(b) an item of income:

(i) derived from a Contracting State through an entity that is organised in the other Contracting State, and

(ii) treated as the income of that entity under the tax laws of that other Contracting State,

shall be eligible for the benefits of the Convention that would be granted to a resident of that other Contracting State, without regard to whether the income is treated as the income of that entity under the tax laws of the first-mentioned Contracting State, if such entity is a resident of that other Contracting State and satisfies any other conditions specified in the Convention;

(c) an item of income:

(i) derived from a Contracting State through an entity that is organised in that Contracting State, and

(ii) treated as the income of that entity under the tax laws of the other Contracting State,

shall not be eligible for the benefits of the Convention."

Article 3

1. Paragraph 3 of Article 5 of the Convention shall be amended by replacing the period at the end of subparagraph (e) with a semicolon and by adding the following:

"(f) the maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs (a) to (e), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character."

2. Paragraphs 4 and 5 of Article 5 of the Convention shall be deleted and replaced by the following:

"4. Notwithstanding the provisions of paragraphs 1 and 2, where a person - other than an agent of an independent status to whom the provisions of paragraph 5 apply - 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 Contracting 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 paragraph 3 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 paragraph."

3. Paragraphs 6 and 7 of Article 5 of the Convention shall be renumbered as paragraphs 5 and 6 respectively.

Article 4

Paragraph 1 of Article 6 of the Convention shall be deleted and replaced by the following:

"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 Contracting State."

Article 5

Article 9 of the Convention shall be deleted and replaced by the following:

"Article 9

1. Where

(a) 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

(b) 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,