



ΕΦΗΜΕΡΙΣ ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ

ΤΟΥ ΒΑΣΙΛΕΙΟΥ ΤΗΣ ΕΛΛΑΔΟΣ

ΕΝ ΑΘΗΝΑΙΣ
ΤΗ 22 ΟΚΤΩΒΡΙΟΥ 1971

ΤΕΥΧΟΣ ΠΡΩΤΟΝ

ΑΡΙΘΜΟΣ ΦΥΛΛΟΥ
210

ΝΟΜΟΘΕΤΙΚΟΝ ΔΙΑΤΑΓΜΑ ΥΠ' ΑΡΙΘ. 994

Περὶ κυρώσεως τῆς μετὰ τὸ Βασιλεῖον τῆς Ἑλλάδος καὶ τῆς Δημοκρατίας τῆς Αὐστρίας Συμβάσεως περὶ ἀποφυγῆς τῆς διπλῆς φορολογίας ἐν σχέσει πρὸς τοὺς φόρους ἐπὶ τοῦ εἰσοδήματος καὶ κεφαλαίου.

ΚΩΝΣΤΑΝΤΙΝΟΣ ΒΑΣΙΛΕΥΣ ΤΩΝ ΕΛΛΗΝΩΝ

Προτάσει τοῦ Ἡμετέρου Ὑπουργικοῦ Συμβουλίου, ἀπεφασίσαμεν καὶ διατάσσομεν :

Ἄρθρον μόνον.

Κυροῦται καὶ κτᾶται ἰσχὺν Νόμου ἡ ὑπογραφεῖσα ἐν Βιέννῃ τὴν 22αν Σεπτεμβρίου 1970 Σύμβασις μετὰ τοῦ Βασιλείου τῆς Ἑλλάδος καὶ τῆς Δημοκρατίας τῆς Αὐστρίας «περὶ ἀποφυγῆς τῆς διπλῆς φορολογίας ἐν σχέσει πρὸς τοὺς φόρους ἐπὶ τοῦ εἰσοδήματος καὶ κεφαλαίου», τῆς ὁποίας τὸ κείμενον ἔπεται εἰς τὴν Ἑλληνικὴν καὶ Ἀγγλικὴν γλῶσσαν.

Ἐν Ἀθήναις τῇ 30 Σεπτεμβρίου 1971

Ἐν Ὄνόματι τοῦ Βασιλέως

Ο ΑΝΤΙΒΑΣΙΛΕΥΣ
ΓΕΩΡΓΙΟΣ ΖΩΓΙΤΑΚΗΣ

ΤΟ ΥΠΟΥΡΓΙΚΟΝ ΣΥΜΒΟΥΛΙΟΝ
Ο ΠΡΩΘΥΠΟΥΡΓΟΣ

Γ. ΠΑΠΑΔΟΠΟΥΛΟΣ

ΟΙ ΑΝΤΙΠΡΟΕΔΡΟΙ

ΣΤΥΛ. ΠΑΤΤΑΚΟΣ

ΝΙΚΟΛΑΟΣ ΜΑΚΑΡΕΖΟΣ

ΤΑ ΜΕΛΗ

ΙΩΑΝ. ΑΓΑΘΑΓΓΕΛΟΥ, ΑΔΑΜ. ΑΝΔΡΟΤΤΣΟΠΟΥΛΟΣ, ΝΙΚ. ΕΦΕΣΙΟΣ, ΓΕΩΡΓ. ΠΕΖΟΠΟΥΛΟΣ, ΙΩΑΝ. ΣΤΑΤΡΟΠΟΥΛΟΣ, ΙΩΑΝ. ΚΟΤΛΗΣ, ΑΓΓΕΛ. ΤΣΟΤΚΑΛΑΣ, ΚΩΝΣΤ. ΠΑΝΑΓΙΩΤΑΚΗΣ, ΓΕΡΑΣ. ΦΡΑΓΚΑΤΟΣ, ΑΝΤΩΝ. ΜΠΕΡΝΑΡΗΣ, ΚΩΝΣΤ. ΠΑΠΑΔΗΜΗΤΡΙΟΥ, ΟΡΕΣΤ. ΓΙΑΚΑΣ, ΣΠΥΡ. ΒΕΛΛΙΑΝΙΤΗΣ.

Ἐθεωρήθη καὶ ἐτέθη ἡ μεγάλη τοῦ Κράτους σφραγίς.

Ἐν Ἀθήναις τῇ 2 Ὀκτωβρίου 1971

Ο ΕΠΙ ΤΗΣ ΔΙΚΑΙΟΣΥΝΗΣ ΥΠΟΥΡΓΟΣ
ΑΓΓΕΛΟΣ ΤΣΟΥΚΑΛΑΣ

ΣΥΜΒΑΣΙΣ

Μετὰ τὸ Βασιλεῖον τῆς Ἑλλάδος καὶ τῆς Δημοκρατίας τῆς Αὐστρίας περὶ ἀποφυγῆς τῆς διπλῆς φορολογίας ἐν σχέσει πρὸς τοὺς φόρους ἐπὶ τοῦ εἰσοδήματος καὶ κεφαλαίου.

Ἡ Δημοκρατία τῆς Αὐστρίας καὶ τὸ Βασιλεῖον τῆς Ἑλ-

λάδος, ἐν τῇ ἐπιθυμίᾳ ἀποφυγῆς τῆς διπλῆς φορολογίας ἐν σχέσει πρὸς τοὺς φόρους ἐπὶ τοῦ εἰσοδήματος καὶ τοῦ κεφαλαίου, συνεφώνησαν ὅπως συνάψωσι τὴν ἀκόλουθον Σύμβασιν :

Ἄρθρον 1.

Ἡ παροῦσα Σύμβασις θὰ ἐφαρμόζεται ἐπὶ προσώπων τὰ ὅποια εἶναι κάτοικοι τοῦ ἑ

τυχόν μεταβολών των έπελθουσών εις την αντίστοιχον αὐτῶν φορολογικὴν νομοθεσίαν.

Ἄρθρον 3.

1. Ἐν τῇ Συμβάσει ταύτῃ, ἐκτὸς ἄλλως τὸ κείμενον ὀρίζει :

α) οἱ ὅροι «Συμβαλλόμενον Κράτος» καὶ «τὸ ἕτερον Συμβαλλόμενον Κράτος» σημαίνουν τὴν Δημοκρατίαν τῆς Αὐστρίας ἢ τὸ Βασίλειον τῆς Ἑλλάδος, ὡς τὸ κείμενον ὀρίζει·

β) ὁ ὅρος «πρόσωπον» περιλαμβάνει ἄτομον, ἑταιρείαν καὶ πᾶν ἕτερον νομικὸν πρόσωπον·

γ) ὁ ὅρος, «ἑταιρεία» σημαίνει πᾶσαν ἑταιρείαν ἢ πᾶν νομικὸν πρόσωπον, τὸ ὁποῖον θεωρεῖται διὰ φορολογικοῦ σκοποῦς ὡς ἑταιρεία·

δ) οἱ ὅροι «ἐπιχειρήσεις ἐνὸς τῶν συμβαλλομένων Κρατῶν καὶ ἐπιχειρήσεις τοῦ ἑτέρου Συμβαλλομένου Κράτους» σημαίνουν ἀντιστοιχῶς ἐπιχειρήσιν διεξαγομένην ὑπὸ κατοικοῦ τοῦ ἐνὸς τῶν Συμβαλλομένων Κρατῶν καὶ ἐπιχειρήσιν διεξαγομένην ὑπὸ κατοικοῦ τοῦ ἑτέρου Συμβαλλομένου Κράτους·

ε) ὁ ὅρος «ἀρμόδιαι ἀρχαί» σημαίνει :

1. Ἐν Αὐστρίᾳ : Ὁ ὁμοσπονδιακὸς Ὑπουργὸς τῶν Οἰκονομικῶν.

2. Ἐν Ἑλλάδι : Τὸ Ὑπουργεῖον Οἰκονομικῶν ἢ τὸν ἐξουσιοδοτημένον ἀντιπρόσωπόν του.

2. Κατὰ τὴν ἐφαρμογὴν τῆς Συμβάσεως ὑφ' ἐνὸς τῶν Συμβαλλομένων Κρατῶν, πᾶς ὅρος μὴ κατ' ἄλλον τρόπον καθοριζόμενος, ἐκτὸς ἐὰν τὸ κείμενον ἄλλως ὀρίξῃ θὰ ἔχῃ τὴν ἔννοιαν ἢ ὁποῖα προκύπτει ἐκ τῆς ἐν τῷ Συμβαλλομένῳ τούτῳ Κράτει ἰσχυοῦσης νομοθεσίας τῆς ἀφορώσης τοὺς φόρους, οἱ ὁποῖοι ἀποτελοῦν τὸ ἀντικείμενον τῆς Συμβάσεως.

Ἄρθρον 4.

1. Διὰ τοὺς σκοποὺς τῆς Συμβάσεως ταύτης, ὁ ὅρος «κάτοικος ἐνὸς τῶν Συμβαλλομένων Κρατῶν» σημαίνει οἰονδήποτε πρόσωπον τὸ ὁποῖον, κατὰ τοὺς νόμους τοῦ Κράτους τούτου, ὑπόκειται εἰς φορολογίαν ἐν αὐτῷ λόγῳ κατοικίας του, διαμονῆς, ἑδρας διοικήσεως ἢ οἰουδήποτε ἄλλου κριτηρίου παρομοίας φύσεως.

2. Ἐὰν κατὰ τὰς διατάξεις τῆς παραγράφου 1 ἄτομόν τι εἶναι κάτοικος ἀμφοτέρων τῶν Συμβαλλομένων Κρατῶν, τότε ἡ περίπτωσις αὕτη θὰ ἐπιλύεται συμφώνως πρὸς τοὺς κατωτέρω κανόνας :

α) Θὰ θεωρῇται ὅτι εἶναι κάτοικος τοῦ Συμβαλλομένου Κράτους ἐν τῷ ὁποίῳ ἔχει εἰς τὴν διάθεσίν του μόνιμον κατοικίαν. Ἐὰν ἔχῃ εἰς τὴν διάθεσίν του μόνιμον κατοικίαν εἰς ἀμφοτέρω τὰ Συμβαλλόμενα Κράτη θὰ θεωρῇται ὅτι εἶναι κάτοικος τοῦ Συμβαλλομένου Κράτους μετὰ τοῦ ὁποίου συνδέεται στενότερον προσωπικῶς καὶ οἰκονομικῶς (κέντρον ζωτικῶν συμφερόντων),

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ή χρήσεως ύφ' οιαδήποτε έτεραν μορφήν τής ακινήτου ιδιοκτησίας και επί τόκων δανείων εξησφαλισμένων δι' υποθήκης επί τής εν λόγω ιδιοκτησίας.

4. Αι διατάξεις των παραγράφων 1 και 3 θα εφαρμόζονται επίσης επί του εισοδήματος εξ ακινήτου ιδιοκτησίας επιχειρήσεως και επί εισοδήματος εξ ακινήτου ιδιοκτησίας χρησιμοποιουμένης δια την άσκησιν επαγγελματικών υπηρεσιών.

Άρθρον 7.

1. Τα Κέρδη επιχειρήσεως ενός των συμβαλλομένων Κρατών θα φορολογούνται μόνον εν τῷ Κράτει τούτῳ εκτός εάν ή επιχείρησις διεξάγη εργασίας εν τῷ έτέρῳ Συμβαλλομένῳ Κράτει μέσω μονίμου εν αὐτῷ εγκαταστάσεως. Εάν ή επιχείρησις διεξάγη εργασίας, ως προελέχθη, τὰ κέρδη τής επιχειρήσεως θα φορολογούνται μόνον εν τῷ έτέρῳ Κράτει, αλλά μόνον εκείνα εξ αὐτῶν τὰ ὁποῖα προέρχονται εκ τής μονίμου ταύτης εγκαταστάσεως.

2. Εάν επιχείρησις ενός των Συμβαλλομένων Κρατῶν διεξάγη εργασίας εν τῷ έτέρῳ Συμβαλλομένῳ Κράτει δια μονίμου εν αὐτῷ εγκαταστάσεως, εἰς ἕκαστον Συμβαλλόμενον Κράτος θα θεωροῦνται ὅτι ἀνήκουν εἰς τὴν μόνιμον ταύτην εγκατάστασιν τὰ κέρδη τὰ ὁποῖα ὑπολογίζονται ὅτι θα ἐπραγματοποιεῖ εάν ἦτο διάφορος καὶ χωριστὴ επιχείρησις ἀσχολουμένη με τὰς αὐτὰς παρομοίας δραστηριότητας ὑπὸ τὰς αὐτὰς ἢ παρομοίας συνθήκας καὶ ἐνεργοῦσα τελείως ἀνεξαρτήτως ἀπὸ τής επιχειρήσεως, τής ὁποίας ἀποτελεῖ μόνιμον εγκατάστασιν.

3. Κατὰ τὸν καθορισμὸν τῶν κερδῶν μονίμου εγκαταστάσεως θα ἐκπίπτωνται τὰ ἔξοδα τὰ πραγματοποιούμενα διὰ τοὺς σκοποὺς τής μονίμου εγκαταστάσεως, περιλαμβανομένων καὶ τῶν διοικητικῶν καὶ διαχειριστικῶν εν γένει ἐξόδων, πραγματοποιουμένων εἴτε εν τῷ Κράτει εν τῷ ὁποίῳ εὐρίσκεται ἡ μόνιμος εγκατάστασις ἢ ἀλλοχοῦ.

4. Ἐφ' ὅσον εἴθισται εἰς ἐν τῶν Συμβαλλομένων Κρατῶν, τὰ κέρδη τὰ προερχόμενα εκ μονίμου εγκαταστάσεως νὰ καθορίζωνται βάσει καταμερισμοῦ τῶν συνολικῶν κερδῶν τής επιχειρήσεως εἰς τὰς διαφόρους αὐτῆς πηγὰς, αἱ διατάξεις τής παραγράφου 2 οὐδόλως ἐμποδίζουν τὸ Συμβαλλόμενον τοῦτο Κράτος ἀπὸ τοῦ νὰ καθορίσῃ τὰ φορολογητέα κέρδη ἐπὶ τῇ βάσει τοιοῦτου καταμερισμοῦ, ὡς τυχὸν εἴθισται εν τούτοις ἡ χρησιμοποιουμένη μέθοδος καταμερισμοῦ δέον νὰ εἶναι τοιαύτη ὥστε τὸ ἀποτέλεσμα νὰ εἶναι σύμφωνον πρὸς τὰς εν τῷ παρόντι ἄρθρῳ καθωρισμένας ἀρχάς.

5. Διὰ τοὺς σκοποὺς τῶν προηγούμενων παραγράφων τὰ κέρδη τὰ προερχόμενα εκ τής μονίμου εγκαταστάσεως θα καθορίζωνται διὰ τής αὐτῆς μεθόδου κατ' ἔτος εκτὸς εάν ὑπάρχουν βάσιμοι καὶ ἐπαρκεῖς λόγοι διὰ νὰ γίνῃ τὸ ἀντίθετον.

6. Εάν κέρδη περιλαμβάνουν στοιχεῖα εισοδήματος ἐπὶ τῶν ὁποίων πραγματεύονται ἰδιαιτέρως ἕτερα ἄρθρα τής συμβάσεως ταύτης, τότε αἱ διατάξεις τῶν ἁρθρῶν ἐκείνων δὲν θα ἐπηρεάζωνται εκ τῶν διατάξεων το

έξομοιούμενον πρὸς εισόδημα ἐκ δανεισθέντων χρημάτων ὑπὸ τῆς φορολογικῆς νομοθεσίας τοῦ Κράτους εἰς τὸ ὅποιον προκύπτει τὸ εισόδημα, ἐξαιρουμένων τῶν χρεῶν τὰ ὅποια ἐξασφαλίζονται δι' ὑποθήκης ἐπὶ ἀκινήτου ἰδιοκτησίας κειμένης εἰς ἓν ἐκ τῶν Συμβαλλομένων Κρατῶν.

6. Αἱ διατάξεις τῶν παραγράφων 1, 2 καὶ 3 δὲν ἐφαρμόζονται ἐὰν ὁ δικαίουχος τῶν τόκων, τυγχάνων κάτοικος ἐνὸς τῶν Συμβαλλομένων Κρατῶν, διατηρῇ ἐν τῷ ἐτέρῳ Συμβαλλομένῳ Κράτει, ἐν ᾧ προκύπτει ὁ τόκος, μόνιμον ἐγκατάστασιν πρὸς ἣν ἢ ἐκ δανείου ἀπαίτησις, ἐξ ἧς προκύπτει ὁ τόκος, ἔχει ἄμεσον σχέσιν. Εἰς τὴν περίπτωσιν ταύτην θὰ ἐφαρμόζονται αἱ διατάξεις τοῦ ἄρθρου 7.

7. Ἐάν, λόγῳ εἰδικῆς σχέσεως μεταξὺ τοῦ καταβάλλοντος καὶ τοῦ δικαιούχου ἢ μεταξὺ ἀμφοτέρων τούτων καὶ ἄλλου τινὸς προσώπου, τὸ ποσὸν τῶν καταβαλλομένων τόκων τῶν ἀφορῶντων εἰς τὴν ἀπαίτησιν ἐκ χρέους διὰ τὴν ὁποῖαν καταβάλλονται ὑπερβαίνει τὸ ποσὸν τὸ ὅποιον θὰ συμφωνεῖτο μεταξὺ ὀφειλέτου καὶ δικαιούχου, ἐλλείψει τοιαύτης σχέσεως, αἱ διατάξεις τοῦ παρόντος ἄρθρου θὰ ἐφαρμόζονται μόνον ἐπὶ τοῦ τελευταίου μνημονευθέντος ποσοῦ. Ἐν τῇ περιπτώσει ταύτῃ τὸ ὑπερβάλλον μέρος τοῦ τόκου θὰ φορολογῆται συμφῶνως πρὸς τὴν νομοθεσίαν ἐκάστου Συμβαλλομένου Κράτους, λαμβανομένων δεόντως ὑπ' ὄψιν τῶν λοιπῶν διατάξεων τῆς Συμβάσεως ταύτης.

Ἄρθρον 12.

1. Δικαιώματα προκύπτοντα εἰς ἓν τῶν Συμβαλλομένων Κρατῶν καὶ καταβαλλόμενα εἰς κάτοικον τοῦ ἐτέρου Συμβαλλομένου Κράτους θὰ φορολογοῦνται μόνον εἰς τὸ ἕτερον τοῦτο Κράτος.

2. Δικαιώματα, ἐν τῇ ἐννοίᾳ τῆς παραγράφου 1, τὰ ὅποια καταβάλλονται ὑπὸ ἐταιρείας ἢ ὁποῖα εἶναι κάτοικος ἐνὸς τῶν Συμβαλλομένων Κρατῶν, εἰς πρόσσωπον κάτοικον τοῦ ἐτέρου Κράτους τὸ ὅποιον κατέχει πλέον τοῦ 50 τοῖς ἑκατὸν τοῦ μετοχικοῦ κεφαλαίου τῆς ὀφειλέτιδος ἐταιρείας, δύνανται, ἀνεξαρτήτως τῶν διατάξεων τῆς παραγράφου 1, νὰ φορολογηθοῦν ὑπὸ τοῦ πρώτου μνημονευθέντος Κράτους. Ὁ φόρος οὗτος, ἐν πάσῃ περιπτώσει, δὲν δύναται νὰ ὑπερβῇ τὸ 10 τοῖς ἑκατὸν τοῦ ἀκαθαρίστου ποσοῦ τῶν δικαιωμάτων.

3. Αἱ διατάξεις τῆς παραγράφου 4 τοῦ ἄρθρου 11 θὰ ἐφαρμόζονται ἀναλόγως.

4. Ὁ ὅρος «δικαιώματα», ὡς χρησιμοποιεῖται ἐν τῷ ἄρθρῳ τούτῳ, σημαίνει πληρωμὰς πάσης φύσεως γενομένης ἐναντι χρήσεως, ἢ δικαιώματος χρήσεως οἰουδήποτε συγγραφικοῦ δικαιώματος, φιλολογικῆς καλλιτεχνικῆς, ἢ ἐπιστημονικῆς ἐργασίας, περιλαμβανομένων καὶ τῶν κινηματογραφικῶν ταινιῶν, εὑρεσιτεχνίας, ἐμπορικοῦ σήματος, σχεδίου ἢ τύπου, μηχανικοῦ σχεδίου, μυστικοῦ τύπου ἢ διαδικασίας παραγωγῆς, ἢ διὰ τὴν χρῆσιν ἢ τὸ δικαίωμα χρήσεως, βιομηχανικοῦ, ἐμπορικοῦ ἢ ἐπιστημονικοῦ ἐξοπλισμο

σιν άσχοιμένην επί πλοίου ή άεροσκάφους έκτελούντος διεθνείς μεταφοράς θά φορολογήται μόνον εις τό Συμβαλλόμενον Κράτος έν τώ όποίω φορολογούνται τά κέρδη έκ τής έκμεταλλεύσεως του πλοίου ή του άεροσκάφους συμφώνως πρός τάς διατάξεις του άρθρου 8.

Άρθρον 16.

Άμοιβαί διευθυντών ή παρόμοιαι πληρωμαί κτώμεναι υπό κατοίκου ένός των Συμβαλλομένων Κρατών υπό την ιδιότητά του ως μέλους διοικητικού συμβουλίου εταιρείας, ή όποια είναι κάτοικος του έτέρου Συμβαλλομένου Κράτους θά φορολογούνται μόνον εις τό έτερον τουτο Κράτος.

Άρθρον 17.

Άνεξαρτήτως των διατάξεων των άρθρων 14 και 15 εισόδημα κτώμενον υπό προσωπικού δημοσίας ψυχαγωγίας, ως οι καλλιτέχναι θεάτρου, κινηματογράφου, ραδιοφώνου ή τηλεόρασεως, οι μουσικοί και οι άθληταί, έκ τής προσωπικής αυτών δράσεως ως τοιούτων, θά φορολογήται μόνον εις τό Συμβαλλόμενον Κράτος εις τό όποιον άσκείται ή δραστηριότης αυτή.

Άρθρον 18.

Τηρουμένων των διατάξεων τής παραγράφου 1 του άρθρου 19, συντάξεις και άλλαι παρόμοιαι πληρωμαί καταβαλλόμεναι εις κάτοικον του ένός των Συμβαλλομένων Κρατών έναντι παρωχημένων υπηρεσιών θά φορολογούνται μόνον εις τό Κράτος τουτο.

Άρθρον 19.

1. Άποζημιώσεις, περιλαμβανομένων και των συντάξεων, καταβαλλόμεναι υπό, ή έκ κεφαλαίων δημιουργηθέντων υπό ένός των Συμβαλλομένων Κρατών ή πολιτικής υποδιαιρέσεως ή τοπικής άρχής αυτού ή οιοδήποτε νομικού προσώπου συσταθέντος συμφώνως πρός τό ισχύον δικαίον του Κράτους τουτο εις οιοδήποτε πρόσωπον έναντι υπηρεσιών παρασχεθεισών εις τό Κράτος τουτο ή την υποδιαιρέσιν ή τοπικήν άρχήν αυτού ή νομικόν πρόσωπον συσταθέν κατά τό ισχύον δικαίον του Κράτους τουτο, κατά την άσκησιν καθηκόντων κυβερνητικής φύσεως, ως επίσης και συντάξεις έξ οργανισμών κοινωνικής άσφαλίσεως ένός των Συμβαλλομένων Κρατών θά φορολογούνται μόνον εις τό Κράτος τουτο.

2. Αί διατάξεις των άρθρων 15 και 18 θά εφαρμόζονται επί άποζημιώσεων ή συντάξεων έναντι υπηρεσιών παρασχεθεισών έν σχέσει με οιοδήποτε έμπόριον ή έργασίαν διεξαγομένην επί ένός έκ των Συμβαλλομένων Κρατών ή πολιτικής υποδιαιρέσεως ή τοπικής άρχής αυτού ή νομικού προσώπου συσταθέντος συμφώνως πρός την κειμένην νομοθεσίαν του ένός έκ των Συμβαλλομένων Κρατών.

Άρθρον 20.

1. Ποσά άτινα λαμβάνει σπουδαστής ή μαθητευόμενος έπαγγέλματος, ό όποιος είναι ή ήτο προηγουμένως κάτοικος του ένός Συμβαλλομένου Κράτους και ό όποιος παραμένει εις τό έτερον Συμβαλλόμενον Κράτος άποκλειστικώς και μόνον διά τόν σκοπόν τής εκπαιδεύσεως ή εξάσκησώς του διά την συντήρησίν του, εκπαιδεύσιν ή εξάσκησιν δέν θά φορολογούνται εις τό έτερον τουτο Κράτος, έφ' όσον τά ποσά ταύτα καταβάλλονται εις αυτόν έκ πηγών έκτός του έτέρου τουτο Κράτους εύρισκομένων.

2. Άποζημιώσεις τάς όποιās λαμβάνει σπουδαστής ή μαθητευόμενος έπαγγέλματος, ό όποιος είναι ή ήτο προηγουμένως κάτοικος του ένός Συμβαλλομένου Κράτους δι' έμμισθον άπασχόλησιν παρεχομένην εις τό έτερον Συμβαλλόμενον Κράτος πρός τόν σκοπόν τής πρακτικής εκπαιδεύσεώς του διά περιόδον ή περιόδους μη υπερβαινούσας έν συνόλω τάς 183 ή

βασιν ταύτην, δύναται, ανεξαρτήτως τῶν παρεχομένων μέσων θεραπείας ὑπὸ τῶν ἐθνικῶν νόμων τῶν Κρατῶν τούτων, νὰ θέσῃ τὴν περίπτωσιν τοῦ ὑπ' ὄψει τῶν ἀρμοδίων ἀρχῶν τοῦ Συμβαλλομένου Κράτους τοῦ ὁποίου εἶναι κάτοικος.

2. Ἡ ἀρμοδία ἀρχή, ἐὰν θεωρήσῃ ὅτι δικαιολογεῖται ἡ ἀντίρρησης καὶ δὲν δύναται νὰ δώσῃ τὴν κατάλληλον λύσιν, θὰ προσπαθῇ νὰ ἐπιλύσῃ τὴν διαφορὰν δι' ἀμοιβαίας συμφωνίας μετὰ τῆς ἀρμοδίας ἀρχῆς τοῦ ἐτέρου Συμβαλλομένου Κράτους, πρὸς τὸν σκοπὸν ἀποφυγῆς φορολογίας, μὴ συμφώνου πρὸς τὴν Σύμβασιν ταύτην.

3. Αἱ ἀρμόδιαι ἀρχαὶ τῶν Συμβαλλομένων Κρατῶν θὰ προσπαθοῦν, δι' ἀμοιβαίας συμφωνίας, νὰ ἐπιλύουν πᾶσαν δυσκολίαν ἢ ἀμφιβολίαν ἀνακύπτουσαν κατὰ τὴν ἐρμηνείαν ἢ ἐφαρμογὴν τῆς Συμβάσεως. Δύνανται ὡσαύτως, νὰ διαβουλεύωνται διὰ τὴν ἀποτροπὴν τῆς διπλῆς φορολογίας ἐπὶ περιπτώσεων μὴ προβλεπομένων ὑπὸ τῆς Συμβάσεως.

4. Αἱ ἀρμόδιαι ἀρχαὶ τῶν Συμβαλλομένων Κρατῶν δύνανται νὰ ἐπικοινωνήσιν ἀπ' εὐθείας μεταξύ των ἐπὶ τῇ σκοπῇ ὅπως καταλήξουν εἰς συμφωνίαν ἐν τῇ ἐννοίᾳ τῶν προηγουμένων παραγράφων. Ἐφ' ὅσον κρίνεται σκόπιμος ἢ ἐπίτευξις συμφωνίας διὰ προφορικῆς ἀνταλλαγῆς γνωμῶν ἢ τοιαύτη ἀνταλλαγὴ δύναται νὰ λαμβάνῃ χώραν μέσῳ ἐπιτροπῆς αποτελουμένης ἐξ ἀντιπροσώπων τῶν ἀρμοδίων Ἀρχῶν τῶν Συμβαλλομένων Κρατῶν.

Ἄρθρον 26.

1. Αἱ ἀρμόδιαι ἀρχαὶ τῶν Συμβαλλομένων Κρατῶν θὰ ἀνταλλάσσῃσι τῇ αἰτήσει των, πληροφορίας ἀναγκαίας διὰ τὴν ἐφαρμογὴν τῆς Συμβάσεως ταύτης καὶ τῆς ἐσωτερικῆς νομοθεσίας τῶν Συμβαλλομένων Κρατῶν τῆς ἀναφερομένης εἰς τοὺς φόρους τοὺς καλυπτομένους ὑπὸ τῆς Συμβάσεως ταύτης, ἐφ' ὅσον ἡ ἐπὶ τῇ βάσει τῆς ἐσωτερικῆς νομοθεσίας φορολογία εἶναι σύμφωνος πρὸς τὴν Σύμβασιν ταύτην. Πᾶσα πληροφορία οὕτως ἀνταλλάσσουμένη θὰ θεωρῇται ὡς ἀπόρρητος καὶ δὲν θὰ ἀποκαλύπτεται εἰς οἰονδήποτε πρόσωπον ἢ ἀρχὰς πλὴν ἐκείνων οἵτινες εἶναι ἐπιφορτισμένοι μετὰ τὴν βεβαίωσιν ἢ εἰσπραξίν των φόρων οἱ ὁποῖοι ἀποτελοῦν τὸ ἀντικείμενον τῆς Συμβάσεως.

2. Ἐν οὐδεμιᾷ περιπτώσει αἱ διατάξεις τῆς παραγράφου 1 θὰ ἐρμηνευθοῦν ὡς ἐπιβάλλουσαι ἐπὶ ἐνὸς ἐκ τῶν Συμβαλλομένων Κρατῶν τὴν ὑποχρέωσιν :

α) νὰ λαμβάνῃ διοικητικὰ μέτρα μὴ σύμφωνα πρὸς τοὺς νόμους ἢ τὴν διοικητικὴν πρακτικὴν τοῦ ἐνὸς ἢ τοῦ ἐτέρου Συμβαλλομένου Κράτους,

β) νὰ παρέχῃ στοιχεῖα τὰ ὁποῖα δὲν παρέχονται βάσει τῶν νόμων ἢ τῆς ὁμαλῆς λειτουργίας τῆς διοικήσεως τοῦ ἐνὸς ἢ τοῦ ἐτέρου Συμβαλλομένου Κράτους,

γ) νὰ παρέχῃ πληροφορίας αἱ ὁποῖαι θὰ ἀπεκάλυπτον οἰονδήποτε ἐμπορικόν, ἐπιχειρηματικόν, βιομηχανικόν ἢ ἐπαγγελματικόν ἀπόρρητον ἢ ἐμπορικὴν μέθοδον, ἢ πληροφορίαν, ἢ ἀποκάλυψιν τῆς ὁποίας θὰ ἦτο ἀντίθετος πρὸς τὴν δημοσίαν τάξιν.

Ἄρθρον 27.

Οὐδὲν ἐν τῇ Συμβάσει ταύτῃ θὰ ἐπηρεάσῃ τὰ φορολογικὰ προνόμια τῶν διπλωματικῶν καὶ προξενικῶν ὑπαλλήλων τὰ προβλεπόμενα ὑπὸ τῶν γενικῶν κανόνων τοῦ διεθνοῦς δικαίου ἢ ὑπὸ τῶν διατάξεων εἰδικῶν συμφωνιῶν.

Ἄρθρον 28.

1. Ἡ σύμβασις αὕτη δέον ὅπως κυρωθῇ καὶ οἱ τίτλοι κυρώσεως δέον ὅπως ἀνταλλαγῶσι τὸ ταχύτερον δυνατὸν ἐν Ἀθήναις.

2. Ἡ Σύμβασις θὰ ἰσχύσῃ ἅμα τῇ ἀνταλλαγῇ τῶν τίτλων κυρώσεως καὶ αἱ διατάξεις τῆς θὰ ἐφαρμοσθοῦν :

α) ἐν Αὐστρίᾳ : ἀπὸ τοῦ οἰκονομικοῦ ἔτους τοῦ ὁποῖον ἄρχεται τὴν πρώτην ἡμέραν τοῦ ἡμερολογιακοῦ ἔτους ἐντὸς τοῦ ὁποίου θὰ λάβῃ χώραν ἡ ἀνταλλαγὴ τῶν τίτλων κυρώσεως καὶ διὰ τὰ ἐπόμενα ἔτη ὅσον ἀφορᾷ τὸ ἄρθρον 8 ἀπὸ τοῦ οἰκονομικοῦ ἔτους 1960 καὶ διὰ τὰ ἐπόμενα ἔτη,

β) ἐν Ἑλλάδι : τὸ εἰσόδημα τὸ προκύπτον κατὰ τὸ ἔτος τὸ ἀρχόμενον τὴν πρώτην ἡμέραν τοῦ ἡμερολογιακοῦ ἔτους ἐντὸς τοῦ ὁποίου θὰ λάβῃ χώραν ἡ ἀνταλλαγὴ τῶν τίτλων κυρώσεως καὶ διὰ τὰ ἐπόμενα ἔτη, ὅσον ἀφορᾷ τὸ ἄρθρον 8 διὰ τὸ εἰσόδημα τὸ προκύπτον κατὰ τὸ ἡμερολογιακὸν ἔτος 1960 καὶ τὰ ἐπόμενα ἔτη.

Ἄρθρον 29.

Ἡ σύμβασις αὕτη θὰ παραμείνῃ ἐν ἰσχύϊ ἐπ' ἀόριστον, ἀλλ' ἑκάτερον τῶν Συμβαλλομένων Κρατῶν δύναται νὰ καταγγεῖλῃ τὴν Σύμβασιν, μέσῳ τῆς διπλωματικῆς ὁδοῦ διὰ τῆς ἐπιδόσεως ἐγγράφου εἰδοποιήσεως λήξεως τοῦλάχιστον ἑξ μηνῶν πρὸ τῆς λήξεως οἰονδήποτε ἡμερολογιακοῦ ἔτους. Ἐν τῇ περιπτώσει ταύτῃ ἡ Σύμβασις παύει ἰσχύουσα :

α) ἐν Αὐστρίᾳ : ἀπὸ τοῦ οἰκονομικοῦ ἔτους τοῦ ἀρχομένου τὴν πρώτην ἡμέραν τοῦ Ἰανουαρίου τοῦ ἡμερολογιακοῦ ἔτους τὸ ὁποῖον ἔπεται τοῦ ἔτους ἐντὸς τοῦ ὁποίου ἐπιδίδεται ἡ ἐγγράφος εἰδοποίησις καὶ διὰ τὰ ἐπόμενα ἔτη,

β) ἐν Ἑλλάδι : δι' εἰσόδημα προκύπτον μετὰ τὴν 1 Ἰανουαρίου τοῦ ἡμερολογιακοῦ ἔτους, τὸ ὁποῖον ἔπεται τοῦ ἔτους ἐντὸς τοῦ ὁποίου ἐπιδίδεται ἡ ἐγγράφος εἰδοποίησις καὶ διὰ τὰ ἐπόμενα ἔτη.

Εἰς πίστῳσιν τῶν ἀνωτέρω οἱ πληρεξούσιοι τῶν δύο Συμβαλλομένων Κρατῶν ὑπέγραψαν τὴν παρούσαν Σύμβασιν καὶ ἔθεσαν τὰς σφραγίδας αὐτῶν.

Ἐγένετο εἰς διπλοῦν ἐν Βιέννῃ τῇ 22 Σεπτεμβρίου 1970 εἰς τὴν Ἑλληνικὴν, Γερμανικὴν καὶ Ἀγγλικὴν γλῶσσαν, ἑκάστου κειμένου ὄντος ἐξ ἴσου αὐθεντικοῦ, ἐν περιπτώσει δὲ ἀμφιβολίας ὑπερισχύοντος τοῦ Ἀγγλικοῦ κειμένου.

Διὰ τὸ Βασίλειον τῆς Ἑλλάδος
Κ. Α. ΤΡΙΑΝΤΑΦΥΛΛΑΚΟΣ

Διὰ τὴν Δημοκρατίαν τῆς Αὐστρίας
HAMMERSCHMIDT

Convention between the Republic of Austria and the Kingdom of Greece for the avoidance of double taxation with respect to taxes on income and on capital

The Republic of Austria and the Kingdom of Greece, desiring to avoid double taxation with respect to taxes on income and on capital, have agreed to conclude the following Convention :

Article 1.

The present Convention shall apply to persons who are residents of one or of both of the Contracting States.

Article 2.

1. This Convention shall apply to taxes on income and on capital imposed on behalf of each Contracting State or of its political subdivisions 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, on total capital, or on elements of income or of capital, including taxes from the alienation of movable or immovable property.

3. The existing taxes to which the Convention shall apply are in particular :

a) In the case of Austria

(i) the income tax ;

(ii) the corporation tax ;

(iii) the contribution from income for the promotion of residential building and for the equalisation of family burdens ;

(iv) the tax on commercial and industrial enterprises, including the tax levied on the sum of wages ;

(v) the capital tax ;

- (vi) the directors' tax ;
- (vii) the land tax ;
- (viii) the tax on property eluding death duties ;
- (ix) the tax on the value of vacant lots ;
(hereinafter referred to as «Austrian tax»);

b) In the case of Greece :

- (i) the income tax on physical persons ;
- (ii) the income tax on legal entities ;
- (iii) the contribution for agricultural insurance ;
(hereinafter referred to as «Greek tax»).

4. The Convention shall also apply to any identical or substantially similar taxes which are subsequently imposed in addition to, or in place of, the existing taxes. At the end of each year, the competent authorities of the Contracting States shall notify to each other any changes which have been made in their respective taxation laws.

Article 3.

1. In this Convention, unless the context otherwise requires :

a. The terms «a Contracting State» and «the other Contracting State» mean the Republic of Austria or the Kingdom of Greece, as the context requires ;

b. The term «person» comprises an individual, a company and any other body of persons ;

c. The term «company» means any body corporate or any entity which is treated as a body corporate for tax purposes ;

d) 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 ;

e) The term «competent authority» means :

- 1. In Austria : the Federal Minister of Finance.
- 2. In Greece : the Ministry of Finance or its authorized representative.

2. As regards the application of the Convention by a Contracting State any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting State relating to the taxes which are the subject of the Convention.

Article 4.

1. For the purposes of this Convention, the term «resident of a Contracting State» means any person who, under the law of that State, is liable to taxation therein by reason of his domicile, residence, place of management or any other criterion of a similar nature.

2. Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then this case shall be determined in accordance with the following rules :

a) He shall be deemed to be a resident of the Contracting State in which he has a permanent home available to him. If he has a permanent home available to him in both Contracting States, he shall be deemed to be a resident of the Contracting State with which his personal and economic relations are closest (centre of vital interests) ;

b) If the Contracting State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either Contracting State, he shall be deemed to be a resident of the Contracting State in which he has an habitual abode ;

c) If he has an habitual abode in both Contracting States or in neither of them, he shall be deemed to be a resident of the Contracting State of which he is a national.

3. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of

both Contracting States then it shall be deemed to be a resident of the Contracting State in which its place of effective management is situated.

Article 5.

1. For the purpose of this Convention, the term «permanent establishment» means a fixed place of business in which the business of the enterprise is wholly or partly carried on.

2. The term «permanent establishment» shall include especially :

- a) a place of management ;
- b) a branch ;
- c) an office ;
- d) a factory ;
- e) a workshop ;
- f) a mine, quarry or other place of extraction of natural resources ;

g) a building site or construction or assembly project which exists for more than twelve months.

3. The term «permanent establishment» shall not be deemed to include :

a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise ;

b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery ;

c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprises ;

d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or for collecting information, for the enterprise ;

e) the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities, which have a preparatory or auxiliary character, for the enterprise.

4. A person acting in a Contracting State on behalf of an enterprise of the other Contracting State-other than an agent of an independent status to whom paragraph 5 applies-shall be deemed to be a permanent establishment in the first-mentioned State if he has, and habitually exercises in that State, an authority to conclude contracts in the name of enterprise, unless his activities are limited to the purchase of goods or merchandise for the enterprise.

5. An enterprise of a Contracting State shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business in that other State through a broker general commission agent or any other agent of an independent status, where such persons are acting in the ordinary course of their business.

6. The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute for either company a permanent establishment or otherwise), shall not of itself constitute for either company a permanent establishment of the other.

Article 6.

1. Income from immovable property shall be taxable only in the Contracting State in which such property is situated.

2. The term «immovable property» shall be defined in accordance with the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immova-

ble property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources.

3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting, or use in any other form of immovable property and to interest on debts secured by mortgage on such property.

4. The provisions of paragraphs 1 and 3 shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of professional services.

Article 7.

1. The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise shall be taxable only in the other State but only so much of them as is attributable to that permanent establishment.

2. Where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.

3. In the determination of the profits of a permanent establishment, there shall be allowed as deduction expenses which are incurred for the purposes of the permanent establishment including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere.

4. Insofar as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary; the method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles laid down in this Article.

5. For the purposes 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, then the provisions of those Articles shall not be affected by the provisions of this Article.

7. The provisions of paragraphs 1 to 6 shall also apply to income derived by a sleeping partner in a sleeping partnership.

Article 8.

1. Profits 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. Profits from the operation of ships in international traffic registered in one of the Contracting States shall be taxable only in that State.

Article 9.

Where

a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital 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 made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made 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 that enterprise and taxed accordingly.

Article 10.

1. Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State may be taxed in both Contracting States.

2. The term «dividends» as used in this Article means income from shares, «jouissance» shares or «jouissance» rights, mining shares, founders' shares or other rights, not being debt-claims, participating in profits, as well as income from other corporate rights assimilated to income from shares by the taxation law of the State of which the company making the distribution is a resident.

3. The provisions of paragraph 1 shall not apply if the recipient of the dividends, being a resident of a Contracting State, has in the other Contracting State, a permanent establishment with which the holding by virtue of which the dividends are paid is effectively connected. In such a case, the provisions of Article 7 shall apply.

4. 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 to persons who are not residents of that other State, or subject the company's undistributed profits, to a tax on undistributed profits even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.

Article 11.

1. Subject to the provision of paragraph 2 of this Article, interest arising in a Contracting State and paid to a resident of the other Contracting State shall be taxable only in that other State.

2. Interest from governmental bonds of one of the Contracting States shall be taxable only in that State.

3. Interest within the meaning of paragraph 1 which is paid by a company which is a resident of one of the Contracting States to a person resident in the other State who owns more than 50 per cent of the share capital of the debtor company may, notwithstanding the provisions of paragraph 1, be taxed by the first mentioned State; such tax may not, however, exceed 10 per cent of the gross amount of the interest.

4. The provisions of paragraphs 1 and 3 do not affect the right of the Contracting States to deduct taxes at the full rate from any such interest, but any tax deducted contrary to the provisions of such paragraphs shall be refunded on a claim being made.

5. The term «interest» as used in this Article means income from Government securities, bonds or debentures, whether or not carrying a right to participate in profits, and debtclaims of every kind as well as all

other income assimilated to income from money lent by the taxation law of the State in which the income arises; except where the debt is secured by mortgage on immovable property situated in one of the Contracting States.

6. The provisions of paragraphs 1, 2 and 3 shall not apply if the recipient of the interest, being a resident of a Contracting State, has in the other Contracting State in which the interest arises a permanent establishment with which the debt-claim from which the interest arises is effectively connected. In such a case, the provisions of Article 7 shall apply.

7. Where, owing to a special relationship between the payer and the recipient or between both of them and some other person, the amount of the interest paid, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last mentioned amount. In that case, the excess part of the payments shall remain taxable according to the law of each Contracting State, due regard being had to the other provisions of this Convention.

Article 12.

1. Royalties arising in a Contracting State and paid to a resident of the other Contracting State shall be taxable only in that other State.

2. Royalties within the meaning of paragraph 1 which are paid by a company which is a resident of one of the Contracting States to a person resident in the other State who owns more than 50 per cent of the share capital of the debtor company may, notwithstanding the provisions of paragraph 1, be taxed by the first-mentioned State; such tax may not, however, exceed 10 per cent of the gross amount of the royalties.

3. The provisions of Article 11 paragraph 4 shall apply accordingly.

4. The term «royalties» as used in this Article means payments of any kind received as a consideration to the use of, or the right to use, any copyright of literary, artistic or scientific work including cinematograph films, any patent, trade mark, design or model, plan, secret formula or process, or for the use of, or the right to use, industrial, commercial, or scientific equipment, or for information concerning industrial, commercial or scientific experience.

5. The provisions of paragraphs 1 and 2 shall not apply if the recipient of the royalties, being a resident of a Contracting State, has in the other Contracting State in which the royalties arise a permanent establishment with which the right or property giving rise to the royalties is effectively connected. In such a case, the provisions of Article 7 shall apply.

6. Where, owing to a special relationship between the payer and the recipient or between both of them and some other person, the amount of the royalties paid, 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 recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In that case, the excess part of the payments shall remain taxable according to the law of each Contracting State, due regard being had to the other provisions of this Convention.

Article 13.

1. Gains from the alienation of immovable property, as defined in paragraph 2 of Article 6, shall be taxable only in the Contracting State in which such property is situated.

2. Gain from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing professional services, including such gains from the alienation of such a permanent establishment (alone or together with the whole enterprise) or of such a fixed base, shall be taxable only in the other State. However, gains from the alienation of movable property of the kind referred to in paragraph 3 of Article 22 shall be taxable only in the Contracting State in which such movable property is taxable according to the said Article. The same provisions shall apply to the alienation of a participation in a partnership.

3. Gains from the alienation of any property other than those mentioned in paragraphs 1 and 2, shall be taxable only/in the Contracting State of which the alienator is a resident.

Article 14.

1. Income derived by a resident of a Contracting State in respect of professional services or other independent activities of a similar character shall be taxable only in that State unless he has a fixed base regularly available to him in the other Contracting State for the purpose of performing his activities. If he has such a fixed base, the income shall be taxable only in the other Contracting State but only so much of it as is attributable to that fixed base.

2. The term «professional service» includes, especially independent scientific, literary, artistic, educational or teaching activities as well as the independent activities of physicians, lawyers, engineers, architects and accountants.

Article 15.

1. Subject to the provisions of Articles 18 and 19, 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 the other State for a period or periods not exceeding in the aggregate 183 days in the year concerned, and

b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State, and

c) the remuneration is not borne by a permanent establishment or a fixed base which the employer has in the other State.

3. Notwithstanding the preceding provisions of this Article, remuneration in respect of an employment exercised aboard a ship or aircraft in international traffic shall be taxable only in the Contracting State in which the profits from the operation of the ship or aircraft are taxable according to the provisions of Article 8.

Article 16.

Director's fees and similar payments derived by a resident of a Contracting State in his capacity as a member of the board of directors of a company which is a resident of the other Contracting State shall be taxable only in that other State.

Article 17.

Notwithstanding the provisions of Articles 14 and 15, income derived by public entertainers, such as theatre, motion picture, radio or television artists, and musicians, and by athletes, from their personal activities as shall be taxable only in the Contracting State in which these activities are exercised.

Article 18.

Subject to the provisions of paragraph 1 of Article 19, pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State.

Article 19.

1. Remuneration, including pensions, paid by, or out of funds created by, a Contracting State or a political subdivision or a local authority thereof or any legal person set up under the public law of that State to any individual in respect of services rendered to that State or subdivision or local authority thereof or legal person set up under the public law of that State in the discharge of functions of a governmental nature as well as pensions from social security of a Contracting State shall be taxable only in that State.

2. The provisions of Articles 15 and 18 shall apply to remuneration or pensions in respect of services rendered in connection with any trade of business carried on by one of the Contracting States or a political subdivision or a local authority thereof or a legal person set up under the public law of one of the Contracting States.

Article 20.

1. Payments which a student or business apprentice who is or was formerly a resident of a Contracting State and who is present in the other Contracting State solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed in that other State, provided that such payments are made to him from sources outside that other State.

2. Remuneration which a student or business apprentice who is or was formerly a resident of a Contracting State derives from an employment which he exercises in the other Contracting State for the purpose of practical training for a period or periods not exceeding in the aggregate 183 days in the year concerned shall not be taxed in that other State.

Article 21.

Items of income of a resident of a Contracting State which are not expressly mentioned in the foregoing Articles of this Convention shall be taxable only in that State.

Article 22.

1. Capital represented by immovable property, as defined in paragraph 2 of Article 6, and debts secured by mortgage on immovable property, shall be taxable only in the Contracting State in which such property is situated.

2. Capital represented by movable property forming part of the business property of permanent establishment of an enterprise, or by movable property pertaining to a fixed base used for the performance of professional services shall be taxable only in the Contracting State in which the permanent establishment or fixed base is situated.

3. Ships and aircraft operated in international traffic and movable property pertaining to the operation of such ships and aircraft shall be taxable only in the Contracting State in which the profits from the operation of the ship or aircraft are taxable according to the provisions of Article 8.

4. All other elements of capital of a resident of a Contracting State shall be taxable only in that State.

Article 23.

1. Where a resident of a Contracting State derives income or owns capital which, in accordance with the provisions of this Convention, shall be taxable only in the other Contracting State, The first-mentioned State shall, subject to the provisions of paragraph 2, exempt such income or capital from tax but may, in calculating tax on the remaining income or capital of that person, apply the rate of tax which would have been applicable if the exempted income or capital had not been so exempted.

2. Where a resident of a Contracting State derives income which, in accordance with the provisions of Articles 10, 11 paragraph 3 and 12 paragraph 2, may be taxed in the other Contracting State, the first mentioned State shall allow as a deduction from the tax on the income of that person an amount equal to the tax paid in that other Contracting State. Such deduction shall not, however, exceed that part of the tax, as computed before the deduction is given, which is appropriate to the income derived from that other Contracting State.

Article 24.

1. The nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith 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.

2. The term «nationals» means :

- a) all individuals possessing the nationality of a Contracting State ;
- b) all legal persons, partnerships and associations deriving their status as such from the law in force in a Contracting State.

Article 25.

1. Where a resident of a Contracting State considers that the actions of one or both of the Contracting States result or will result for him in taxation not in accordance with this Convention, he may, notwithstanding the remedies provided by the national laws of those States, present his case to the competent authority of the Contracting State of which he is a resident.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at an appropriate solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation not in accordance with the Convention.

3. The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Convention. They may also consult together for the elimination of double taxation in cases not provided for in the Convention.

4. The competent authorities of the Contracting States may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs. When it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a Commission consisting of representatives of the competent authorities of the Contracting States.

Article 26.

1. The competent authorities of the Contracting States shall exchange upon request such information as is necessary for the carrying out of this Convention and

of the domestic laws of the Contracting States concerning taxes covered by this Convention insofar as the taxation thereunder is in accordance with this Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons or authorities other than those concerned with the assessment or collection of the taxes which are the subject of the Convention.

2. In no case shall the provisions of paragraph 1 be construed so as to impose on one of the Contracting States the obligation :

a) to carry out administrative measures at variance with the laws or the administrative practice of that or of the other Contracting State ;

b) to supply particulars which are 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 (order public).

Article 27.

Nothing in this Convention shall affect the fiscal privileges of diplomatic or consular officials under the general rules of international law or under the provisions of special agreements.

Article 28.

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

2. The Convention shall enter into force upon the exchange of instruments of ratification and its provisions shall have effect :

a) in Austria : for the fiscal year beginning on the first day in the calendar year in which the exchange of

instruments of ratification takes place and for subsequent years ; as concerns Article 8 for the fiscal year 1960 and for subsequent years ;

b) in Greece : for the income arising in the year beginning on the first day in the calendar year in which the exchange of instruments of ratification takes place and for subsequent years ; as concerns Article 8 for income arising in the calendar year 1960 and in subsequent years.

Article 29.

This Convention shall remain in force indefinitely, but either of the Contracting States may denounce the Convention, through diplomatic channels, by giving notice of termination at least six months before the end of any calendar year. In such event the Convention shall cease to have effect :

a) in Austria : for the fiscal year beginning on the first day of January in the calendar year next following that in which the notice is given and for subsequent years ;

b) in Greece : for income arising after the first day of January in the calendar year next following that in which the notice is given and for subsequent years.

In witness whereof the Plenipotentiaries of the two Contracting States have signed the present Convention and affixed there to their seals.

Done in duplicate at Vienna the 22nd September, 1970, in the Greek, German and English languages, each text being equally authentic, the English text prevailing in case of doubt.

For the Kingdom of Greece
CONST. TRIANTAFYLLAKOS

For the Republic of Austria
HERN Dr. JOSEF HAMMERSCHMIDT

Η ΥΠΗΡΕΣΙΑ ΤΟΥ ΕΘΝΙΚΟΥ ΤΥΠΟΓΡΑΦΕΙΟΥ

ΓΝΩΣΤΟΠΟΙΕΙ ΟΤΙ:

Ἡ ἔτησίᾳ συνδρομὴ τῆς Ἐφημερίδος τῆς Κυβερνήσεως, ἡ τιμὴ τῶν τμηματικῶς πωλουμένων φύλλων αὐτῆς καὶ τὰ τέλη δημοσιεύσεως ἐν τῇ Ἐφημερίδι τῆς Κυβερνήσεως, καθωρίσθησαν ὡς κάτωθι:

Α. ΕΤΗΣΙΑΙ ΣΥΝΔΡΟΜΑΙ

1. Διὰ τὸ Τεύχος Α'	Δραχ.	400
2. » » Β'	»	350
3. » » Γ'	»	300
4. » » Δ'	»	500
5. » » Πράξεις Νομικῶν Προσώπων Δ.Δ. κ.λ.π.	»	300
6. » Παράρτημα	»	200
7. » Δελτίον Ἀνωνύμων Ἐταιρειῶν κ.λ.π.	»	750
8. » Δελτίον Ἐμπορικῆς καὶ Βιομηχανικῆς Ἰδιοκτησίας	»	200
9. Δι' ἅπαντα τὰ τεύχη, τὸ Παράρτημα καὶ τὰ Δελτία	»	2.500

Οἱ Δῆμοι καὶ αἱ Κοινότητες τοῦ Κράτους καταβάλλουσι τὸ ἡμῖς τῶν ἀνωτέρω συνδρομῶν.

ὑπὲρ τοῦ Ταμείου Ἀλληλοβοήθειας Προσωπικοῦ τοῦ Ἐθνικοῦ Τυπογραφείου (ΤΑΠΕΤ) ἀναλογούν τὰ ἑξῆς ποσά:

1. Διὰ τὸ Τεύχος Α'	Δραχ.	20.—
2. » » Β'	»	17,50
3. » » Γ'	»	15.—
4. » » Δ'	»	25.—
5. » » Πράξεις Νομικῶν Προσώπων Δημ. Δικαίου κ.λ.π.	»	15.—
6. » Παράρτημα	»	10.—
7. » Δελτίον Ἀνωνύμων Ἐταιρειῶν	»	37,50
8. » Δελτίον Ἐμπ. καὶ Βιομ. Ἰδιοκτησίας ..	»	10.—
9. » Δι' ἅπαντα τὰ τεύχη	»	125.—

Β. ΤΙΜΗ ΦΥΛΛΩΝ

ἑκαστον φύλλον, μέχρις 8 σελίδων, τιμᾶται δραχ. 2, ἀπὸ 9 σελίδων καὶ ἄνω, ἑκτὸς εἰδικῶν περιπτώσεων, δραχ. 5.

Γ. ΤΕΛΗ ΔΗΜΟΣΙΕΥΣΕΩΝ.

α. Εἰς τὸ Δελτίον Ἀνωνύμων Ἐταιρειῶν καὶ Ἐταιρειῶν Περιορισμένης Εὐθύνης:

Α. Δημοσιεύματα Ἀνωνύμων Ἐταιρειῶν

1. Τῶν δικαστικῶν πράξεων	Δραχ.	200
2. Τῶν καταστατικῶν Ἀνωνύμων Ἐταιρειῶν ...	»	5.000
3. Τῶν τροποποιήσεων τῶν καταστατικῶν τῶν Ἀνωνύμων Ἐταιρειῶν	»	1.000
4. Τῶν ἀνακοινώσεων καὶ προσκλήσεων εἰς γενικὰς συνέλευσεις, τῶν κατὰ τὸ ἀρ- θρον 32 τοῦ Ν. 3221/24 γνωστοποιήσεων, ὡς καὶ τῶν ἀνακοινώσεων τῶν προβλε- πομένων ὑπὸ τοῦ ἀρθρου 59 παρ. 3 τοῦ Ν.Δ. 400/70 περὶ Ἀλλοδοπῶν Ἀσφαλι- στικῶν Ἐταιρειῶν.	»	500
5. Τῶν ἀνακοινώσεων τῶν ὑπὸ διάλυσιν Ἀνω- νύμων Ἐταιρειῶν, κατὰ τὸ Β.Δ. 20/5/1939.	»	100
6. Τῶν ἰσολογισμῶν τῶν Ἀνωνύμων Ἐταιρειῶν.	»	2.000
7. Τῶν συνοπτικῶν μηνιαίων καταστάσεων τῶν Τραπεζικῶν Ἐταιρειῶν	»	500
8. Τῶν ἀποφάσεων περὶ ἐγκρίσεως τιμολογίων τῶν Ἀσφαλιστικῶν Ἐταιρειῶν	»	300
9. Τῶν ὑπουργικῶν ἀποφάσεων περὶ παροχῆς ἀδείας ἐπεκτάσεως τῶν ἐργασιῶν Ἀσφα- λιστικῶν Ἐταιρειῶν, ὡς καὶ τῶν ἐκθέσεων περιουσιακῶν στοιχείων	»	2.000
10. Τῶν περὶ παροχῆς πληρεξουσιότητος πρὸς ἀντιπροσώπων ἐν Ἑλλάδι ἀλλοδαπῶν Ἐταιρειῶν, ὡς καὶ τῶν ἀποφάσεων περὶ μεταβιβάσεως τοῦ χαρτοφυλακίου Ἀσφα- λιστικῶν Ἐταιρειῶν κατὰ τὸ ἀρθρον 59 παρ. 1 τοῦ Ν.Δ. 400/70	»	1000
11. Τῶν ἀποφάσεων περὶ συγχωνεύσεως Ἀνω- νύμων Ἐταιρειῶν	»	5.000

12. Τῶν ἀποφάσεων τῆς Ἐπιτροπῆς τοῦ Χρημα-
τιστηρίου περὶ εἰσαγωγῆς χρεωγράφων
εἰς τὸ Χρηματιστήριον πρὸς διαπραγμα-
τευσιν, συμφώνως πρὸς τὰς διατάξεις τοῦ
ἀρθρου 2 παρ. 3 Α.Ν. 148/67 Δραχ. | 500 |

13. Τῶν ἀποφάσεων τῆς Ἐπιτροπῆς κεφαλαιαγο-
ρᾶς περὶ διαγραφῆς χρεωγράφων ἐκ τοῦ
Χρηματιστηρίου, συμφώνως πρὸς τὰς
διατάξεις τοῦ ἀρθρου 2 παρ. 4 Α.Ν. 148/
67 » | 500 |

Β. Δημοσιεύματα Ἐταιρειῶν Περιορισμένης Εὐθύνης

1. Τῶν καταστατικῶν	Δραχ.	500
2. Τῶν τροποποιήσεων τῶν καταστατικῶν	»	200
3. Τῶν ἀνακοινώσεων καὶ προσκλήσεων	»	100
4. Τῶν ἰσολογισμῶν	»	500
5. Τῶν ἐκθέσεων ἐκτιμήσεως περιουσιακῶν στοι- χείων	»	500

Γ. Δημοσιεύματα Ἀλληλοσφαιριστικῶν Συν- εταιρισμῶν - Ἀλληλοσφαιριστικῶν Ταμείων

1. Τῶν ὑπουργικῶν ἀποφάσεων περὶ χορηγί- σεως ἀδείας λειτουργίας Ἀλληλοσφαιριστι- κῶν Συνεταιρισμῶν - Ἀλληλοσφαιριστικῶν Ταμείων	»	500
2. Τῶν ἰσολογισμῶν τῶν Ἀλληλοσφαιριστικῶν Συνεταιρισμῶν - Ἀλληλοσφαιριστικῶν Ταμείων	»	500

II. Εἰς τὸ Δ' Τεύχος καὶ Παράρτημα

1. Τῶν δικαστικῶν πράξεων, προσκλήσεων καὶ λοιπῶν δημοσιεύσεων	»	200
2. Τῶν ἀδειῶν πωλήσεως ἱμαγικῶν ὁδῶν ...	»	500

Τὸ ὑπὲρ τοῦ Ταμείου Ἀλληλοβοήθειας Προσωπικοῦ Ἐθνικοῦ Τυπογραφείου (ΤΑΠΕΤ) καταβλητέον ποσοστὸν ἐπὶ τῶν τελῶν δημοσιεύσεων ἐν τῇ Δελτίῳ Ἀνωνύμων Ἐταιρειῶν καὶ Ἐταιρειῶν Περιορισμένης Εὐθύνης ἐν γένει ὀρίσθη εἰς 5%.

Δ. ΚΑΤΑΒΟΛΗ ΣΥΝΔΡΟΜΩΝ - ΤΕΛΩΝ ΔΗΜΟΣΙΕΥΣΕΩΝ ΚΑΙ ΠΟΣΟΣΤΩΝ Τ.Α.Π.Ε.Τ.

1. Αἱ συνδρομαὶ τοῦ ἐσωτερικοῦ καὶ τὰ τέλη δημοσιεύσεων προκαταβάλλονται εἰς τὰ Δημόσια Ταμεία ἐναντὶ ἀποδεικτικοῦ εἰσπράξεως, ὅπερ, μερίμνη τοῦ ἐνδιαφερομένου, ἀποστέλλεται εἰς τὴν Ὑπηρεσίαν τοῦ Ἐθνικοῦ Τυπογραφείου.

2. Αἱ συνδρομαὶ τοῦ ἐξωτερικοῦ δύνανται ν' ἀποστέλλονται καὶ εἰς ἀνέλογον συνάλλαγμα δι' ἐπιταγῆς ἐπ' ὀνόματι τοῦ Διευθυντοῦ τοῦ Ἐθνικοῦ Τυπογραφείου.

3. Ἡ καταβολὴ τοῦ ὑπὲρ τοῦ Τ.Α.Π.Ε.Τ. ποσοστοῦ ἐπὶ τῶν ἀνωτέρω συνδρομῶν καὶ τελῶν δημοσιεύσεων ἐνεργεῖται ἐν Ἀθῆναις μὲν εἰς τὸ Ταμεῖον τοῦ ΤΑΠΕΤ (Κατάστημα Ἐθνικοῦ Τυπογραφείου), ἐν ταῖς λοιπαῖς δὲ πόλεσι τοῦ Κράτους εἰς τὰ Δημόσια Ταμεία, ὅπερ ἀποδίδεται εἰς τὸ ΤΑΠΕΤ, συμφώνως πρὸς τὰ ὁριζόμενα διὰ τῶν ὑπ' ἀριθ. 192378/3639 τοῦ ἔτους 1947 (ΡΟΝΕΟ 185) καὶ 178048/5321/31.7.65 (ΡΟΝΕΟ 139) ἐγκυκλίων διαταγῶν τοῦ Γενικοῦ Λογιστηρίου τοῦ Κράτους. Ἐπὶ συνδρομῶν ἐξωτερικοῦ ἀποστέλλομένων δι' ἐπιταγῶν, συναποστέλλεται διὰ τῶν ἐπιταγῶν καὶ τὸ ὑπὲρ τοῦ ΤΑΠΕΤ ποσοστὸν.

Ο ΠΡΟΪΣΤΑΜΕΝΟΣ ΤΗΣ ΥΠΗΡΕΣΙΑΣ Ε. Τ.

Θ. ΚΩΣΤΟΜΗΤΣΟΠΟΥΛΟΣ

ΔΚ ΤΟΥ ΕΘΝΙΚΟΥ ΤΥΠΟΓΡΑΦΕΙΟΥ