

COMPETENT AUTHORITY ARRANGEMENT

The competent authorities of Luxembourg and the United States of America have entered into the following Competent Authority Arrangement regarding the interpretation of the term “North American Free Trade Agreement” referred to in subparagraphs a), b), and d) of paragraph 4, subparagraph b) of paragraph 6, and subparagraph b) of paragraph 8 of Article 24 (Limitation on Benefits) of the Convention between the Government the United States of America and the Government of the Grand Duchy of Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital, signed at Luxembourg on April 3, 1996, as amended by the Protocol signed at Luxembourg on May 20, 2009 (the “Convention”), and referred to in paragraph D of article III of the Memorandum of Understanding, introduced through the Exchange of Notes of April 3, 1996 (the “MOU”).

Pursuant to paragraph 1 of the Protocol Replacing the North American Free Trade Agreement with the Agreement between the United States of America, the United Mexican States, and Canada, done at Buenos Aires on November 30, 2018 (the “Agreement”), as amended by the Protocol of Amendment to that Agreement, done at Mexico City on December 10, 2019 (the “Protocol of Amendment” and collectively with the Agreement, the “USMCA”), the USMCA will supersede the North American Free Trade Agreement (the “NAFTA”). The USMCA modernizes the NAFTA, is entered into by the same parties, and governs the standards for trade and investment among the parties going forward.

Pursuant to Article 27 (Mutual Agreement Procedure) of the Convention, the competent authorities of the United States and Luxembourg agree that the references to the NAFTA in subparagraphs a), b), and d) of paragraph 4, subparagraph b) of paragraph 6, and subparagraph b) of paragraph 8 of Article 24 of the Convention and in paragraph D of article III of the MOU shall be understood as references to the USMCA upon entry into force of the USMCA.

Done at Luxembourg on 1 September 2020 Done at Washington on 15 September 2023

For the Luxembourg Competent Authority: For the United States Competent Authority:

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