

PROTOCOL

At the moment of signing the Convention between the Government of the Republic of Moldova and the Government of the Republic of Austria for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on property, the undersigned have agreed that the following provisions shall form an integral part of the Convention:

Interpretation of the Convention

It is understood that provisions of the Convention which are drafted according to the corresponding provisions of the OECD Model Convention on income and on capital or the United Nations Model Double Taxation Convention between Developed and Developing Countries shall generally be expected to have the same meaning as expressed in the OECD or UN Commentaries thereon. The understanding in the preceding sentence will not apply with respect to any contrary interpretation agreed to by the competent authorities after the entry into force of the Convention. The Commentaries - as they may be revised from time to time - constitute a means of interpretation. In case of any divergence in the interpretation as expressed in the commentaries on the OECD and the UN Model, a common interpretation would have to be sought by mutual agreement according to Article 24, if necessary.

Re Article 11

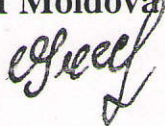
Income from rights or debt-claims carrying a right to participate in the profits, including the income derived by a sleeping partner from his participation as a sleeping partner or from participating loans and participating bonds, may also be taxed in the Contracting State in which it arises and according to the laws of that State.

In the case of Austria Article 11 paragraph 3 shall also apply in respect of a loan made by, or covered by a guarantee issued by, the Oesterreichische Kontrollbank AG acting on behalf of the Republic of Austria.

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

DONE at Viena on 29th April, 2004, in two originals, each in the Moldovan, German and English languages, both originals being equally authentic. In the case of appearance of some divergences in application or interpretation of the provisions of this Protocol, the English text shall prevail.

**For the Government of
the Republic of Moldova**



**For the Government of
the Republic of Austria**

