3. Where, by reason of a special relationship between the resident referred to in paragraph 1 and the payer or between both of them and some other person, the amount of the income referred to in paragraph 1 exceeds the amount which would have been agreed upon between them in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the income shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.

ARTICLE 22
ENTITLEMENT TO BENEFITS

1. A resident of a Contracting State shall be entitled to benefits granted by the provisions of paragraph 3 of Article 10, paragraph 1 of Article 11 or paragraph 1 of Article 12 if such resident is a qualified person as defined in paragraph 2.

2. A resident of a Contracting State is a qualified person only if such resident is either:

(a) an individual;

(b) the Government of that Contracting State, any political subdivision or local authority thereof, or the central bank thereof;

(c) a company, provided that its principal class of shares is regularly traded on one or more recognised stock exchanges;

(d) a pension fund, provided that, at the beginning of the taxable year for which the claim to the benefit is made, at least 50 per cent of its beneficiaries, members or participants are individuals who are residents of either Contracting State; or

(e) a person other than an individual, provided that residents of either Contracting State that are qualified persons by reason of subparagraph (a), (b), (c) or (d) own, directly or indirectly, at least 50 per cent of the voting power or other beneficial interests of the person.

3. A resident of a Contracting State shall be entitled to a benefit granted by the provisions of paragraph 3 of Article 10, paragraph 1 of Article 11 or paragraph 1 of Article 12 with respect to an item of income described in the respective paragraph if:

(a) in the case of a pension fund, at the beginning of the taxable year for which the claim to the benefit is made, at least 75 per cent of its beneficiaries, members or participants are individuals who are equivalent beneficiaries; or

(b) in all other cases, persons that are equivalent beneficiaries own, directly or indirectly, at least 75 per cent of the voting power or other beneficial interests of that resident.

4. For the purposes of applying the provisions of subparagraph (e) of paragraph 2 and subparagraph (b) of paragraph 3, a resident of a Contracting State shall be considered to satisfy the conditions described in those subparagraphs only if such resident satisfies those conditions during the twelve month period including the date of the payment (in the case of dividends, the date on which entitlement to the dividends is determined).

5. (a) A resident of a Contracting State shall be entitled to a benefit granted by the provisions of paragraph 3 of Article 10, paragraph 1 of Article 11 or paragraph 1 of Article 12 with respect to an item of income described in the respective paragraph if:

(i) the resident is carrying on business in that Contracting State (other than the business of making or managing investments for the resident's own account, unless the business is banking, insurance or securities business carried on by a bank, insurance company or securities dealer); and

(ii) the item of income is derived in connection with, or is incidental to, that business.