

(TO BE PUBLISHED IN THE GAZETTE OF PAKISTAN – EXTRAORDINARY PART.I)

GOVERNMENT OF PAKISTAN
REVENUE DIVISION

Islamabad, the February 7, 2017

NOTIFICATION
(Income Tax)

S.R.O. 92-(I)/2017.- WHEREAS the Islamic Republic of Pakistan and the Republic of Uzbekistan signed the Protocol on 17th November 2015, as set out in the Annexure to this Notification (the Protocol) to amend the existing Convention for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income between Pakistan and Uzbekistan signed on May 22, 1995;

Whereas, in terms of Article 2 of the Protocol “Each Contracting State shall notify the other through diplomatic channels about the completion of the procedures necessary for entry into force of this Protocol”, and “This Protocol shall enter into force on the date of receipt of the last of the notifications”. Uzbek authorities have notified the Protocol with effect from 25th October, 2016;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 107 of the Income Tax Ordinance, 2001 (XLIX of 2001), the Federal Government is pleased to direct that the provisions of the said Protocol shall have effect from the date of notification.

PROTOCOL

Amending the Convention between the Government of the Islamic Republic of Pakistan and the Government of the Republic of Uzbekistan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With respect to Taxes on income signed on 22 May 1995

The Government of the Islamic Republic of Pakistan and the Government of the Republic of Uzbekistan (hereafter referred to individually as a "Contracting State" and collectively as the "Contracting States")

Desiring to amend the Convention between the Government of the Islamic Republic of Pakistan and the Government of the Republic of Uzbekistan for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income signed on 22 May 1995 (the "Convention")

Have agreed as follows:

Article 1

Article 25 of the Convention shall be replaced by the following:

"Exchange of Information

1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Convention or to the administration or enforcement of the domestic laws concerning taxes and other obligatory payments imposed on behalf of the Contracting States or local authorities, insofar as the taxation thereunder is not contrary to the Convention.

The exchange of information is not restricted by Articles 1 and 2 of this Convention.

2. Any information received under paragraph 1 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) concerned with the assessment or collection, of the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. 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.

3. In no case shall the provisions of paragraphs 1 and 2 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 or of the other Contracting State;
- b) supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;

- c) 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).

4. If information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.

5. In no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.”

Article 2

Each Contracting State shall notify the other through diplomatic channels about the completion of the procedures necessary for the entry into force of this Protocol. This Protocol shall enter into force on the date of the receipt of the last of the notifications.

Article 3

This Protocol shall form an integral part of the Convention and shall terminate on the date of the termination of the Convention.

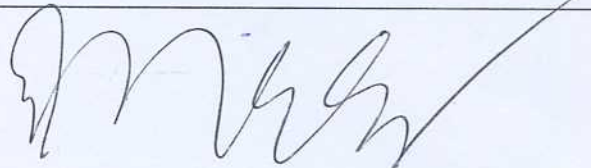
IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Protocol.

DONE at **TASHKENT** on this 17 day of Nov. 2015 in two originals in the English and the Uzbek both texts being equally authentic.

s/d
For the Government of
the Republic of Uzbekistan

s/d
For the Government of
the Islamic Republic of Pakistan

[C.No.2(81)Int.Taxes/92]



(Rehmat Ullah Khan Wazir)
Additional Secretary/Member (IR- Policy)