4. Where the provisions of subparagraph (f) of paragraph 2 or paragraph 3 apply:

(a) in respect of taxation by withholding at source, a resident of a Contracting State shall be considered to satisfy the conditions described in that subparagraph or paragraph for the taxable year in which the payment of an item of income is made if such resident satisfies those conditions during the twelve month period preceding the date of the payment or, in case of dividends, the date on which entitlement to the dividends is determined;

(b) in all other cases, a resident of a Contracting State shall be considered to satisfy the conditions described in that subparagraph or paragraph for the taxable year in which the payment is made if such resident satisfies those conditions on at least half the days of the taxable year.

5. (a) Notwithstanding that a resident of a Contracting State may not be a qualified person, that resident shall be entitled to the benefits granted by the provisions of paragraph 3 of Article 10, subparagraph (c), (d) or (e) of paragraph 3 of Article 11, Article 12, paragraph 6 of Article 13 or Article 22 with respect to an item of income described in those subparagraphs, paragraphs or Articles derived from the other Contracting State if:

(i) that resident functions as a headquarters company for a multinational corporate group;

(ii) the item of income derived from that other Contracting State is derived in connection with, or is incidental to, the trade or business activity referred to in clause (ii) of subparagraph (b); and

(iii) that resident satisfies any other specified conditions in those subparagraphs, paragraphs or Articles for the obtaining of such benefits.

(b) A resident of a Contracting State shall be considered a headquarters company for a multinational corporate group for the purposes of subparagraph (a) only if:

(i) that resident provides a substantial portion of the overall supervision and administration of the group or provides financing for the group;

(ii) the group consists of companies which are resident in and are engaged in an active trade or business in at least five countries, and the trade or business activities carried on in each of the five countries generate at least 5 per cent of the gross income of the group;

(iii) the trade or business activities carried on in any one country other than that Contracting State generate less than 50 per cent of the gross income of the group;

(iv) no more than 50 per cent of its gross income is derived from the other Contracting State;

(v) that resident has, and exercises, independent discretionary authority to carry out the functions referred to in clause (i); and

(vi) that resident is subject to the same income taxation rules in that Contracting State as persons described in paragraph 6.

(c) For the purposes of subparagraph (b), a resident of a Contracting State shall be deemed to satisfy the gross income requirements described in clause (ii), (iii) or (iv) of that subparagraph for the taxable year in which the item of income is derived if that resident satisfies each of those gross income requirements when averaging the gross income of the three taxable years preceding that taxable year.