

AGREEMENT BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF ALGERIA

FOR

THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME AND ON CAPITAL

The Government of the Republic of Indonesia and the Government of the Democratic People's Republic of Algeria,
DESIRING to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital,
HAVE AGREED AS FOLLOWS:

Article 1

PERSONAL SCOPE

This Agreement shall apply to persons who are residents of one or both of the Contracting States.

Article 2

TAXES COVERED

- 1 This Agreement shall apply to taxes on income and on capital imposed on behalf of one or more political sub divisions or local authorities, irrespective of the manner in which they are levied.
- 2 There shall be regarded as taxes on income and on capital, all taxes imposed on total income or on income, including taxes on gains from the alienation of movable or immovable property.
- 3 The existing taxes to which the Agreement shall apply are:
 - (a) in the case of Algeria:
 - (i) tax on global total income
 - (ii) tax on profits of companies
 - (iii) tax on professional activities
 -)
 - (i) tax on lumpsum payment
 - v)

(v net wealth tax

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(v "royalties" and taxes on the outcome of prospect, research, exploitation, transp

i) pipeline.

(hereinafter referred to as "Algerian tax");

(in the case of Indonesia:

b

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the income tax imposed under the Undang-Undang Pajak Penghasilan 1984 (Law No.

tax paid under production sharing contracts, contracts of work and other similar contract

the other mining sector.

(hereinafter referred to as "Indonesian tax");

- 4 The Agreement shall also apply to any identical or substantially similar taxes on income which
signature of the Agreement in addition to, or in place of, those referred to in paragraph 3. T
Contracting States shall notify each other of any substantial changes which have been ma
laws.

Article 3

GENERAL DEFINITIONS

- 1 For the purposes of this Agreement, unless the context otherwise requires:

(the term "a Contracting State and the other Contracting State" means Indonesian or Alger

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((i the term "Indonesia" comprises the territory of the Republic of Indonesia as defin

b

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(i the term "Algeria" means the Democratic People's Republic Algeria used in its ge

i) territory of Algeria including:

(any region located on the territorial waters of Algeria which in conformity with

a of the law of Algeria is the region within which Algeria may have rights on the

) sea and their natural resources, and

(the seas and airspace over the regions mentioned in paragraph (a) re
b exploration or exploitation of natural resources carried out in this region.
)

(c the term "person" includes an individual, a company, and any other body of persons;
)

(the term "company" means any body corporate or any entity which is treated as a body c
d
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(the terms "enterprise of a Contracting State" and "enterprise of the other Contracting
e enterprise carried on by a resident of a Contracting State and an enterprise carried
) Contracting State;

(f the term "international traffic" means any transport by a ship or aircraft operated by an
) except when the ship or aircraft is operated solely between places in the other Contracting

(the term "competent authority" means:

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(i in Indonesia:

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the Minister of Finance or his authorized representative;

(i in Algeria:

i)

the Minister in charge of Finance or his authorized representative;

(the term "national" means:

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(i any individual possessing the nationality of a Contracting State;

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(i any legal person, partnership, and association deriving its status as such from the

i) State;

2 As regards the application of the Agreement by a Contracting State, any term not defined th
. otherwise requires, have the meaning which it has under the law of that State concerning the
applies.

Article 4

RESIDENT

- 1 For the purposes of this Agreement, the term "resident of a Contracting State" means any individual who, for the purposes of the Agreement, is liable to tax therein by reason of his domicile, residence, place of management or similar nature.
- 2 Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, his status shall be determined as follows:
 - (a) he shall be deemed to be a resident of the Contracting State in which he has a permanent home available to him in both States, he shall be deemed to be a resident of the Contracting State with which his personal and economic relations are closer (centre of vital interests);
 - (b) if the Contracting State in which he has his centre of vital interests cannot be determined, he shall be deemed to be a resident of the State in which he has a permanent home available to him in either State, he shall be deemed to be a resident of the State in which he has his habitual abode;
 - (c) if he has a habitual abode in both Contracting States or in neither of them, he shall be deemed to be a resident of the Contracting State in which he is a national;
 - (d) if he has a national of both Contracting States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.
- 3 Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, the competent authorities of the States shall settle the question by mutual agreement on a case-by-case basis.

Article 5

PERMANENT ESTABLISHMENT

- 1 For the purposes of this Agreement, the term "permanent establishment" means a fixed place of business through which the business of an enterprise is wholly or partly carried on.
- 2 The term "Permanent Establishment" includes especially:
 - (a) a place of management;

(a branch;

b

)

(c an office;

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(a factory;

d

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(a workshop;

e

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(f a sales store, a warehouse or premises used as sales outlet;

)

(a farm or plantation;

g

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(a mine, an oil or gas well, a quarry or any other place of extraction of natural resources;

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(i a building site, a construction, assembly or installation project, or supervisory activities in

) where such site, project or activities continue of period more than 3 months;

(j the furnishing of services, including consultancy services by an enterprise through

) engaged by the enterprise for such purpose, but only where activities of that nature

connected project) within the country for a period or periods aggregating more than 3 months in any 12 month period.

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

(the use of facilities solely for the purpose of storage or display of goods or merchandise

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- (the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of display;
- b display;
-)
- (c the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of display;
-) by another enterprise;
- (the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise for the enterprise;
- d collecting information, for the enterprise;
-)
- (the maintenance of a fixed place of business solely for the purpose of advertising, or for the purpose of any other activity of a preparatory or auxiliary character;
- e any other activity of a preparatory or auxiliary character;
-)
- (f the maintenance of a fixed place of business solely for any combination of activities mentioned in paragraphs (a) to (e), provided that the overall activity of the fixed place of business resulting from this combination has a preparatory or auxiliary character.

4 Notwithstanding the provisions of paragraphs 1 and 2, where a person - other than an agent - whom paragraph 6 applies - is acting in a Contracting State on behalf of an enterprise of that State, the enterprise shall be deemed to have a permanent establishment in the first-mentioned Contracting State in connection with the activities which that person undertakes for the enterprise, if such a person:

- (has and habitually exercises in that State an authority to conclude contracts in the name of the enterprise, provided that the activities of such person are limited to those mentioned in paragraph 3 which, if exercised through a permanent establishment, would not make this fixed place of business a permanent establishment in that State;
- a activities of such person are limited to those mentioned in paragraph 3 which, if exercised through a permanent establishment, would not make this fixed place of business a permanent establishment in that State;
-) business, would not make this fixed place of business a permanent establishment in that State;
- paragraph;
- (has no such authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the enterprise;
- b he regularly delivers goods or merchandise on behalf of the enterprise;
-)
- or
- (c has no such authority, but manufactures or processes in that State for the enterprise goods or merchandise which are regularly delivered to the enterprise.
-) to the enterprise.

5 An insurance enterprise of a Contracting State shall, except with regard to reinsurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in that other State or through an employee or through a representative who is not an agent of an independent contractor in that State, in accordance with paragraph 6.

- 6 An enterprise of a Contracting State shall not be deemed to have a permanent establishment in that other State merely because it carries on business in that other State through a broker, general commission agent or other independent status, provided that such persons are acting in the ordinary course of their activities and the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise. An agent will not be considered an agent of an independent status within the meaning of this paragraph if his activities are devoted wholly or almost wholly on behalf of that enterprise.
- 7 The fact that a company which is a resident of a Contracting State controls or is controlled by a company of the other Contracting State, or which carries on business in that other State (whether through a company or otherwise), shall not of itself constitute either company a permanent establishment of the other Contracting State.

Article 6

INCOME FROM IMMOVABLE PROPERTY

- 1 Income derived by a resident of a Contracting State from immovable property (including income from rights in such property) situated in the other Contracting State may be taxed in that other State.
- 2 The term "immovable property" shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property; machinery and equipment used in agriculture and forestry, rights to which the provisions of general law regarding usufruct of immovable property and rights to variable or fixed payments as consideration for those rights apply, work, mineral deposits, sources and other natural resources; ships, boats and aircraft shall not be deemed immovable property.
- 3 The provisions of paragraph 1 shall also apply to income derived from the direct use, letting or enjoyment of immovable property.
- 4 The provisions of paragraphs 1 and 3 shall also apply to the income from immovable property and to income from immovable property used for the performance of independent personal services.

Article 7

BUSINESS PROFITS

- 1 The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise has a permanent establishment in the other Contracting State through a permanent establishment situated therein. If the enterprise has a permanent establishment in the other Contracting State, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to (a) that permanent establishment; (b) sales in that other State of goods or merchandise of the same kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same kind as those effected through that permanent establishment.

- 2 Subject to the provisions of paragraph 3, where an enterprise of a Contracting State carries on business in another Contracting State through a permanent establishment situated therein, there shall in each Contracting State be charged to tax the profits of that permanent establishment the profits which it might be expected to make if it were a separate and distinct enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment.
- 3 In determining the profits of a permanent establishment, there shall be allowed as deductions all expenses, including executive and general administrative expenses, incurred, whether in the State in which the permanent establishment is situated or elsewhere, which are directly related to the business of the permanent establishment. No deduction shall be allowed in respect of amounts, if any, paid (otherwise than towards reimbursement of actual expenses) by the permanent establishment to the head office of the enterprise or any of its other offices, by way of salaries, or of similar payments in return for the use of patents or other rights, or by way of commission, for the use of patents or other rights, or by way of interest on moneys lent to the head office of the enterprise or any of its other offices, for management, or, except in the case of a banking enterprise, by way of interest on moneys lent to the head office of the enterprise or any of its other offices. Likewise, no account shall be taken, in the determination of the profits of a permanent establishment, of amounts charged, otherwise than towards reimbursement of actual expenses, by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees, or other similar payments for the use of patents or other rights, or by way of commission for specific services performed or for management, or, in the case of a banking enterprise, by way of interest on moneys lent to the head office of the enterprise or any of its other offices.
- 4 Insofar as it has been customary in a Contracting State to determine the profits to be taxed by such State on the basis of an apportionment of the total profits of the enterprise to its various parts, the provisions of paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such State on the basis of an apportionment of the total profits of the enterprise to its various parts, if such a method is not customary; the method of apportionment adopted shall, however, be such that the result is in accordance with the principles contained in this Article.
- 5 For the purpose of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary.
- 6 Where profits include items of income which are dealt with separately in other Articles of this Convention, the provisions of those Articles shall not be affected by the provisions of this Article.

Article 8

SHIPPING AND AIR TRANSPORT

- 1 Profits from sources within a Contracting State derived by an enterprise of the other Contracting State from the operation of ships in international traffic may be taxable only in that other State.

- 2 Profits from the operation of aircraft in international traffic shall be taxable only in the Contracting State in which the enterprise operating the aircraft is a resident.
- 3 The provision of paragraph 1 and 2 shall also apply to profits from the participation in a company which is an international operating agency.

Article 9

ASSOCIATED ENTERPRISES

- 1 Where:
 - a (an enterprise of a Contracting State participates directly or indirectly in the management of an enterprise of the other Contracting State, 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, and in either case conditions are such that the two enterprises are so closely connected that they are in effect a single enterprise)two enterprises in their commercial or financial relations which differ from those which would obtain 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 the profits of the other enterprise and taxed accordingly.
- 2 Where a Contracting State includes in the profits of an enterprise of that State - and taxes accordingly - profits which an enterprise of the other Contracting State has been charged to tax in that other State and the conditions mentioned in paragraph 1 have been made between enterprises which would have accrued to the enterprise of the first-mentioned State if the conditions mentioned in paragraph 1 had been those which would have been made between independent enterprises, then the first-mentioned State shall make an appropriate adjustment to the amount of the tax charged therein on those profits. In determining such adjustment regard shall be had to the other provisions of the Agreement and the competent authorities of the Contracting States shall, if necessary, consult each other.
- 3 A Contracting State shall not change the profits of an enterprise in the circumstances referred to in paragraph 1 after the expiry of the time limits provided in its national laws.

Article 10

DIVIDENDS

- 1 Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State shall be taxable only in that other State.

- 2 However, such dividends may also be taxed in the Contracting State of which the company is a resident, and according to the laws of that State, but if the recipient is the beneficial owner, the tax so charged shall not exceed 15 per cent of the gross amount of the dividends. The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation. The provisions of this Article shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.
- 3 The term "dividends" as used in this Article means income from shares, "jouissance" shares or "jouissance" shares, founders' shares or other rights, not being debt-claims, participating in profits, and other corporate rights which is subjected to the same taxation treatment as income from shares by the Contracting State of which the company making the distribution is a resident.
- 4 The provisions of paragraph 1 and 2 shall not apply if the beneficial owner of the dividends is a resident of the other Contracting State, carries on business in the other Contracting State of which the company is a resident, through a permanent establishment situated therein, or performs in that other State its main activity, from a fixed base situated therein, and the holding in respect of which the dividends are paid is a share in such permanent establishment or fixed base. In such a case, the provisions of Article 7 or 8 of this Agreement shall apply.
- 5 Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other state may not impose any tax on the dividends paid by the company except insofar as they are attributable to a permanent establishment or a fixed base situated in that other State, nor subject the company to tax on the company's undistributed profits, even if the dividend paid or the undistributed profits constitute part of the profits or income arising in that other State.
- 6 Notwithstanding any other provisions of this Agreement where a company which is a resident of a Contracting State has a permanent establishment in the other Contracting State, the profits of the permanent establishment may be taxed in that other State in accordance with its law, but the additional tax so charged shall not exceed the amount of such profits after deducting therefrom income tax and other taxes on income payable in the Contracting State.

Article 11

INTEREST

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

- 2 However, such interest may also be taxed in the Contracting State in which it arises, and acc
but if the recipient is the beneficial owner of the interest the tax so charged shall not exceed 1
of the interest. The competent authorities of the Contracting States shall by mutual agreemen
of this limitation.
- 3 Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State and de
other Contracting State including local authorities thereof, a political subdivision, the Central
controlled by that Government, shall be exempt from tax in the first-mentioned State.
- 4 For the purpose of paragraph 3, the terms "the Central Bank" and "financial institution o
includes:
- (i Central Bank of each of the Contracting States;
)
 - (i such other financial institution, the capital of which is wholly owned by the Governm
i) State, as may be agreed from the time to the time between the competent authorities of
- 5 The term "interest" as used in this Article means income from debt-claims of every kind
mortgage, and whether or not carrying a right to participate in the debtor's profits, and in parti
securities and income from bonds or debentures, including premiums and prizes attachin
debentures, as well as to income assimilated to income from money lent by the taxatio
income arises, including interest on deferred payment sales.
- 6 The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the interest, b
State, carries on business in the other Contracting State in which the interest arises, throu
situated therein, or performs in that other State independent personal services from a fixed
debt-claim in respect of which the interest is paid is effectively connected with a) such per
base, or with b) business activities referred to under c) of paragraph 1 of Article 7. In such cas
14, as the case may be, shall apply.
- 7 Interest shall be deemed to arise in a Contracting State when the payer is that State itself, its
authority, or a resident of that State. Where, however, the person paying the interest,
Contracting State or not, has in a Contracting State a permanent establishment or a fixed ba
indebtedness on which the interest is paid was incurred, and such interest is borne by suc
fixed base, then such interest shall be deemed to arise in the State in which the permanent
situated.

8 Where by reason of a special relationship between the payer and the beneficial owner or be
. other person, the amount of the interest, having regard to the debt-claim for which it is pa
would have been agreed upon by the payer and the beneficial owner in the absence of suc
this Article shall apply only to the last-mentioned amount. In such case, the excess part
taxable according to the laws of each Contracting State, due regard being had to the other pr

Article 12

ROYALTIES

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

2 However, such royalties may also be taxed in the Contracting State in which they arise, an
. State, but if the recipient is the beneficial owner of the royalties the tax so charged shall not
amount of the royalties. The competent authorities of the Contracting States shall by mutua
application of this limitation.

3 The term "royalties" as used in this Article means payments, whether periodical or not, an
. nomenclature to the extent to which they are made as consideration for:

(the use of, or the right to use, any copyright, patent, design or model, plan, secret for
a other like property or right; or
)

(the use of, or the right to use, any industrial, commercial or scientific equipment; or
b
)

(c the supply of scientific, technical, industrial or commercial knowledge or information; or
)

(the supply of any assistance that is ancillary and subsidiary or enjoyment of, any such p
d in subparagraph (a), any such equipment as is mentioned in sub-paragraph (b) or any
) as is mentioned in subparagraph (c); or

(the use of, or the right to use:
e
)

(i) motion picture films; or

- (ii) films or video for use in connection with television; or
 -)
 - (ii) tapes for use in connection with radio broadcasting; or
 - i)
 - (f) total or partial forbearance in respect of the use or supply of any property or right referred to in paragraph 1)
- 4 The provisions of paragraphs 1 and 2 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 royalty-bearing establishment situated therein, or performs in that other State independent personal services therein, and the right or property in respect of the royalties are paid is effectively connected with the establishment or fixed base, or with b) business activities referred to under c) of paragraph 1, or the provisions of Article 7 or Article 14, as the case may be, shall apply.
- 5 Royalties shall be deemed to arise in a Contracting State when the payer is that State itself or a resident of that State. Where, however, the person paying the royalties, whether he is a resident of a Contracting State or not, has a permanent establishment or a fixed base in connection with which the royalties are incurred, and such royalties are borne by such permanent establishment or fixed base, then the royalties shall be deemed to arise in the State in which the permanent establishment or fixed base is situated.
- 6 Where, by reason of a special relationship between the payer and the beneficial owner or between the payer and another person, the amount of the royalties, having 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 in the absence of such a special relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess amount shall remain taxable according to the laws of each Contracting State, due regard being had to the provisions of the Agreement.

Article 13

CAPITAL GAINS

- 1 Gains derived by a resident of a Contracting State from the alienation of immovable property situated in the other Contracting State may be taxed in that other State.
- 2 Gains from the alienation of movable property forming part of the business property of a permanent enterprise of a Contracting State which is situated in the other Contracting State or of movable property forming part of the private assets available to a resident of a Contracting State in the other Contracting State for the purposes of the business of that resident shall be taxable only in that State.

personal services, including such gains from the alienation of such a permanent establishment or enterprise or of such a fixed base, may be taxed in that other State.

- 3 Gains derived by a resident of a Contracting State from the alienation of ships or aircraft operated in the course of a business and of other movable property pertaining to the operation of such aircraft shall be taxable only in that State.
- 4 Gains from the alienation of any property other than that referred to in preceding paragraphs shall be taxable only in the Contracting State of which the alienator is a resident.

Article 14

INDEPENDENT PERSONAL SERVICES

- 1 Income derived by a resident of a Contracting State in respect of professional services or other independent personal services of a character shall be taxable only in that State except:
 - (a he has a fixed base regularly available to him in the other Contracting State for the purpose of the activity in question;
 - (b he is present in that other State for a period or periods exceeding in the aggregate 183 days during the taxable year. If he has such a fixed base or remains in that other State for the aforesaid period or periods, he shall be taxed in that other State but only so much of it as is attributable to that fixed base or to his presence in that other State during the aforesaid period or periods.
- 2 The term "professional services" includes especially independent scientific, literary, artistic, educational or teaching services, as well as the independent activities of physicians, engineers, lawyers, dentists, architects, artists, and other persons engaged in any of the above mentioned activities.

Article 15

DEPENDENT PERSONAL SERVICES

- 1 Subject to the provisions of Articles 16, 18, 19, and 20, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom shall be taxable only in that other State.
- 2 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 shall be taxable only in the first-mentioned State if:
 - (a the recipient is present in that other State for a period or periods not exceeding in the aggregate 183 days during the taxable year;
 - (b the remuneration is paid by, or on behalf of, an employer who is a resident of that other State;
 - (c the recipient is not a resident of the other Contracting State at the end of the taxable year.

(the remuneration is paid by, or on behalf of, an employer who is not a resident of that other Contracting State)

(c the remuneration is not borne by a permanent establishment or a fixed base which the enterprise has in that other Contracting State)

- 3 Not with standing the preceding provisions of this Article, remuneration derived in respect of services performed aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State shall be taxable in the Contracting State.

Article 16

DIRECTOR'S FEES

- 1 Director's fees and other similar payments derived by a resident of a Contracting State in his capacity as a member of a board of directors or any other similar organ of a company which is a resident of the other Contracting State shall be taxable in that other State.
- 2 The remuneration, which a person to whom paragraph 1 applies derives from the company in his capacity as a member of the day-to-day functions of a managerial or technical nature may be taxed in accordance with the provisions of Article 15 (Dependent Personal Services).

Article 17

ARTISTES AND ATHLETES

- 1 Not with standing the provisions of Articles 14 and 15, income derived by a resident of a Contracting State in his capacity as such as a theatre, motion picture, radio or television artiste, or a musician, or as an athlete, if such activities are exercised in the other Contracting State, may be taxed in that other State.
- 2 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 14 and 15, be taxed in the Contracting State in which the activities of the entertainer or athlete are exercised.
- 3 Not with standing the provisions of paragraphs 1 and 2, income derived from activities referred to in paragraph 1 under a cultural agreement or arrangement between the Contracting States shall be exempt from taxation in the Contracting State in which activities are exercised if the visit to that State is wholly or substantially supported by the Contracting State, a local authority or public institution thereof.

Article 18

PENSIONS

Pensions and annuities arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in both Contracting States.

Article 19

GOVERNMENT SERVICE

- 1 (a) Remuneration, other than a pension, paid by a Contracting State, or a local authority thereof, for services rendered to that State or 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 national of, that other State.
 - (i) is a national of that State; or
 - (ii) did not become a resident of that State solely for the purpose of rendering the services.
- 2 (a) Any pension paid by, or out of funds created by, a Contracting State or a local authority thereof, in respect of services rendered to that State or authority shall be taxable only in that State.
 - (b) However, such remuneration shall be taxable only in the other Contracting State if the individual is a resident of that other State and the individual is a resident of that State who:
- 3 The respect of services rendered in connection with a business carried on by a Contracting State or a local authority thereof.

Article 20

TEACHERS, RESEARCHERS AND STUDENTS

- 1 An individual who visits a Contracting State at the invitation of that State or of a university, college, cultural institution of that State or under an official program of cultural exchange for a period not exceeding 183 days in the calendar year, for the purpose of teaching, giving lectures or carrying out research at such institution and who, immediately before that visit, a resident of the other Contracting State shall be exempt from tax in that State on the remuneration for such activity, provided that such remuneration is derived by him from outside that State.
- 2 Payments which a student, apprentice or business trainee who is or was immediately before his arrival in the first-mentioned State a resident of the other Contracting State and who is present in the first-mentioned State solely for the purpose of his education or training, receives for the purpose of his maintenance, education or training, shall not be taxable in that State, provided that such payments for one year do not exceed the total amount of seven hundred dollars, or such other amount as specified from time to time by the competent authorities of both Contracting States.

Article 21

OTHER INCOME

- 1 Items of income of a resident of a Contracting State, wherever arising, not dealt with in
. taxable only in that State.
- 2 The provisions of paragraph 1 shall not apply to income, other than income from imm
. paragraph 2 of Article 6, if the recipient of such income, being resident of a Contracting S
other Contracting State through a permanent establishment situated therein, or performs in
personal service from a fixed base situated therein, and the right or property in respect
effectively connected with such permanent establishment or fixed base. In such case, the
14, as the case may be, shall apply.
- 3 Not with standing the provisions of paragraph 1 and 2, items of income of a resident of a Co
. the foregoing articles and arising in the other Contracting State may be taxed in that other Sta

Article 22

TAX ON CAPITAL

- 1 Capital represented by immovable property referred to in article 6, owned by a resident of a
. in the other Contracting State, may be taxed in that other State.
- 2 Capital represented by movable property forming part of the business property pertaining
. resident of a Contracting State in the other Contracting State for the purpose of performing
may be taxed in that other State.
- 3 Capital represented by ships and aircraft operated in international traffic and by boats
. transport, and by movable property pertaining to the operation of such ships, aircraft and bo
Contracting State of which the enterprise is a resident.
- 4 All other elements of capital of a resident of a Contracting State shall be taxable only in that S
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Article 23

RELIEF FROM DOUBLE TAXATION

Double taxation shall be avoided in the following manner:

- ((In the case of Algeria:
- 1 a
-))

Where a resident of Algeria derives income which, in accordance with the provisions of the law of that State, is taxed in Indonesia, Algeria shall subject to the provisions of its domestic tax law, allow as a credit against the income tax payable in Algeria on the income of that resident, an amount equal to the income tax paid in Indonesia. Such credit shall not exceed that part of the income tax, as computed before the deduction is given, which is attributable to the income which may be taxed in Algeria.

(In the case of Indonesia:
b
)

Where a resident of Indonesia derives income which, in accordance with the provisions of the law of that State, is taxed in Algeria, Indonesia shall subject to the provisions of its domestic law, allow as a credit against the income tax payable in Indonesia on the income of that resident, an amount equal to the income tax paid in Algeria. Such deduction shall not exceed that part of the income tax, as computed before the deduction is given, which is attributable to the income which may be taxed in Indonesia.

((For the purpose of allowance as a credit in a Contracting State the tax paid in the other Contracting State shall be deemed to include the tax which is otherwise payable in that other State but has been reduced or exempted under its legal provisions for tax incentives.
2 a
))
(This provision shall apply for the first three years for which this Agreement is effective.
b shall consult each other to determine the specific tax incentive legislation in respect of various countries.
)

Article 24

NON-DISCRIMINATION

1 Nationals of a Contracting State shall not be subjected in the other Contracting State to a tax 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. This provision shall, notwithstanding Article 1, also apply to persons who are not residents of one or both of the Contracting States.

2 The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State engaged in the same activities. This provision shall not be construed as obliging a Contracting State to extend to the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on salaries and other income and responsibilities which it grants to its own residents.

- 3 Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled
. more residents of the other Contracting State, shall not be subjected in the first-mentioned
requirement connected therewith which is other or more burdensome than the taxation a
which other similar enterprises of the first-mentioned State are or may be subjected.
- 4 Interest, royalty and other disbursements paid by an enterprise of a Contracting State to a re
. State shall, for the purpose of determining the taxable profits of such enterprise, be deductible
if they had been paid to a resident of the first-mentioned State. Similarly, any debts of an ente
a resident of the other Contracting State shall, for the purpose of determining the taxable
deductible under the same conditions as if they had been contracted to a resident of the first-
- 5 In this Article the term "taxation" means taxes which are the subject of this Agreement.
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Article 25

MUTUAL AGREEMENT PROCEDURE

- 1 Where a person considers that the actions of one or both of the Contracting States result or v
. in accordance with the provisions of this Agreement, he may, irrespective of the remedies p
those States, present his case to the competent authority of the Contracting State of which
comes under paragraph 1 Article 24, to that of the Contracting State of which he is a nationa
within two years from the first notification of the action resulting in taxation not in accorda
Agreement.
- 2 The competent authority shall endeavour, if the objection appears to it to be justified and if
. satisfactory solution, to resolve the case by mutual agreement with the competent authority
with a view to the avoidance of taxation which is not in accordance with this Agreement.
- 3 The competent authorities of the Contracting States shall endeavour to resolve by mutua
. doubts arising as to the interpretation or application of the Agreement. They may also consu
double taxation in cases not provided for in the Agreement.
- 4 The competent authorities of the Contracting States may communicate with each other dire
. an agreement in the sense of the preceding paragraphs. The competent authorities, throu
appropriate bilateral procedures, conditions, methods and techniques for the implementa
procedure provided for in this Article.

Article 26

EXCHANGE OF INFORMATION

- 1 The competent authorities of the Contracting State shall exchange such information as is provided by the provisions of this Agreement or of the domestic laws of the Contracting States concerning taxation, insofar as the taxation thereunder is not contrary to the Agreement, in particular for the purpose of such taxes. The exchange of information is not restricted by Article 1. Any information received shall be treated as secret in the same manner as information obtained under the domestic laws of the Contracting State. Information which is originally regarded as secret in the transmitting State it shall be disclosed only to the authorities (including courts and administrative bodies) involved in the assessment or collection of, the enforcement of, or the determination of appeals in relation to, the taxes which are the subject of the exchange of information. The authorities shall use the information only for such purposes but may disclose the information in judicial decisions.
- 2 In no case shall the provisions of paragraph 1 be construed so as to impose on a Contracting State:
 - (a) to carry out administrative measures at variance with the laws and administrative practice of that State;
 - (b) to supply information which is not obtainable under the laws or in the normal course of administrative practice of that State;
 - (c) to supply information which would disclose any trade, business, industrial, commercial, or professional secret, or information, the disclosure of which would be contrary to public policy (ordre public).

Article 27

DIPLOMATIC AGENTS AND CONSULAR OFFICERS

Nothing in this Agreement shall affect the fiscal privileges of diplomatic agents or consular officers under the general rules of international law or under the provisions of special Agreements.

Article 28

ASSISTANCE IN COLLECTION

- 1 A Contracting State agrees to assist the other Contracting State in accordance with the applicable domestic laws and regulations, in the collection of taxes referred to in this Agreement any amount of assessed taxes, pursuant to the applicable law of that other State.

- 2 That other Contracting State shall proceed to the collection of the outstanding taxes in accordance with its domestic laws and regulations as is applicable to the collection of its outstanding taxes.
- 3 The assistance in the collection of outstanding taxes state accorded by a Contracting State shall be no less favourable than those of the same nature in that State.
- 4 The competent authorities of the Contracting States may consult together for the purpose of giving effect to the provisions of this Article.

Article 29

ENTRY INTO FORCE

- 1 This Agreement shall enter into force on the later of the dates on which the respective Governments have notified in writing that the formalities constitutionally required in their respective States have been completed.
- 2 This Agreement shall have effect:
 - (a) in respect of tax withheld at source to income derived on or after 1 January in the year in which the Agreement enters into force; and
 - (b) in respect of other taxes on income, for taxable years beginning on or after 1 January in the year in which the Agreement enters into force.

Article 30

TERMINATION

This Agreement shall remain in force until terminated by a Contracting State. Either Contracting State may terminate this Agreement, through diplomatic channels, by giving written notice of termination on or before the end of the calendar year following after the period of years from the year in which the Agreement enters into force.

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

- (a) in respect of tax withheld at source to income derived on or after 1 January in the year in which notice of termination is given
- (b) in respect of other on income, for taxable years beginning on or after 1 January in the year in which notice of termination is given.

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

Done in duplicate at Jakarta this day of April 28th 1995 in two originals, each in Indonesian and ,
being equally authentic.

FOR THE GOVERNMENT OF
THE REPUBLIC OF
INDONESIA
ALI ALATAS
Minister for foreign Affairs

FOR THE GOVERNMENT OF
THE DEMOCRATIC
PEOPLE'S OF ALGERIA
MOHAMED SALAH DEMBRI
Minister for foreign Affairs

PROTOCOL

At the moment of signing the Agreement for the Avoidance of Double Taxation, the undersigned have agreed upon the following understandings:

It is agreed that, in the case of Indonesia, the provisions of this Agreement with respect to taxes on capital shall be applicable only if such taxes are imposed under the Indonesian tax law.

Ad Article 2 subparagraph (3) (c) (iii) & (iv):

It is understood that the terms "Tax on Professional Activities" and "Tax on Lumpsum Payment", in the case of Algeria, are taxes imposed on income.

Ad Article 2 subparagraph (3) (c) (v):

It is understood that "Net Wealth Tax", in the case of Algeria, is tax imposed on capital.

Ad Article 10 paragraph (6):

It is understood that the Additional Tax shall only apply to a resident of Algeria having a permanent establishment in Indonesia.

Ad Article 18 paragraph (2):

The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

Ad Article 2 Subparagraph (3) (a) (vi):

It is understood that "royalties" and tax on the outcome of prospect, research, exploitation, transport of hydrocarbon by way or pipeline or in French language

"redevances et l'impôt sur les résultats relatifs aux activités de prospection, de recherche, d'exploitation et de transport par canalisation des hydrocarbures", in the application of Article 23, are genuine taxes on income paid to the Algerian Government.

Ad Article 2 Sub-paragraph (3) (b):

Since the Indonesian Government's revenue from oil, gas and other mining sectors has been set at a fixed figure including income taxes under production sharing contracts, contracts of works and other similar contracts, the Agreement shall not apply to such revenue.

Ad Article 8 paragraph (1), Article 13, Article 15 paragraph (3) and Article 22 paragraph (3):

In respect of Article 8 paragraph (1), Article 13, Article 15 paragraph (3) and Article 22 paragraph (3), it is understood that the term "resident" includes also "the place of effective management" as referred to under Article 4.

Ad Article 30:

It is understood that the texts of the Agreement are done in Indonesian and Arabic Languages, both being equally authentic, whereas the English and French drafts are used as reference.

IN WITNESS WHEREOF the undersigned, dully authorized thereto, have signed this protocol.

DONE in duplicate at Jakarta this day of April 28th 1995 in two originals, each in Indonesian and Arabic Languages, the two texts being equally authentic.

FOR THE GOVERNMENT OF
THE REPUBLIC OF
INDONESIA
ALI ALATAS
Minister for foreign Affairs

FOR THE GOVERNMENT OF
THE DEMOCRATIC
PEOPLE'S OF ALGERIA
MOHAMED SALAH DEMBRI
Minister for foreign Affairs