

PROTOCOL

TO AMEND THE CONVENTION BETWEEN THE GOVERNMENT OF THE RUSSIAN FEDERATION AND THE GOVERNMENT OF THE ITALIAN REPUBLIC FOR THE AVOIDANCE OF DOUBLE TAXATION WITH RESPECT TO TAXES ON INCOME AND ON CAPITAL AND THE PREVENTION OF FISCAL EVASION OF 9 APRIL 1996

The Government of the Russian Federation and the Government of the Italian Republic, desiring to conclude a Protocol to amend the Convention between the Contracting States for the avoidance of double taxation with respect to taxes on income and on capital and the prevention of fiscal evasion, with Additional Protocol, signed at Rome on 9th April, 1996 (hereinafter referred to as "the Convention"),

have agreed as follows:

ARTICLE I

With reference to Article 2 of the Convention "Taxes Covered", in the list of the Italian taxes, the taxes listed at paragraph 3, subparagraph b), number 3 - the local income tax ("l'imposta locale sui redditi") and number 4 - the net worth tax on enterprises ("l'imposta sul patrimonio netto delle imprese") shall be deleted and replaced by the following:

"3 - the regional tax on productive activities ("l'imposta regionale sulle attività produttive")."

ARTICLE II

With reference to Article 3 of the Convention "General definitions", paragraph 1, subparagraph (i), letter ii) shall be replaced by the following:

"(ii) in the case of Italy, the Ministry of Economy and Finance."

ARTICLE III

Article 27 of the Convention "Exchange of Information" shall be modified as follows:

"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 of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions 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.

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) to 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) 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).

4. If information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering 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 IV

Each of the Contracting States shall notify to the other, through the diplomatic channels, the completion of the procedures required by its domestic law for the bringing into force of this Protocol. The Protocol, which shall form an integral part of the Convention, shall have effect in both States on or after the first day of the month following the latter of these notifications.

Done in duplicate at Lecce this 13th day of June 2009 in the Russian, Italian and English languages, all texts being equally authentic. In the case of any divergence, the English text shall prevail.

For the Government
of the Russian Federation



For the Government
of the Italian Republic

