

PROTOCOL

At the moment of signing the Agreement between the Government of the People's Republic of China and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, the undersigned have agreed upon the following provisions which shall form an integral part of the Agreement.

1. With respect to the provisions of this Agreement, it is understood that the term "fiscal year" means:

- a)* in the case of Belgium, the taxable period;
- b)* in the case of China, the taxable year.

2. With respect to paragraphs 4 and 5 of Article 13:

If, in a Contracting State, the rate of taxation on the capital gains dealt with in paragraphs 4 and 5 of Article 13 exceeds 10 per cent, the competent authorities shall consult each other.

3 With respect to paragraph 5 of Article 26:

Information held by banks and other financial institutions will be exchanged only upon request. If the request does not identify both a specific taxpayer and a specific bank or financial institution, the competent authority of the requested State may decline to obtain any information that it does not already possess.

4. In the case of Belgium, with respect to paragraph 5 of Article 26:

- a)* in order to obtain such information the tax administration of Belgium shall have the power to ask for the disclosure of information and to conduct investigations and hearings notwithstanding any contrary provisions in its domestic tax laws;
- b)* penalties provided by the domestic laws of Belgium for a person failing to give information relevant for carrying out its domestic tax laws shall apply as if the obligation to give information provided in paragraph 5 was an obligation provided in the domestic tax laws of Belgium;
- c)* where a person refuses to give information requested within the framework of paragraph 5 or fails to give such information within the time required by the tax administration of Belgium, the tax administration of Belgium may bring appropriate enforcement proceedings against such person.

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

DONE at Brussels, on this, in duplicate in the Chinese, Dutch, French and English languages, the four texts being equally authentic. In case of any divergence of interpretation between the Chinese, Dutch, French and English texts, the English text shall prevail.

**For the Government of
the People's Republic of China**

**For the Government of
the Kingdom of Belgium**