

Convention
between
the Federal Republic of Germany
and
the Republic of Cameroon
for the Avoidance of Double Taxation of Air Transport Companies with respect to Taxes on
Income and Capital

The Federal Republic of Germany
and
the Republic of Cameroon –,

Desiring to promote and reinforce their economic ties by concluding a Convention for the avoidance of double taxation of air transport enterprises with respect to taxes on income and capital –,

Have agreed as follows:

Article 1

Persons covered

This Convention shall apply to enterprises which operate aircraft in international traffic and are residents of one or both of the Contracting States.

Article 2

Taxes covered

1. This Convention shall apply to taxes on income and capital imposed on behalf of a Contracting State, one of its Länder or one of their political subdivisions or local authorities, irrespective of the manner in which they are levied.
2. There shall be regarded as taxes on income and capital all taxes imposed on total income, on total capital, or on elements of income or of capital, including taxes on gains from the alienation of movable or immovable property, as well as taxes on capital appreciation.
3. The existing taxes to which the Convention shall apply are in particular:
 - a) in the Federal Republic of Germany:
 - i. the income tax (Einkommensteuer);

- ii. the corporate income tax (Körperschaftsteuer);
 - iii. the trade tax (Gewerbesteuer) and
 - iv. the capital tax (Vermögensteuer);
- including the supplements levied thereon;

b) in the Republic of Cameroon:

- i. the tax on the income of individuals, including surcharges of the local authorities (centimes additionnels) and
- ii. the corporate income tax or the minimum corporate income tax, including surcharges of the local authorities (centimes additionnels).

4. The Convention shall apply also to any identical or substantially similar taxes that are imposed by one of the Contracting States after the date of signature of the Convention in addition to, or in place of, the existing taxes. The competent authorities of the Contracting States shall notify each other of any significant changes that have been made in their taxation laws.

Article 3

General definitions

1. For the purposes of this Convention, unless the context otherwise requires:

- a) the term “Federal Republic of Germany” means the territory of the Federal Republic of Germany, as well as the areas of the sea-bed, its subsoil and the superjacent water column adjacent to the territorial sea, insofar as the Federal Republic of Germany exercises there sovereign rights and jurisdiction in conformity with international law and its national legislation for the purpose of exploring, exploiting, conserving and managing the living and non-living natural resources;
- b) the term “Republic of Cameroon” means the territory of the Republic of Cameroon including the territorial sea and the areas outside the territorial waters of the Republic of Cameroon in which, the Republic of Cameroon, in accordance with international law, exercises there sovereign rights for the purposes of exploiting the natural resources of the seabed, the subsoil and superjacent water column;
- c) the terms “a Contracting State” and “the other Contracting State” mean the

Federal Republic of Germany or the Republic of Cameroon as the context requires;

- d) the term “competent authority” means:
 - i. in the Federal Republic of Germany, the Federal Ministry of Finance or the agency to which it has delegated its powers;
 - ii. in the Republic of Cameroon, the Minister in charge of Finance or an authorized representative of the Minister;
 - e) the term “person” includes an individual, a company and any other body of persons;
 - f) the term “company” means any body corporate or any entity that is treated as a body corporate for tax purposes;
 - g) the term “resident of a Contracting State” means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of management or any other criterion of a similar nature;
 - h) the terms “enterprise 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;
 - i) the term “international traffic” means any transport by an aircraft operated by an enterprise that has its place of effective management in a Contracting State, except when the aircraft is operated solely between places in the other Contracting State.
2. As regards the application of the Convention at any time by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that State for the purpose of the taxes to which the Convention applies, any meaning under the applicable tax laws of that State prevailing over a meaning given to the term under other laws of that State.

Article 4

Air transport

1. Profits of an enterprise of a Contracting State from the operation of aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.
2. Capital represented by aircraft operated in international traffic by an enterprise of a

Contracting State as well as movable property pertaining to the operation of such aircraft shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.

3. Gains from the alienation of aircraft operated in international traffic by an enterprise of a Contracting State or movable property pertaining to the operation of such aircraft, shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.
4. The provisions of paragraph 1 shall also apply to profits from the participation in a pool, a joint business or an international operating agency.
5. For the purposes of this Article, the term “profits of an enterprise of a Contracting State from the operation of aircraft in international traffic” shall mean:
 - a) income and gross proceeds from the operation of aircraft for the transportation of persons, livestock, goods, mail or merchandise;
 - b) profits from the lease on charter of fully equipped or bare aircrafts;
 - c) profits from the use or rental of containers (including trailers and ancillary equipment used for transporting the containers).Charges for the late return of containers shall not, however, be deemed to be profits from international traffic;
 - d) interest from assets directly linked to the operation.

Article 5

Mutual Agreement Procedure

The competent authorities of the Contracting States shall endeavor to resolve by mutual agreement, any difficulties or doubts arising as to the interpretation or application of the Convention. The competent authorities of the Contracting States may communicate with each other directly for the purpose of reaching an agreement.

Article 6

Entry into force

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Berlin as soon as possible.

2. This Convention shall enter into force upon the exchange of instruments of ratification and shall have effect in both Contracting States,
 - a) in the case of taxes withheld at source, in respect of amounts paid on or after the first day of January in the calendar year next following the year in which this Convention enters into force;
 - b) in the case of other taxes, in respect of taxes levied for periods beginning on or after the first day of January in the calendar year next following the year in which this Convention enters into force.

Article 7

Termination

1. This Convention shall remain in force for an indefinite period.
2. Either Contracting State may terminate the Convention, through diplomatic channels, by giving written notice of termination to the other Contracting State on or before the thirtieth day of June in any calendar year beginning after the expiration of a period of five years from the date of its entry into force. In such event, the Convention shall cease to have effect:
 - a) in the case of taxes withheld at source, in respect of amounts paid on or after the first day of January in the calendar year next following the year in which the notice of termination is given;
 - b) in the case of other taxes, in respect of taxes levied for periods beginning on or after the first day of January in the calendar year next following the year in which the notice of termination is given.

The date to be taken into account for the termination shall be the date of receipt of the notice by the other Contracting State.

Done at Yaounde, on 24th August 2017, in duplicate, in the German, English and French languages, each text being authentic. In case of divergent interpretations of the German and English texts, the French text shall prevail.

For the
Federal Republic of Germany

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For the
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Alamine Ousmane Mey