

# **Act (1984:246) on the double taxation treaty between Sweden and Trinidad and Tobago**

**SFS** : 1984:246 **Ministry / Authority** : Ministry of Finance S3 **Issued** : 1984-05-03 **Modified** SFS 2011:1317 **Other text** : Only the Swedish text is included in the Annex. **Amendment Record** : [SFSR \(Lagrummet\)](#) **Source** : Cabinet Office / Lagrummet

**1 §** The agreement to avoid double taxation and prevent fiscal evasion with respect to income taxes and promote trade and investment as Sweden and Trinidad and Tobago signed February 17, 1984 shall be valid for Sweden. Content of the agreement set out in Annex to this Act.

**2 §** Agreement taxation rules apply only to the extent that these entail reduction of the charge in Sweden that would otherwise exist.

**§ 3** If a person believes that it taken any measure for him resulted or will result in taxation contrary to the provisions of the contract, he may apply for redress under Article 25 paragraph 1 of the Agreement. Such application shall be made by the government and should be submitted within the time specified in that provision.

**4 §** Repealed by *Act (2011:1317)* .

## **Annex**

### **Agreement between the Kingdom of Sweden and the Republic of Trinidad and Tobago in order to avoid double taxation and prevent fiscal evasion with respect to income taxes, as well as to promote trade and investment**

Government of Sweden and the Republic of Trinidad and Tobago's government, desiring to conclude an agreement to avoid double taxation and prevent fiscal evasion with respect to income taxes, as well as promoting trade and investment, have agreed as follows:

#### **ARTICLE 1**

##### **Persons to whom this Agreement applies**

This Agreement shall apply to persons who are residents of a Contracting State or of both Contracting States.

## **ARTICLE 2**

### Taxes covered by the Agreement

1. The existing taxes to which the Agreement shall apply are:

a) in Trinidad and Tobago:

- 1) the income tax,
- 2) corporate tax rate,
- 3) the tax on petroleum income,
- 4) the surtax on petroleum, and
- 5) unemployment rates;

(Tax of the kind, is called in the following "trinidadisk tax").

b) in Sweden:

- 1) the state income tax, the sailors' tax and coupon tax included,
- 2) distribution tax, and compensation tax,
- 3) the tax on public performances, and
- 4) the municipal income tax;

(Tax of the kind referred to hereinafter as "Swedish tax").

second The Agreement shall also apply to any identical or substantially likarat kind, after the signing of the Convention in addition to, or in place of, the taxes referred to above. The competent authorities of the Contracting States shall each year notify each other of any substantial changes made in their respective taxation laws.

## **ARTICLE 3**

### General Definitions

1. Unless the context otherwise requires, the purposes of this Agreement, the following terms as defined below:

a) "Trinidad and Tobago" means the islands of Trinidad and Tobago and includes:

- 1) it to the islands residents territorial waters, and
- 2) The seabed and subsoil of the adjacent submarine areas outside territorialvattnet over which Trinidad and Tobago, in compliance with trinidadisk law and international law in respect of the continental shelf sovereign rights in terms of exploring and exploiting the natural resources of such areas, but only to the extent that the person, property or activity to which the Convention applies is connected with such exploration or exploitation;

b) the term "Sweden" means the Kingdom of Sweden and includes any area outside the territorial sea of Sweden in which Sweden under Swedish law and in conformity with international law, the rights with respect to the exploration and exploitation of natural resources in the seabed or the subsoil thereof;

c) the term "person" includes an individual, corporation or association;

d) "company" means any body corporate or any entity which is treated as a legal person;

- e) "foretög 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;
- f) the term "international traffic" means any transport by a ship or aircraft operated by an enterprise which has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State;
- g) "national" means:
- 1) any individual possessing the nationality of a Contracting State contract,
  - 2) any legal person, partnership and association deriving the laws in force in a Contracting State;
- h) "paid", "distributed" and "received" includes on Income sums credited;
- i) the term "competent authority" means:
- 1) in Trinidad and Tobago Minister of Finance or his authorized representative,
  - 2) in Sweden: Minister of Finance or his authorized representative befullmäktige.
- 2nd Where a Contracting State applies the Agreement shall, unless the context otherwise requires, any term not defined therein shall have the meaning which it has under the law of that State concerning the taxes to which the Convention applies.

#### **ARTICLE 4**

##### **Resident**

1. For the purposes of this Convention, the term "resident of a Contracting State" means any person who under the law of that State, is liable to tax therein by reason of his domicile, residence, place of management or any other similar circumstance. The term does not include any person who is liable to tax in that State in respect of income from sources in that State.

2nd Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then his status as follows:

a) He shall be deemed to be a resident of the State in which he has a permanent home available to him. If he has a permanent home available in both States, he shall be deemed to be a resident of the State with which his personal and economic relations are closer (center of vital interests).

b) If it can not be determined State in which he has his center of vital interests or if he is not in either State has a permanent home available to him, he is deemed to be a resident of the State where he usually resides.

c) if he has an habitual abode in both States or if he does not reside permanently in any of them, he shall be deemed to be a resident of the state where he is a national.

d) if he is a national of both States or if he is not a citizen of any of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.

third Where by reason of the provisions of paragraph 1 a person other than an

individual is a resident of both Contracting States, then it shall be deemed to be a resident of the State in which its place of effective management.

## **ARTICLE 5**

### Permanent establishment

1. For the purposes of this Convention, the term "permanent establishment" means a fixed place of business through which an enterprise is wholly or partly carried on.

2nd The term "permanent establishment" includes especially:

- a) a place of management;
- b) branch;
- c) an office;
- d) a factory;
- e) a workshop;
- f) a warehouse in relation to a person providing external storage space;
- g) store or other sales outlet;
- h) a mine, an oil or gas well, a quarry or any other place of extraction of natural resources;
- i) drilling rig or ship used for or in connection with the exploration or development of natural resources; and
- j) a building site, construction, assembly, dredging or installation project.

third Notwithstanding the preceding provisions of this Article, the term "permanent establishment" shall not include:

- a) the use of facilities solely for the storage or display of goods or merchandise belonging;
- b) the maintenance of a company belonging to the inventory exclusively for storage or display;
- c) the maintenance of one belonging to the enterprise solely for the inventory of processing by another enterprise;
- d) the maintenance of a fixed place of business solely for the purchase of merchandise or of collecting information, for the enterprise;
- e) the maintenance of a fixed place of business solely for the enterprise, any other activity of a preparatory or auxiliary character.

4th If the person who is not an independent status to whom paragraph 5 applies, is acting in a Contracting State on behalf of an enterprise of the other Contracting State, is this company - notwithstanding the provisions of paragraphs 1 and 2 - have a permanent establishment in the first-mentioned Contracting State in respect of any activities which that person undertakes for the enterprise if:

- a) he has, and in this state habitually exercises an authority to conclude contracts in the name and the business is not limited to those mentioned in paragraph 3 which - if exercised through a fixed place of business - would not make this fixed place of business to a permanent establishment under the provisions of this paragraph, or,

b) he has no such authority, but habitually maintains in the first-mentioned State a stock from which he was for business purposes regularly delivers goods.

5th Companies are considered 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 independent status, provided that such persons are acting in the ordinary course of business. When such an agent are devoted wholly or almost wholly for the enterprise, he is considered not as an independent representative referred to in this paragraph. In such case the provisions of paragraph 4.

6. The fact that a company which is a resident of a Contracting State controls or is controlled by a company resident in the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of and for itself constitute either company a permanent establishment of the other.

## **ARTICLE 6**

Income from immovable property

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.

2nd The term "immovable property" shall have the meaning which it has under the law of the Contracting State in which the property is located. The term includes 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, or the right to work, mineral deposits, sources and other natural resources. Ships, boats and aircraft shall not be immovable property.

third The provisions of paragraph 1 shall apply to income derived from the direct use, letting, or other use of real property.

4th The provisions of paragraphs 1 and 3 shall also apply to income from immovable property of an enterprise and to income from immovable property used for the performance of independent personal services.

## **ARTICLE 7**

Profits

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 company carries on business as aforesaid, the enterprise may be taxed in that other State but only so much of them as is attributable to that permanent establishment.

2nd An enterprise of a Contracting State, which has a permanent establishment in the other Contracting State, carries on business in that other State, otherwise than through the permanent establishment and the movement is of the same or similar kind as those effected by the permanent establishment, the income of such a movement - notwithstanding the provisions of paragraph 1 - is attributable to the permanent establishment unless the company shows that the business could not reasonably have been carried on by the permanent establishment.

third An enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, provision, unless the provisions of paragraph 4 to the contrary, in each Contracting State to that permanent establishment the profits which it can be assumed that the establishment would have acquired 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.

4th In determining the permanent establishment shall be allowed as deductions expenses which are incurred for the permanent establishment, including costs for executive and general administrative expenses, whether incurred in the State in which the permanent establishment is situated or elsewhere.

5th No profits shall be attributed to a permanent establishment by reason that the goods purchase by that permanent establishment or merchandise for the enterprise.

6. To the extent that income attributable to the permanent establishment has been customary in a Contracting State shall be determined on the basis of an apportionment of the company's total profits of the various parts, nothing in paragraph 3 shall preclude that Contracting State from the taxable income is determined by such a procedure. The method of apportionment adopted shall, however, be such that the result is consistent with the principles in this article.

7. For the purposes of the preceding paragraphs, the profits attributable to the permanent establishment by the same method year by year unless there is good and sufficient reason to the contrary.

8. Included in capital operating income which are dealt with separately in other Articles of this Convention, then the provisions of those articles of the rules in this article.

## **ARTICLE 8**

### **Sea and air transport**

1. Profits from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management is situated.

2nd If companies engaged in shipping in international traffic of effective management on board a ship, be deemed to be situated in the Contracting State in which the ship has its home port or, if no such home harbor, in the Contracting State in which the ship is a resident.

third The provisions of paragraph 1 shall apply to profits derived by the air transport consortium Scandinavian Airlines System (SAS), but only in respect of the portion of income that corresponds to the participation held in that consortium by AB Aero Transport (ABA), the Swedish partner of Scandinavian Airlines System (SAS ).

4th The provisions of paragraph 1 shall also apply to profits from the participation in a pool, a joint business or an international operating agency.

## **ARTICLE 9**

Associated enterprises

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 takes part in this company's capital, 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, or takes part in both their capital, observed the following.

Between the two enterprises in their commercial or financial relations made or imposed conditions, 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 this enterprise and taxed in conformity therewith.

2nd Where profits on which an enterprise of a Contracting State to tax in that State, also included in the profits of an enterprise of the other Contracting State and taxed accordingly in that other State and the profits so included are profits which would have to the enterprise of the other State if the conditions made between the enterprises had been those which would be made between independent enterprises, then that other State shall make an appropriate adjustment to the amount of tax imposed on income in this state. In determining such adjustment, due to the other provisions of this Agreement and the competent authorities of the Contracting States shall if necessary consult each other.

## **ARTICLE 10**

Dividends

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

2nd 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 recipient of the dividends the tax so charged shall not exceed:

a) 10 percent of the gross dividends if the beneficial owner of the dividends is a company (other than a partnership) which holds directly or indirectly at least 25 percent of the company making the payment;

b) 20 per cent of the gross amount of other cases.

This paragraph shall not affect the company's taxable profits out of which dividends are paid.

third The term "dividends" as used in this Article means income from shares, mining shares, founders' shares or other rights, not being debt-claims, participating in profits, and income from other corporate rights in a company, which under the laws of the state where the distributing company domiciled for tax purposes, be treated the same as income from shares, and in respect of Trinidad and Tobago, any income under the laws of Trinidad and Tobago is treated as a distribution.

4th Notwithstanding the provisions of paragraph 1, the dividends from a company resident in Trinidad and Tobago to companies resident in Sweden shall be exempt from taxation in Sweden to the extent dividends would have been exempt under Swedish law, both companies had been Swedish.

5 . The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the dividends is a resident of a Contracting State, carries on business in that other Contracting State of which the company paying the dividends is a resident, through a permanent establishment situated therein and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment. In such case the provisions of Article 7.

6. Where a company which is a resident of a Contracting State derives income from the other Contracting State, that other State may not tax 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 in that other State, nor subject the company's undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of income arising in such other State.

7. If a company resident in a Contracting State a permanent establishment in the other Contracting State and derives income from the permanent establishment, the transfer of revenue from the permanent establishment of the company is a resident of the first-mentioned Contracting State - notwithstanding any other provisions of this agreement - is taxed under the laws of the other Contracting State, but the tax on such transfer shall not exceed 10 percent. Such tax shall not be paid to the extent that the transferred income has been reinvested in that other Contracting State.

## **ARTICLE 11**

### **Interest**

1. Interest arising in a Contracting State which is paid to a resident of the other Contracting State may be taxed in that other State.

2nd 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 recipient is entitled to the interest, the tax so charged shall not exceed:

- a) 10 percent of the gross amount, if the beneficial owner is a bank, a resident of the other Contracting State;
- b) 15 per cent of the gross amount of other cases.

third Interest arising in a Contracting State and paid to the other Contracting State Government or authorities under this government or the central bank of that other Contracting State shall be exempt from tax in the first-mentioned Contracting State.

4th The term "interest" as used in this Article means income from any kind of claim, whether secured by mortgage on immovable property or not, and either carrying a right to participate in the debtor or not. In particular, income from securities issued by the state, and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. Penalty charges for late payment is not considered as interest for the purposes of this article.

5th The provisions of paragraphs 1 and 2 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 and the debt-claim for which the interest is paid is effectively associated with

- a) the permanent establishment, or
- b) the activities referred to in Article 7 paragraph 2.

In such case the provisions of Article 7.

6. Interest shall be deemed to arise in a Contracting State when the payer is that State itself, a local authority or a resident of that State. If, however, the person paying the interest, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the indebtedness on which the interest is paid, and such interest is borne by such permanent establishment, interest shall be deemed to arise in the State which the permanent establishment is situated.

7. Where by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, with respect to the claim for which it is paid, exceeds the amount which would have been agreed between the payer and the beneficial owner if such relationship existed, the provisions of this Article shall apply only to the last mentioned amount. In such case, the excess amount under the laws of each Contracting State, due to the other provisions of this Agreement.

## **ARTICLE 12**

### **Royalty**

1. Royalties arising in a Contracting State and paid to a resident of the other

Contracting State may be taxed in that other State.

2nd Royalties may be taxed in the Contracting State in which it arises and according to the laws of that State, but if the recipient of the royalties, the tax so charged shall not exceed 20 percent of gross royalties.

third a) The term "royalties" in this Article 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 works including cinematograph films and films or tapes for radio or television broadcasting, patent, trade mark, design or model, plan, secret formula or process, or for the use of, or the right to use industrial, commercial or scientific equipment or for information concerning industrial, commercial or scientific experience. It also includes rent and other sums paid for the use of, or the right to use immovable property.

(B) The term does not include royalty, rent or other amount paid for the use of mines, quarries, or other natural resources.

4th Notwithstanding the provisions of paragraphs 1 and 2, the royalty for copyright and any other similar payment for the production or reproduction of literary, dramatic, musical or artistic work (excluding royalties and similar payments for cinematograph films and films or tapes for use in television and tapes for use in radio), as arising in a Contracting State and paid to a resident of the other Contracting State shall be exempt from tax in the first-mentioned Contracting State.

5th The provisions of paragraphs 1, 2 and 4 shall not apply if the beneficial owner of the royalties is 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 and the right or property in respect of which the royalties are paid is effectively connected with

- a) the permanent establishment, or
- b) the activities referred to in Article 7 paragraph 2.

In such case the provisions of Article 7.

6. Royalties shall be deemed to arise in a Contracting State when the payer is that State itself, a local authority or a resident of that State. If, however, the person paying the royalties, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the liability to pay the royalties was incurred, and such royalties are borne by such permanent establishment, be deemed to arise in the Contracting State of which the permanent establishment is situated.

7. Where by reason of a special relationship between the payer and the beneficial owner of the royalties, or between both of them and some other person with 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 of such relationship is made, the provisions of this Article shall apply only to the last mentioned amount. In

such case, the excess amount is taxed according to the laws of each Contracting State, due to the other provisions of this Agreement.

## **ARTICLE 13**

### Remuneration of Management

1. Remuneration of management, which is paid by a resident of a Contracting State to the enterprise of the other State may be taxed in that other State.

2nd Compensation may also be taxed in the Contracting State of which the person who pays the remuneration is a resident and according to the laws of that State, but the tax so charged shall not exceed 12 1/2% of the gross amount of.

third The term "management" as used in this Article, remuneration for providing services of a managerial nature. The term includes payment for the provision of personal services, and of the knowledge of management and in the technical field.

4th The provisions of paragraphs 1 and 2 shall not apply if the undertaking to which the remuneration of management paid is a resident of a Contracting State, carries on business in the other Contracting State in which the remuneration is paid, through a permanent establishment and the services for which the compensation is paid effectively connected with

- a) the permanent establishment, or
- b) the activities referred to in Article 7 paragraph 2.

In such case the provisions of Article 7.

5th Where by reason of a special relationship between the payer and the recipient or between both of them and some other person the compensation of management, with respect to the services for which compensation is paid, exceeds the amount which would have been agreed upon by the payer and the recipient of such a relationship is made, apply provisions of this Article shall apply only to the last mentioned amount. In such case, the excess portion is taxed according to the laws of each Contracting State, due to the other provisions of this Agreement.

## **ARTICLE 14**

### Independent personal

1. Income derived by an individual domiciled in a Contracting State from the performance of professional services or other independent activities shall be taxable only in that State unless the

- a) the employment is exercised in the other Contracting State, and
- b) the remuneration derived in the other Contracting State during the year of income exceeds the gross amount equivalent to 6000 U.S. dollars, and
- c) the remuneration is paid by, or on behalf of a resident of the other Contracting State or a permanent establishment situated in that other Contracting State.

2nd The term "professional services" includes especially independent scientific,

technical, literary, artistic, educational or teaching activities as well as the independent activities of physicians, lawyers, engineers, architects, dentists and accountants.

## **ARTICLE 15**

### Individual business

1. Subject to the provisions of Articles 16, 18, 19, 20 and 21, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of employment, only in that State unless the employment is exercised in the other Contracting State. If services are rendered in that other State, such remuneration as is derived therefrom may be taxed there.

2nd Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State only in the first-mentioned State if:

- a) the recipient is present in the other State for a period or periods exceeding in the aggregate 183 days in the year of income, and b) the remuneration is paid by, or on behalf of an employer who is not a resident of the other State, and
- c) the remuneration is not borne by a permanent establishment which the employer has in the other State, and
- d) the remuneration derived in the other Contracting State during the income year does not exceed an amount equivalent to 6000 U.S. dollars.

third Notwithstanding the preceding provisions of this Article, remuneration for employment exercised aboard a ship or aircraft in international traffic shall be taxable in the Contracting State in which the place of effective management is situated. Where a resident of Sweden derives income from employment exercised aboard an aircraft operated in international traffic by the air transport consortium Scandinavian Airlines System (SAS) taxable only in Sweden.

## **ARTICLE 16**

### Directors' fees and allowances of officials with higher managerial functions

1. Directors' fees and other similar remuneration derived by a resident of a Contracting State in his capacity as a director of a company resident in the other Contracting State may be taxed in that other State.

2nd Salaries, wages and other similar remuneration derived by a resident of a Contracting State as an official with higher managerial function in a company resident in the other Contracting State may be taxed in that other State.

## **ARTICLE 17**

### Income earned by artists and athletes

1. Notwithstanding the provisions of Articles 14 and 15, income derived by a resident

of a Contracting State from his personal activities in the other Contracting State as an entertainer, such as theater, motion picture, radio or television artiste, or a musician or as an athlete taxed in that other State.

2nd Where income in respect of personal activities exercised by an entertainer or an athlete in his capacity as such accrues not to the entertainer or athlete himself 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 artist or athlete are exercised.

third In cases where the personal activities exercised by such entertainer or athlete referred to in paragraph 1 are provided in a Contracting State by an enterprise of the other Contracting State may - notwithstanding the provisions of Article 7 or Article 14 - Income, as such companies acquires by providing such business, be taxed in the Contracting State in which these activities are exercised.

4th Notwithstanding the provisions of paragraphs 1 and 2, income derived from those activities specified in paragraph 1 and carried out within the framework of cultural exchange between the contracting States, shall be exempt from tax in the Contracting State in which these activities are exercised.

## **ARTICLE 18**

### **Pensions**

Subject to the provisions of Article 19 paragraph 2 of, pensions derived from sources in a Contracting State may be taxed in that State.

## **ARTICLE 19**

### **Government service**

1. a) Remuneration (other than a pension) paid by a Contracting State or a local authority thereof to an individual in respect of services rendered to that State or a local authority shall be taxable only in that State.

b) However, such 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:

1) is a citizen of this State, or

2) is not a resident of that State solely for the work.

2nd a) Any pension paid by, or out of funds created by, a Contracting State or a local authority thereof to an individual in respect of services rendered to that State or local authority shall be taxable only in that State.

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

third The provisions of Articles 15, 16, 18, 20 and 21 shall apply to remuneration and

pensions in respect of services rendered in connection with a business carried on by a Contracting State or a local authority.

## **ARTICLE 20**

### **Students and trainees**

An individual who is a resident of a Contracting State immediately before visiting the other Contracting State and who is temporarily present in that other Contracting State primarily to:

a) in that other Contracting State to study at a university or other educational institution recognized by the appropriate teaching authority of that Contracting State,  
b) receive the training necessary to qualify him to practice a profession or to acquire vocational or technical skills, or

c) to study or conduct research as the recipient of a grant, allowance or benefit from government agencies or from the organization with the task at promoting religious, charitable, scientific, literary or educational purposes or as a participant in other programs such as finanserias of such a body or such an organization,  
is exempt from tax in that other Contracting State for:

1) amount paid to him from abroad for his maintenance, education, training or work experience,

2) income from work performed in that other Contracting State, provided that the income is not in any income year exceeds twelve thousand Swedish kronor or its equivalent in Trinidadian dollars , and

3) such grant, allowance or monetary support.

Exemption under section 2) shall extend only for the duration reasonably or customarily required to complete the education, training or practice, but shall in no case exceed a period of seven consecutive years.

## **ARTICLE 21**

### **Teaching and Research**

1. Individual who is a resident of a Contracting State immediately before visiting the other Contracting State and who, at the invitation of the Government of that other Contracting State or of a university or other educational institution situated in that other Contracting State and recognized by the appropriate education authority there, staying in that other Contracting State primarily to engage in teaching or research or both at such university or other educational institution, is exempt from tax in that other Contracting State Income due to teaching or research at such university or other educational institution for a period as not exceeding two years from the date of his arrival in that Contracting State. Exemptions are allowed only if the income of such teaching or research is taxable in the first-mentioned Contracting State.

2nd Tax exemption under paragraph 1 shall not apply to income from research if such research is undertaken not in the public interest but primarily for the benefit of a specific person or specific persons private interests.

## **ARTICLE 22**

### Other income

1. Income derived by a resident of a Contracting State not dealt with in the foregoing Articles of this Convention shall be taxable only in that State, regardless of where the income arises.

2nd The provisions of paragraph 1 shall not apply to income, other than income from immovable property as defined in Article 6, paragraph 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 situated therein and the right or property in respect of which the income is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7.

third Income which is not covered in the previous articles of this Agreement, as a resident of a Contracting State derived from the other Contracting State, may, notwithstanding the provisions of paragraphs 1 and 2, may be taxed in that other State.

## **ARTICLE 23**

### Elimination of double taxation

1. With respect to Trinidad and Tobago, double taxation shall be avoided as follows:

a) In accordance with the provisions of trinidadisk legislation on settlement from trinidadisk tax of tax payable in any country other than Trinidad and Tobago (which shall not affect the general principle hereof), the

1) Swedish tax payable under Swedish law and in compliance with this Agreement is paid, either directly or by deduction, on income derived from sources in Sweden (with the exception, as regards dividends, the tax payable on the profits out of which dividends are paid) , off against each trinidadisk tax calculated on the same profits or income as the Swedish tax;

2) in the case of dividends from a company resident in Sweden to companies resident in Trinidad and Tobago, and directly or indirectly at least 25 per cent of the voting power of the company paying, upon settlement included, in addition to any Swedish tax to be deducted in a) 1), the Swedish tax to the paying company has paid on the profits out of which dividends are paid.

b) The deduction shall not exceed the amount of tax which the deduction is attributable to the income which may be taxed in Sweden.

2nd Regarding Sweden, double taxation shall be avoided as follows:

a) Where a resident of Sweden derives income which, under the provisions of this Agreement may be taxed in Trinidad and Tobago, Sweden shall, unless paragraph b)

of this paragraph and Article 10, paragraph 4, to the contrary, from that person's income tax, an amount equal to the tax paid in Trinidad and Tobago. Such deduction shall not, however, exceed that part of the Swedish tax, as computed before the deduction is given, which is attributable to the income which may be taxed in Trinidad and Tobago.

b) Where a resident of Sweden derives income which, under the provisions of this Agreement shall be taxable only in Trinidad and Tobago, Sweden may include income in the tax base but shall from income tax shall deduct the amount of tax that is attributable to the income derived from Trinidad and Tobago.

third In cases where an exemption from or reduction of tax trinidadisk granted for a limited period in order to promote economic development, should the calculation of settlement under paragraph 2 a) the tax deemed to have been paid the full amount. This paragraph applies to the first ten years during which this Agreement applies. The competent authorities shall consult each other to determine whether this period shall be extended.

## **ARTICLE 24**

### **Prohibition of discrimination**

1. Nationals of a Contracting State shall not 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 are or may be subjected. Notwithstanding the provisions of Article 1 shall apply this provision also apply to persons who are not domiciled in a Contracting State or of both Contracting States.

2nd Taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall, in that other State may not be less favorable 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 residents of their own state.

third Except where the provisions of Article 9, paragraph 1, Article 11, paragraph 7, Article 12, paragraph 7 or Article 13, paragraph 5, apply, interest, royalties, compensation for senior management and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State deductible in determining the taxable profits of such companies on the same basis as paid to a resident of the first-mentioned State. Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State deductible in determining the taxable capital of such an undertaking on the same terms as contracted to a resident of the first-mentioned State.

4th Enterprises of a Contracting State, the capital wholly or partly owned or

controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not 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.

5th Notwithstanding the provisions of Article 2, the provisions of this article to taxes of every kind and description.

## **ARTICLE 25**

### **Mutual Agreement Procedure**

1. If a person claims that a Contracting State or both Contracting States made arrangements for him in result or will result in taxation not in accordance with the provisions of this Agreement, he may, without prejudice to his right to make use of the remedies available in those States legal system, present his case to the competent authority of the Contracting State of which he is a resident or, if his case comes under Article 24, paragraph 1, of the Contracting State of which he is a national. The case must be presented within three years from the time the person first notification of the action resulting in taxation not in accordance with the provisions of this Agreement.

2nd If the competent authority finds the complaint 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 for the purpose of avoiding taxation not in accordance with the Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic laws of the Contracting States.

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

4th The competent authorities of the Contracting States may communicate directly with each other in order to reach an agreement in the sense of the preceding paragraphs. The competent authorities shall, through consultation, develop appropriate bilateral procedures, conditions and methods to implement the procedure by mutual agreement as provided in this article.

## **ARTICLE 26**

### **Exchange of Information**

1. The competent authorities of the Contracting States shall exchange such information as is necessary to implement the provisions of this Agreement or of the domestic laws of the Contracting States concerning taxes covered by the Convention insofar as the taxation thereunder is not contrary to the Agreement. The exchange of

information is not restricted by Article 1. Notices received 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) determines , or collection of the taxes covered by the Agreement or prosecution or complaint regarding these taxes. 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. The competent authorities shall, through consultation, develop appropriate conditions and methods concerning the cases in which such information shall be made, including, where appropriate, exchanges of information regarding tax avoidance.

2nd The provisions of paragraph 1 be construed so as to impose on a Contracting State the obligation:

- a) to carry out administrative measures at variance with the laws and administrative practice of that Contracting State or of the other Contracting State;
- b) to supply information which is not obtainable under the laws or in the normal administrative practice of that Contracting State or of the other Contracting State.
- c) 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 (ordre public).

## **ARTICLE 27**

### **Diplomatic agents and consular officers**

The provisions of this Agreement shall affect the fiscal privileges which, under international law or under the provisions of special agreements diplomatic agents or consular officers.

## **ARTICLE 28**

### **Entry into force**

1. This Agreement shall be ratified and the instruments of ratification shall be exchanged in Port of Spain as soon as possible.

2nd The agreement takes effect in both Contracting States upon the exchange of instruments of ratification and its provisions shall apply:

- a) in respect of taxes withheld at source, for amounts paid or transferred to persons domiciled abroad on January 1 next following the exchange of instruments of ratification or later, and
- b) in respect of other taxes on income derived on or after 1 January immediately after the exchange of instruments of ratification or later.

## **ARTICLE 29**

## **Cessation**

This Agreement shall remain in force indefinitely but either of the Contracting States may - 30 June in a calendar year beginning after the expiration of a period of five years from the date of its entry into force - the diplomatic channel written notice of termination it to the other Contracting State.

In such event, the Agreement shall cease to have effect:

- a) in respect of taxes withheld at source, for amounts paid or transferred to persons domiciled abroad January 1 immediately following the denunciation, and
- b) in respect of other taxes on income derived on or after 1 January immediately after termination or later.

In witness whereof the undersigned, being duly authorized thereto, have signed this Agreement.

Done at London on 17 February 1984, two copies in the English language.

**For the Government of Sweden**

**Leif Leif Country**

**For the Republic of Trinidad and Tobago Government**

Frank Owen Abdulah