ARTICLE 4**

### **Resident**

- 4.1 For the purposes of this Agreement, 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 the person’s 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.
- 4.2 A person is not a resident of a Contracting State for the purposes of this Agreement if that person is liable to tax in that State in respect only of income from sources in that State, provided that this Article shall not apply to individuals who are residents of the ROC, as long as resident individuals are taxed only in respect of income from sources in the ROC in accordance with its Income Tax Act.
- 4.3 Where by reason of the preceding provisions of Article 4, an individual is a resident of both Contracting States, then the status of the individual shall be determined as follows:
- 4.3.1 the individual shall be deemed to be a resident only of the State in which the individual has a permanent home available to that individual; if the individual has a permanent home available in both Contracting States, the individual shall be deemed to be a resident only of the Contracting State with which the individual’s personal and economic relations are closer (centre of vital interests);
  - 4.3.2 if the Contracting State in which the individual’s centre of vital interests cannot be determined, or if there is no permanent home available to that individual in either Contracting State, the individual shall be deemed to be a resident only of the Contracting State in which the individual has an habitual abode;
  - 4.3.3 if the individual has an habitual abode in both Contracting States or in neither of them, the individual shall be deemed to be a resident only of the Contracting State of which he is a national;
  - 4.3.4 if the individual 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.

4.4 Where by reason of the provisions of Articles 4.1 and 4.2 a person other than an individual is a resident of both Contracting States, the competent authorities of the Contracting States shall endeavour to determine by mutual agreement the Contracting State of which such person shall be deemed to be a resident for the purposes of the Agreement, having regard to its place of effective management, the place where it is incorporated or otherwise constituted and any other relevant factors. In the absence of such agreement, such person shall not be entitled to any relief or exemption from tax provided by this Agreement except to the extent and in such manner as may be agreed upon by the competent authorities of the Contracting States.

## **ARTICLE 5**

### **Permanent Establishment**

5.1 For the purposes of this Agreement, the term “permanent establishment” means a fixed place of business through which the business of an enterprise is wholly or partly carried on.

5.2 The term “permanent establishment” includes:

5.2.1 a place of management;

5.2.2 a branch;

5.2.3 an office;

5.2.4 a factory;

5.2.5 a workshop;

5.2.6 a mine, an oil or gas well, a quarry or any other place of extraction of natural resources;

5.2.7 an agriculture, pastoral or forestry property, and

5.2.8 a building site or construction, installation or assembly project which

exists for a period of more than six months.

5.3 An enterprise of a Contracting State, notwithstanding that it has a fixed place of business in the other Contracting State, shall be deemed to have a permanent establishment in that other State and to carry on business through that permanent establishment if:

5.3.1 it carries on supervisory activities in that other State for more than six months in connection with a building site, or a construction, installation or assembly project which is being undertaken in that other State, or

5.3.2 services are furnished in that other State, including consultancy and management services, through employees or other personnel engaged by the enterprise or an associated enterprise for such purposes, and those activities continue for the same or a connected project within that other State for a period or periods aggregating more than six months within any twelve-month period.

5.4 Notwithstanding the preceding provisions of Article 5, the term “permanent establishment” shall not include:

5.4.1 the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;

5.4.2 the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;

5.4.3 the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;

5.4.4 the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or of collecting information, for the enterprise;

5.4.5 the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise;

- 5.4.6 the maintenance of a fixed place of business solely for any combination of activities mentioned in Articles 5.4.1 to 5.4.5, provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.
- 5.5 Notwithstanding the provisions of Articles 5.1 and 5.2, where a person - other than an agent of an independent status to whom Article 5.6 applies - is acting on behalf of an enterprise and has, and habitually exercises, in a Contracting State an authority to conclude contracts in the name of the enterprise, that enterprise shall be deemed to have a permanent establishment in that State in respect of any activities which that person undertakes for the enterprise, unless the activities of such person are limited to those mentioned in Article 5.4 which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that Article.
- 5.6 An enterprise shall not be deemed to have a permanent establishment in a Contracting State merely because it carries on business in that State through a broker, general commission agent or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business.
- 5.7 The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

## **ARTICLE 6**

### **Income from Immovable Property**

- 6.1 Income derived by a resident of a Contracting State from immovable property (including income from agriculture or forestry) situated in the other Contracting State may be taxed in that other State.
- 6.2 The term “immovable property” shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of

general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, a lease of land and any other interest in or over land, whether improved or not, or the right to work and to mine, mineral deposits, sources and other natural resources; ships, boats and aircraft shall not be regarded as immovable property.

- 6.3 The provisions of Article 6.1 shall apply to income derived from the direct use, letting, or use in any other form of immovable property.
- 6.4 The provisions of Articles 6.1 and 6.3 shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of independent personal services.

## **ARTICLE 7**

### **Business Profits**

- 7.1 The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to that permanent establishment.
- 7.2 Subject to the provisions of Article 7.3, where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.
- 7.3 In determining the profits of a permanent establishment, there shall be allowed as deductions expenses which are incurred for the purposes of the permanent establishment, including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere.
- 7.4 Insofar as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the

total profits of the enterprise to its various parts, nothing in Article 7.2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary; the method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained under Article 7.

- 7.5 No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.
- 7.6 For the purposes of the preceding provisions of Article 7, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary.
- 7.7 Where profits include items of income which are dealt with separately in other Articles of this Agreement, then the provisions of those Articles shall not be affected by the provisions of Article 7.
- 7.8 Nothing in Article 7 shall affect the operation of any law of one of the Contracting States relating to tax imposed on profits from insurance with non-residents provided that if the relevant law in force in either Contracting States at the date of signature of this Agreement is varied (otherwise than in minor respects so as not to affect its general character), the Contracting States shall consult with each other to agree to any amendment of this Article that may be appropriate.
- 7.9 Where:
- 7.9.1 a resident of one of the Contracting States is beneficially entitled, whether directly or through one or more interposed trust estates, to a share of the business profits of an enterprise carried on in the other Contracting State by the trustee of a trust estate other than a trust estate which is treated as a company for tax purpose, and
- 7.9.2 in relation to that enterprise, that trustee would, in accordance with the principles of Article 5, have a permanent establishment in that other State, the enterprise carried on by the trustee shall be deemed to be a business carried on in the other State by that resident through a permanent establishment situated in that other State and that share of

business profits shall be attributed to that permanent establishment.

## **ARTICLE 8**

### **Shipping and Air Transport**

- 8.1 Profits derived by an enterprise of a Contracting State from the operation of ships or aircraft in international traffic shall be taxable only in that Contracting State.
- 8.2 For the purposes of Article 8, profits from the operation of ships or aircraft in international traffic include:
- 8.2.1 profits from the rental on a full (time or voyage) basis or a bareboat basis of ships or aircraft, and
- 8.2.2 profits from the use, maintenance or rental of containers (including trailers and related equipment for the transport of containers) used for the transport of goods or merchandise; where such rental or such use, maintenance or rental, as the case may be, is incidental to the operation of ships or aircraft in international traffic.
- 8.3 Notwithstanding the provisions of Article 8.1, such profits may be taxed in the other Contracting State, where they are profits from the operation of ships or aircraft confined solely to places in that other State.
- 8.4 The provisions of Articles 8.1 and 8.3 shall apply in relation to the share of profits from the operation of ships or aircraft derived by a resident of one of the Contracting States through participation in a pool service, in a joint transport operating organization or in an international operating agency.
- 8.5 For the purposes of Article 8, profits derived from the carriage by ships or aircraft of passengers, livestock, mail, goods or merchandise shipped in a Contracting State for discharge at another place in that State shall be treated as profits from the operation of ships or aircraft confined solely to places in that State.

## **ARTICLE 9**

### **Associated Enterprises**

- 9.1 Where one of the following is met and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations

which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly:

9.1.1 an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or

9.1.2 the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State.

9.2 Where a Contracting State includes in the profits of an enterprise of that State - and taxes accordingly - profits on which an enterprise of the other Contracting State has been charged to tax in that other State and the profits so included are profits which would have accrued to the enterprise of the first-mentioned State if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other State shall make an appropriate adjustment to the amount of the tax charged therein on those profits if that other State considers the adjustment justified. In determining such adjustment, due regard shall be had to the other provisions of this Agreement and the competent authorities of the Contracting States shall if necessary consult each other.

## **ARTICLE 10**

### **Dividends**

10.1 Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State may be taxed in that other State.

10.2 However, such dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident and according to the laws of that State, but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed 10 percent of the gross amount of the dividends.

10.2.1 Article 10.2 shall not affect the taxation of the company in respect of the

profits out of which the dividends are paid.

10.3 The term “dividends” as used in Article 10 means income from shares, “jouissance” shares or “jouissance” rights, mining shares, founders’ shares or other rights, not being debt-claims, participating in profits, as well as income from other corporate rights which is subjected to the same taxation treatment as income from shares by the laws of the State of which the company making the distribution is a resident.

10.4 The provisions of Articles 10.1 and 10.2 shall not apply if the beneficial owner of the dividends, being a resident of a Contracting State, carries on business in the other Contracting State of which the company paying the dividends is a resident, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.

10.5 Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other State may not impose any tax on the dividends paid by the company, except insofar as such dividends are paid to a resident of that other State or insofar as the holding in respect of which the dividends are paid is effectively connected with a permanent establishment or a fixed base situated in that other State, nor subject the company’s undistributed profits to a tax on the company’s undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.

## **ARTICLE 11**

### **Interest**

11.1 Interest arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

11.2 However, such interest may also be taxed in the Contracting State in which it arises and according to the laws of that State, but if the beneficial owner of the interest is a resident of the other Contracting State, the tax so charged shall not exceed 10 percent of the gross amount of the interest.

- 11.3 Notwithstanding the provisions of Article 11.2, interest arising in a Contracting State and derived by the Government of the other Contracting State or a political subdivision or a local authority thereof, or any agency owned or controlled by that Government or subdivision or authority shall be taxable only in that other State.
- 11.4 The term “interest” as used in Article 11 means income from debt-claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor's profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. However, the term “interest” shall not include for the purpose of Article 11 penalty charges for late payment, interest on commercial debt-claims resulting from deferred payments for goods, merchandise or services supplied by an enterprise.
- 11.5 The provisions of Articles 11.1 to 11.3 shall not apply if the beneficial owner of the interest, being a resident of a Contracting State, carries on business in the other Contracting State in which the interest arises, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the debt-claim in respect of which the interest is paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.
- 11.6 Interest shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the interest, whether the person is a resident of a Contracting state or not, has in a Contracting State a permanent establishment or a fixed base in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment or fixed base, then such interest shall be deemed to arise in the State in which the permanent establishment or fixed base is situated.
- 11.7 Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of Article 11 shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to

the other provisions of this Agreement.

## **ARTICLE 12**

### **Royalties**

12.1 Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

12.2 However, such royalties may also be taxed in the Contracting State in which they arise and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 percent of the gross amount of the royalties.

12.3 The term “royalties” as used in Article 12 means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work including cinematograph films, or films or tapes used for radio or television broadcasting, any patent, trade mark, design or model, plan, secret formula or process, or for information concerning industrial, commercial or scientific experience.

12.4 The provisions of Articles 12.1 and 12.2 shall not apply if the beneficial owner of the royalties, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties arise, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the right or property in respect of which the royalties are paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.

12.5 Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether the person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base in connection with which the liability to pay the royalties was incurred, and such royalties are borne by such permanent establishment or fixed base, then such royalties shall be deemed to arise in the State in which the permanent establishment or fixed base is situated.

12.6 Where, by reason of a special relationship between the payer and the beneficial

owner or between both of them and some other person, the amount of the royalties, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of Article 12 shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.

### **ARTICLE 13**

#### **Alienation of Property**

- 13.1 Income, profits, or gains derived by a resident of a Contracting State from the alienation of immovable property referred to in Article 6 and situated in the other Contracting State may be taxed in that other State.
- 13.2 Income, profits, or gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services, including such income, profits, or gains from the alienation of such a permanent establishment (alone or with the whole enterprise) or of such fixed base, may be taxed in that other State.
- 13.3 Income, profits, or gains derived by an enterprise of a Contracting State from the alienation of ships or aircraft operated in international traffic or movable property pertaining to the operation of such ships or aircraft shall be taxable only in that State.
- 13.4 Income, profits, or gains derived by a resident of a Contracting State from the alienation of shares or comparable interests, such as interests in a partnership or trust, deriving more than 50 percent of their value directly or indirectly from immovable property situated in the other Contracting State may be taxed in that other State.
- 13.5 Income, profits, or gains from the alienation of any property other than that referred to in Articles 13.1, 13.2, 13.3 and 13.4 shall be taxable only in the Contracting State of which the alienator is a resident.

**ARTICLE 14**  
**Independent Personal Services**

14.1 Income derived by an individual who is a resident of a Contracting State in respect of professional services or other activities of an independent character shall be taxable only in that State unless:

14.1.1 the individual has a fixed base regularly available to the individual in the other Contracting State for the purpose of performing the individual's activities. If such a fixed base is available to the individual, the income may be taxed in the other State but only so much of it as is attributable to activities exercised from that fixed base, or

14.1.2 the individual's stay in that other Contracting State is for a period or periods exceeding in the aggregate 183 days within any twelve-month period. In that case so much of the income as is derived from that individual's activities in that other Contracting State may be taxed in that State.

14.2 The term "professional services" includes especially independent scientific, literary, artistic, educational or teaching activities as well as in the exercise of the independent activities of physicians, lawyers, engineers, architects, dentists and accountants.

**ARTICLE 15**  
**Income from Employment**

15.1 Subject to the provisions of Articles 16, 18 and 19, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

15.2 Notwithstanding the provisions of Article 15.1, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:

15.2.1 the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days within any twelve-month period, and

15.2.2 the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State, and

15.2.3 the remuneration is not borne by a permanent establishment or a fixed base which the employer has in the other State.

15.3 Notwithstanding the preceding provisions of Article 15, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State, may be taxed in that State.

## **ARTICLE 16**

### **Directors' Fees**

Directors' fees and other similar payments derived by a resident of a Contracting State in that person's capacity as a member of the board of directors of a company which is a resident of the other Contracting State, may be taxed in that other State.

## **ARTICLE 17**

### **Entertainers and Sportspersons**

17.1 Notwithstanding the provisions of Articles 14 and 15, income derived by a resident of a Contracting State as an entertainer, such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsperson, from that individual's personal activities as such exercised in the other Contracting State, may be taxed in that other State.

17.2 Where income in respect of personal activities exercised by an entertainer or a sportsperson in that individual's capacity as such accrues not to that entertainer or sportsperson personally but to another person, that income may, notwithstanding the provisions of Articles 7, 14 and 15, be taxed in the Contracting State in which the activities of the entertainer or sportsperson are exercised.

17.3 The provisions of Articles 17.1 and 17.2 shall not apply to income derived from

activities performed in a Contracting State by entertainers or sportspersons if the visit to that State is wholly or mainly supported by public funds of one or both of the Contracting States or political subdivisions or local authorities thereof. In such case, the income is taxable only in the State in which the entertainer or the sportsperson is a resident.

## **ARTICLE 18**

### **Pensions and Annuities**

18.1 Subject to the provisions of Article 19.2, pensions and other similar remuneration in consideration of past employment and any annuity paid to a resident of a Contracting State shall be taxable only in that State.

18.2 The term “annuity” means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money’s worth.

## **ARTICLE 19**

### **Government Service**

19.1 Salaries, wages and other similar remuneration, other than a pension or annuity, paid by a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in that State.

19.1.1 However, such salaries, wages and other similar remuneration shall be taxable only in the other Contracting State if the services are rendered in that State and the individual is a resident of that State who:

19.1.1.1 is a national of that State, or

19.1.1.2 did not become a resident of that State solely for the purpose of rendering the services.

19.2 Any pension or annuity paid by, or out of funds created by, a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in

that State.

19.2.1 However, such pension or annuity shall be taxable only in the other Contracting State if the individual is a resident of, and a national of, that State.

19.3 The provisions of Articles 15, 16, 17 and 18 shall apply to salaries, wages and other similar remuneration, and to pensions or annuities, in respect of services rendered in connection with a business carried on by a Contracting State or a political subdivision or a local authority thereof.

## **ARTICLE 20**

### **Teachers, Researchers, Trainees and Students**

20.1 An individual who visits a Contracting State at the invitation of that State or of a university, college, school, museum or other cultural institution of that State or under an official program of cultural exchange for a period not exceeding two years solely for the purpose of teaching, giving lectures or carrying out research at such institution and who is, or was immediately before that visit, a resident of the other Contracting State shall be exempt from tax in the first-mentioned State on that individual's remuneration for such activity, provided that such remuneration is derived by that individual from outside that State.

20.2 Payments which a student or business trainee who is or was immediately before visiting a Contracting State a resident of the other Contracting State and who is present in the first-mentioned State solely for the purpose of that individual's education or training receives for the purpose of that individual's maintenance, education or training shall not be taxed in that State, provided that such payments arise from sources outside that State.

## **ARTICLE 21**

### **Other Income**

21.1 Items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Agreement shall be taxable only in that State.

21.2 The provisions of Article 21.1 shall not apply to income, other than income from immovable property as defined in Article 6.2, if the recipient of such income, being a resident of a Contracting State, carries on business in the other Contracting State

through a permanent establishment, or performs in that other State independent personal services from a fixed base situated therein, and the right or property in respect of which the income is paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.

## **ARTICLE 22**

### **Avoidance of Double Taxation**

22.1 In the case of the ROC, where a resident of the ROC derives income from Tuvalu, the amount of tax on that income paid in Tuvalu (but excluding, in the case of a dividend, tax paid in respect of the profits out of which the dividend is paid) and in accordance with the provisions of this Agreement, shall be credited against the tax levied in the ROC imposed on that resident. The amount of credit, however, shall not exceed the amount of the tax in the ROC on that income computed in accordance with its taxation laws and regulations.

22.2 In the case of Tuvalu, subject to the provisions of the laws of Tuvalu from time to time in force relating to the allowance of a credit against tax payable in Tuvalu of tax paid outside Tuvalu (which shall not affect the general principle of Article 22), tax paid under the laws of the ROC and in accordance with this Agreement, whether directly or by deduction, in respect of income derived by a person who is a resident of Tuvalu from sources in the ROC shall be allowed as a credit against tax payable in Tuvalu in respect of that income. The amount of credit, however, shall not exceed the amount of the tax in Tuvalu on that income computed in accordance with its taxation laws and regulations.

## **ARTICLE 23**

### **Non-Discrimination**

23.1 Nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the same circumstances, in particular with respect to residence, are or may be subjected. This provision shall, notwithstanding the provisions of Article 1, also apply to persons who are not residents of one or both of the Contracting States.

23.2 The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities. This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.

23.3 Except where the provisions of Article 9.1, Article 11.7, or Article 12.6, apply, interest, royalties and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned State.

23.4 Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of the first-mentioned State are or may be subjected.

23.5 The provisions of Article 23 shall apply to taxes which are the subject of this Agreement.

23.6 The provisions of Article 23 shall not be construed so as to apply to any provision of the laws of a Contracting State which:

23.6.1 is designed to prevent the avoidance or evasion of taxes;

23.6.2 does not allow tax rebates, credits or exemption in relation to dividends paid by a company that is a resident of that Contracting State for purposes of its tax;

23.6.3 is designed for the purposes of the promotion of economic development and public policy;

23.6.4 is otherwise agreed to be unaffected by the provisions of Article 23 in an exchange of letters between the competent authorities.

**ARTICLE 24**  
**Mutual Agreement Procedure**

24.1 Where a person considers that the actions of one or both of the Contracting States result or will result for that person in taxation not in accordance with the provisions of this Agreement, the person may, irrespective of the remedies provided by the domestic law of those States, present that case to the competent authority of the Contracting State of which that person is a resident or, if that person's case comes under Article 23.1, to that of the Contracting State of which the person is a national. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of this Agreement.

24.2 The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation which is not in accordance with this Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States.

24.3 The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of this Agreement. They may also consult together for the elimination of double taxation in cases not provided for in this Agreement.

24.4 The competent authorities of the Contracting States may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding provisions of Article 24.

**ARTICLE 25**  
**Exchange of Information**

25.1 The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Agreement or to the administration or enforcement of the domestic laws concerning taxes covered by this Agreement insofar as the taxation thereunder is not contrary to the Agreement. The exchange of information is not restricted by the provisions of Article 1.

25.2 Any information received under Article 25.1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in Article 25.1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.

25.3 In no case shall the provisions of Articles 25.1 and 25.2 be construed so as to impose on a Contracting State the obligation:

25.3.1 to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;

25.3.2 to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;

25.3.3 to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy.

25.4 If information is requested by a Contracting State in accordance with the provisions of Article 25, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of Article 25.3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic tax interest in such information.

25.5 In no case shall the provisions of Article 25.3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.

25.6 The competent authorities shall, through consultation, develop appropriate

methods and techniques concerning the matters in respect of which exchanges of information under Article 25.1 shall be made.

**ARTICLE 26**  
**Limitation on Benefits**

Notwithstanding the provisions of any other Article of this Agreement, a resident of a Contracting State shall not receive the benefit of any reduction in or exemption from tax provided for in this Agreement by the other Contracting State if the main purpose or one of the main purposes of such resident or a person connected with such resident was to obtain the benefits of this Agreement.

**ARTICLE 27**  
**Members of Diplomatic Missions and Consular Posts**

Nothing in this Agreement shall affect the fiscal privileges of members of diplomatic missions or consular posts under the general rules of international law or under the provisions of special agreements.

**ARTICLE 28**  
**Entry into Force**

28.1 Each of the Contracting States shall notify to the other through diplomatic channels in writing the completion of the procedures required by its law for the entry into force of this Agreement. This Agreement shall enter into force on the date of the later of these notifications.

28.2 This Agreement shall have effect:

28.2.1 in respect of taxes due or withheld at source, on income payable on or after January 1 of the year next following the year in which the Agreement enters into force;

28.2.2 in respect of other taxes charged, on income of taxable periods beginning on or after January 1 of the year next following the year in which the Agreement enters into force.

**ARTICLE 29**

**Termination**

29.1 This Agreement shall continue in effect indefinitely, but either of the Contracting States may, on or before June 30 in any year beginning after the expiration of five years from the date of its entry into force, give to the other Contracting State through the diplomatic channel written notice of termination.

29.2 In such event, this Agreement shall cease to be effective:

29.2.1 in respect of taxes due or withheld at source, on income payable on or after January 1 of the year next following the year in which the notice of termination is given;

29.2.2 in respect of other taxes charged, on income of taxable periods beginning on or after January 1 of the year next following the year in which the notice of termination is given.

**IN WITNESS WHEREOF**, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

Done in duplicate at Funafuti, on the 4<sup>th</sup> day of March in the year 2026, in the Chinese and English languages, both texts being equally authentic. In the case of discrepancy, the English text shall prevail.

For the **Government of the Republic of  
China (Taiwan)**

For the **Government of Tuvalu**

.....  
Minister of Foreign Affairs

.....  
Prime Minister

H.E. Lin Chia-Lung

Hon. Feleti Penitala Teo (OBE) (MP)