



ΕΦΗΜΕΡΙΣ ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ

ΤΟΥ ΒΑΣΙΛΕΙΟΥ ΤΗΣ ΕΛΛΑΔΟΣ

Ἐν Ἀθῆναις
τῇ 27 Αὐγούστου 1953

ΤΕΥΧΟΣ ΠΡΩΤΟΝ

Ἀριθμός φύλλου 231

ΝΟΜΟΘΕΤΙΚΟΝ ΔΙΑΤΑΓΜΑ ὑπ' ἀριθ. 2548.

Περὶ κυρώσεως φορολογικῆς συμβάσεως μεταξὺ Ἑλλάδος καὶ Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς περὶ ἀποφυγῆς τῆς διπλῆς φορολογίας καὶ ἀποτροπῆς τῆς φορολογικῆς διαφυγῆς ἐν σχέσει πρὸς τοὺς φόρους ἐπὶ τοῦ εἰσοδήματος μετὰ τοῦ συμπληρωματικοῦ αὐτῆς πρωτοκόλλου.

ΠΑΥΛΟΣ
ΒΑΣΙΛΕΥΣ ΤΩΝ ΕΛΛΗΝΩΝ

Ἐχόντες ὑπ' ὄψει τὰς διατάξεις τοῦ ἀρθροῦ 35 τοῦ Συντάγματος καὶ τῇ ἀπὸ 21 Ἰουλίου 1953 σύμφωνον γνώμην τῆς κατὰ τὴν παράγραφον 2 τοῦ αὐτοῦ ἀρθροῦ 35 Εἰδικῆς Ἐπιτροπῆς ἐκ Βουλευτῶν, προτάσει τοῦ Ἡμετέρου Ὑπουργικοῦ Συμβουλίου, ἀπεφασίσαμεν καὶ διατάσσομεν.

Ἄρθρον μόνον.

1. Κυροῦται καὶ ἔχει πλήρη καὶ νόμιμον ἰσχὺν ἡ ὡς κάτωθι καὶ ἐν Ἀθῆναις ὑπογραφεῖσα τῇ 20ῃ Φεβρουαρίου 1950 σύμβασις μεταξὺ Ἑλλάδος καὶ Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς «περὶ ἀποφυγῆς τῆς διπλῆς φορολογίας καὶ ἀποτροπῆς τῆς φορολογικῆς διαφυγῆς ἐν σχέσει πρὸς τοὺς φόρους ἐπὶ τοῦ εἰσοδήματος» μετὰ τοῦ ὡς κάτωθι καὶ ἐν Ἀθῆναις ὑπογραφέντος τὴν συμπληρωματικοῦ πρωτοκόλλου ἐν σχέσει πρὸς τὴν σύμβασιν ταύτην.

2. Ἡ ἰσχὺς τῆς μὲν συμβάσεως ἀρχεῖται ἀπὸ 1 Ἰανουαρίου τοῦ ἔτους κατὰ τὸ ὅποιον θέλει λάβει χώραν ἡ ἀνταλλαγή τῶν ἐγγράφων κυρώσεως, τοῦ δὲ συμπληρωματικοῦ πρωτοκόλλου ἀπὸ τῆς ἡμέρας καθ' ἣν ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἤθελε λάβει ἐπισήμως γνῶσιν τῆς παρ' ἡμῶν ἐπικυρώσεως τούτου.

3. Ὁ Ἀν. Νόμος ὑπ' ἀριθ. 1413]1950 «περὶ κυρώσεως φορολογικῶν συμβάσεων μεταξὺ Ἑλλάδος καὶ Ἡνωμένων Πολιτειῶν Ἀμερικῆς» καταργεῖται διὰ τοῦ παρόντος.

Ἐν Ἀθῆναις τῇ 16 Αὐγούστου 1953.

ΠΑΥΛΟΣ

Β.

ΤΟ ΥΠΟΥΡΓΙΚΟΝ ΣΥΜΒΟΥΛΙΟΝ

Ο ΠΡΟΕΔΡΟΣ

ΑΛΕΞΑΝΔΡΟΣ ΠΑΠΑΓΟΣ

Τ Α Μ Ε Λ Η

ΣΤ. ΣΤΕΦΑΝΟΠΟΥΛΟΣ, Δ. ΜΠΑΜΠΑΚΟΣ, Π. ΑΤΚΟΤΡΕΖΟΣ, Κ. ΚΑΛΛΙΑΣ, Κ. ΠΑΠΑΓΙΑΝΝΗΣ, Θ. ΚΑΨΑΛΗΣ, Χ. ΨΑΡΡΟΣ, Α. ΑΠΟΣΤΟΛΙΔΗΣ, Δ. ΛΑΜΠΡΙΑΝΙΔΗΣ, Ε. ΓΟΝΗΣ, Σ. ΔΗΜΑΡΑΤΟΣ, Σ. ΓΤΑΛΙΣΤΡΑΣ, Α. ΕΥΤΑΞΙΑΣ.

Ἐθεωρήθη καὶ ἐτέθη ἡ μεγάλη τοῦ Κράτους σφραγίς.

Ἐν Ἀθῆναις τῇ 26 Αὐγούστου 1953.

Ο ΕΠΙ ΤΗΣ ΔΙΚΑΙΟΣΥΝΗΣ ΥΠΟΥΡΓΟΣ

Δ. ΜΠΑΜΠΑΚΟΣ

CONVENTION

between the Kingdom of Greece and the United States of America for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

The Government of the Kingdom of Greece and the Government of the United States of America, desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, have appointed for that purpose as their Plenipotentiaries.

The Government of the Kingdom of Greece: His Excellency Panayotis Pipinelis, Minister of Foreign Affairs, and .

The Government of the United States of America : The Honorable Henry F. Grady, Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece, who having exhibited their respective full powers, found in good and due form, have agreed as follows .

Article I.

(1) The taxes which are the subject of the present Convention are:

a) In the case of the United States of America: the Federal income tax, including surtaxes (hereinafter referred to as United States tax).

b) In the case of the Kingdom of Greece: the income tax, including the schedular or analytical tax, the complementary tax and the professional or business tax (hereinafter referred to as Greek tax).

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed by either Contracting State subsequently to the date of signature of the present Convention.

Article II.

(1) In the present Convention, unless the context otherwise requires :

a) The term «United States» means the United States of America and when used in a geographical sense means the States, the Territories of Alaska and Hawaii, and the District of Columbia.

b) The term «Greece» means the territories of the Kingdom of Greece.

c) The term «United States Corporation» means a corporation association or other like entity created or organized in or under the laws of the United States.

d) The term «Greek Corporation» means a legal entity established under the laws of Greece.

e) The terms «corporation of one Contracting State» and «corporation of the other Contracting State» mean a United States corporation or a Greek corporation as the context requires.

f) The term «United States enterprise» means an industrial or commercial enterprise or undertaking carried on in the United States by a citizen or resident of the United States or by a United States corporation.

g) The term «Greek enterprise» means an industrial or commercial enterprise or undertaking carried on in Greece by a subject or resident of Greece or by a Greek corporation.

h) The terms «enterprise of one of the Contracting States» and «enterprise of the other contracting State» mean a United States enterprise or a Greek enterprise, as the context requires.

1) The term «permanent establishment», when used with respect to an enterprise of one of the Contracting States, means a branch, factory or other fixed place of business, but does not include an agency unless that agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or has a stock of merchandise from

which he regularly fills orders on behalf of such enterprise. An enterprise of one of the Contracting State shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business dealings in such other Contracting State through a bona fide commission agent, broker or custodian acting in the ordinary course of his business as such. The fact that an enterprise of one of the contracting States maintains in the other Contracting State a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. When a corporation of one Contracting State has a subsidiary corporation which is a corporation of the other Contracting State or which is engaged in trade or business in such other Contracting State, such subsidiary corporation shall not, merely because of that fact, be deemed to be a permanent establishment of its parent corporation.

j) The term «competent authority» or competent authorities» means, in the case of the United States, the Commissioner of Internal Revenue or his duly authorized representative; in the case of Greece, the General Director of Direct Taxes, or his duly authorized representative.

2) In the application of the provisions the present Convention by either of the Contracting States, any term which is not defined in the present Convention shall, unless the context otherwise requires, have the meaning which that term has under the laws of such Contracting State relating to the taxes which are the subject of the present Convention.

Article III.

1) An enterprise of one of the Contracting States shall not be subject to taxation by the other Contracting State in respect of its industrial or commercial profits unless it is engaged in trade or business in the other Contracting State through a permanent establishment situated therein. If it is so engaged the other Contracting State may impose the tax only upon the income of such enterprise from sources within such other State.

2) Where an enterprise of one of the Contracting States is engaged in trade or business in the other Contracting State through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial or commercial profits which it might be expected to derive if it were an independent 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, and the profits so attributed shall, subject to the law of such other Contracting State, be deemed to be income from sources within such other Contracting State.

3) In determining the industrial or commercial profits from sources within one of the Contracting States of an enterprise of the other Contracting State, no profits shall be deemed to arise from the mere purchase of goods or merchandise within the former Contracting State by such enterprise.

4) The competent authorities of the Contracting States may lay down rules by agreement for the apportionment of industrial or commercial profits.

Article IV.

Where an enterprise of one of the Contracting States, by reason of its participation in the management control or capital of an enterprise of the other Contracting State, makes with or imposes on the latter enterprise, in their commercial or financial relations, conditions different from those which would be made with an independent enterprise any profits which would,

but for these conditions, have accrued to one of the enterprises, may be included in the taxable profits of that enterprise

Article V.

1) Income which an enterprise of one of the Contracting States derives from the operation of ships or aircraft registered or documented in that State shall be exempt from tax by the other Contracting State. Income derived by such an enterprise from the operation of ships or aircraft not so registered or documented shall be subject to the provisions of Article III.

2) The present Convention shall be deemed to suspend, for the duration of the Convention as between the Contracting States, the provisions of the arrangement effected by exchange of notes between the United States and Greece, dated February 29, 1928, April 26, 1928, April 2, 1929, and June 10, 1929, providing for relief from double income taxation on shipping profits.

Article VI.

1) Interest (on bonds, securities notes, debentures or on any other form of indebtedness) received from sources within the United States by a resident or corporation of Greece not engaged in trade or business in the United States through a permanent establishment therein, shall be exempt from United States tax; but such exemption shall not apply to such interest paid by a United States corporation to a Greek corporation controlling, directly or indirectly, more than 50 percent of the entire voting power in the paying corporation.

2) Interest (on bonds, securities, notes, debentures, or on any other form of indebtedness) received from sources within Greece by a resident or corporation of the United States not engaged in trade or business in Greece through a permanent establishment therein, shall be exempt from Greek tax but only to the extent that such interest does not exceed 9 percent per annum; but such exemption shall not apply to such interest paid by a Greek corporation to a United States corporation controlling, directly or indirectly, more than 50 percent of the entire voting power in the paying corporation.

Article VII.

Royalties for the right to use copyrights, patents, designs, secret processes and formulae, trade marks and other analogous property, and royalties (including rentals), (other than those in respect of motion picture films) for the use of industrial, commercial or scientific equipment, derived from sources within one of the Contracting States by a resident or corporation of the other Contracting State not engaged in trade or business in the former State through a permanent establishment therein, shall be exempt from tax by the former State.

Article VIII.

A resident or corporation of one of the Contracting States, deriving from sources within the other Contracting State royalties in respect of the operation of mines, quarries, or other natural resources, or rentals from real property, may elect for any taxable year to be subject to the tax of such other Contracting State on the basis of net income as determined under the laws of such other Contracting State during such taxable year.

Article IX.

Dividends and interest paid by a Greek corporation shall be exempt from United States tax except where the recipient is a citizen, resident or corporation of the United States.

Article X.

1) A resident of Greece shall be exempt from Uni-

ted States tax upon compensation for labor or personal services (including the practice of the liberal and artistic professions) if he is temporarily present in the United States for a period or periods not exceeding a total of 183 days during the taxable year and either of the following conditions is met:

a) his compensation is received for labor or personal services performed as an employee, or under contract with a resident, or corporation or other entity of Greece, or

b) his compensation received for labor or personal services does not exceed \$ 10.000.

2) The provisions of paragraph (1) of this Article shall apply mutatis mutandis to a resident of the United States with respect to compensation for such labor or personal services performed in Greece.

3) The provisions of this Article shall have no application to the income to which Article XI relates.

Article XI.

1) Wages, salaries and similar compensations and pensions paid by one of the Contracting States or the subdivision thereof to an individual for services rendered to such State or subdivisions shall be exempt from taxation by the other Contracting State.

2) Private pensions and life annuities derived from within one of the Contracting States by an individual who is resident of the other Contracting State shall be exempt from taxation by the former Contracting State.

3) The term «pensions» as used in this Article means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

4) The term «life annuities» as used in this Article means a stated sum payable periodically at stated times during life or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

Article XII.

A professor or teacher who is a resident of one of the Contracting States and who is temporarily present within the other Contracting State for the purpose of teaching, for a maximum period of three years, in a university, college or other educational institution within the other Contracting State, shall be exempt from taxation by such other Contracting State on his remuneration for such teaching for such period.

Article XIII.

Students or business apprentices who are residents of the Contracting States but who are temporarily present in the other Contracting State exclusively for the purposes of study or for acquiring business experience shall not be taxable by such other Contracting State upon remittances received by them from sources without such other state for the purpose of their maintenance or studies.

Article XIV.

1) Notwithstanding any provision of the present Convention each of the Contracting States, in determining the taxes, including all surtaxes and complementary taxes, of its citizens, subjects, residents or corporations, may include in the basis upon which such taxes are imposed all items of income taxable under its revenue laws as though this Convention had not come into effect.

2) Subject to section 131 of the United States Internal Revenue Code, Greek tax shall be allowed as a credit against United States tax.

3) Greece will allow against Greek tax a credit for the amount of United States tax imposed upon income from sources within the United States but in an amount

not exceeding the amount of the Greek tax imposed upon such income.

Article XV.

1) The authorities of each of the contracting States, in accordance with the practices of that State may prescribe regulations necessary to carry out the provisions of the present Convention.

2) With respect to the provisions of the present Convention relating to exchange of information and mutual assistance in the collection of taxes, the Contracting States may, in accordance with their respective practices, prescribe rules concerning matters of procedure, forms of application and replies thereto, conversion of currency, disposition of amounts collected, minimum amounts subject to collection, and related matters.

Article XVI.

1) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the Contracting States in the determination of the taxes imposed by such State.

2) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, the competent authorities of the Contracting States shall undertake to settle the question by mutual agreement.

3) The citizens or subjects of one of the Contracting States shall not, while resident in the other Contracting State, be subjected therein to other or more burdensome taxes than are the citizens or subjects of such other Contracting State residing in its territory. The term «citizens» or «subjects», as used in this Article, includes all legal persons, partnerships and associations deriving their status from, or created or organized under, the laws in force in the respective Contracting States. In this Article the word «taxes» means taxes of every kind or description whether national, federal, state, provincial or municipal.

Article XVII.

Where the action of the revenue authorities of the Contracting States has resulted or will result in double taxation contrary to the provisions of the present Convention, the taxpayer shall be entitled to lodge a claim with the State of which he is a citizen or subject or, if he is not a citizen or subject of either of the Contracting States, with the State of which he is a resident, or, if the taxpayer is a corporation, with the State in which it is created or organized. Should the claim be upheld, the competent authority of such State shall undertake to come to an agreement with the competent authority of the other State with a view to equitable avoidance of the double taxation in question.

Article XVIII.

The competent authorities of the Contracting States shall exchange such information (being information which such authorities have at their disposal) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the present Convention. No information shall be exchanged which would disclose a technical secret, or process relating to trade, industry, business, or a profession.

Article XIX.

1) The Contracting States undertake to lend assistance and support to each other in the collection of the taxes which are the subject of the present Convention, together with interest, costs and additions to the taxes and fines not being of a penal character.

2) In the case of applications for collection of taxes, revenue claims of each of the Contracting States which have been finally determined may be accepted for enforcement by the other Contracting State and collected in that State as though such taxes were taxes finally imposed, due and payable to that State. The State to which application is made shall not be required to enforce executory measures for which there is no provision in the law of the State making the application.

3) Any application shall be accompanied by documents establishing that under the laws of the State making the application the taxes have been finally determined.

4) The assistance provided for in this Article shall not be accorded with respect to the citizens or subjects, or corporations or other entities of the State to which application is made, except as is necessary to insure that the exemption or reduced rate of tax granted under the convention to such citizens or subjects, or corporations or other entities shall not be enjoyed by persons not entitled to such benefits.

Article XX.

1) In no case shall the provision of Article XVIII and XIX be construed so as to impose upon either of the Contracting States the obligation

a) to carry out administrative measures at variance with the regulations and practice of either Contracting State, or

b) to supply information which is not procurable under its own legislation or that of the State making application.

2) The State to which application is made for information or assistance shall comply as soon as possible with the request addressed to it. Nevertheless, such State may refuse to comply with the request for reasons of public policy or if compliance would involve disclosure of a technical secret or process relating to trade industry, business, or a profession. In such case it shall inform as soon as possible, the State making the application.

Article XXI.

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

2) The present Convention shall become effective on the first day of January of the year in which the exchange of the instruments of ratification takes place. It shall continue effective for a period of five years beginning with that date and indefinitely after that period, but may be terminated by either of the Contracting States at the end of the five-year period or at any time thereafter provided that at least six months prior notice of termination has been given, the termination to become effective on the first day of January following the expiration of the six-month period.

Done at Athens in duplicate in the English and Greek languages, the two texts having equal authenticity this 20th day of February 1950.

For the Government of the Kingdom of Greece
P. PIPINELIS

For the Government of the United States of America
HENRY F. GRADY

PROTOCOL

With reference to the convention between the Kingdom of Greece and the United States of America for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Athens on February 20, 1950, the undersigned, His Excellency Stephanos Stephanopoulos, Minister of Foreign Affairs of Greece, and Honorable John E. Peurifoy, Ambassador of the United States of America in Greece, being duly authorized thereto by their respective Governments, have met and, having considered a resolution adopted by the United States Senate with respect to reciprocal assistance in the collection of taxes, have reached an understanding reading as follows :

«It is understood that the application of article XIX of the convention shall be confined and limited as granting authority to each Contracting State to collect only such taxes imposed by the other Contracting State to collect only such taxes imposed by the other contracting State as will insure that the exemption or reduced rate of tax granted under the present convention by such other State shall not be enjoyed by persons not entitled to such benefits».

This Protocol shall be considered to be an integral part of the Convention as signed in Athens on February 20, 1950, and shall enter into force on the date on which the Government of the United States of America receives formal notice of the ratification of this Protocol by the Parliament of the Kingdom of Greece.

In Witness Whereof, the respective Plenipotentiaries have signed the present Protocol.

Done at Athens, in duplicate in the Greek and English languages, both texts having equal authenticity this 20th day of April 1952.

For the Government of the Kingdom of Greece

ΣΤ. ΣΤΕΦΑΝΟΠΟΥΛΟΣ

For the Government of the United States of America
JHON E. PEURIFOY

ΣΥΜΒΑΣΙΣ

Μεταξύ τῆς Ἑλλάδος καὶ τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς περὶ διπλῆς φορολογίας καὶ φορολογικῆς διαφυγῆς ἐν σχέσει πρὸς τὸν φόρον εἰσοδήματος.

Ἡ Κυβέρνησις τοῦ Βασιλείου τῆς Ἑλλάδος καὶ ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς, ἐπιθυμοῦσαι νὰ συνάψουν σύμβασιν ἀποσκοποῦσαν τὴν ἀποφυγὴν τῆς διπλῆς φορολογίας καὶ τὴν ἀποτροπὴν τῆς φορολογικῆς διαφυγῆς ἐν σχέσει πρὸς τοὺς φόρους ἐπὶ τοῦ εἰσοδήματος, διώρισαν πρὸς τὸν σκοπὸν τοῦτον ὡς πληρεξουσίου των :

Ἡ Κυβέρνησις τοῦ Βασιλείου τῆς Ἑλλάδος : τὴν Α.Ε. τὸν κ. Παναγιώτην Πιπινέλην, ἐπὶ τῶν Ἐξωτερικῶν Ὑπουργὸν καὶ

Ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς : τὴν Α.Ε. τὸν κ. Henry F. Grady, Πρεσβευτὴν τῶν Ἡνωμένων Πολιτειῶν ἐν Ἑλλάδι.

οἱ ὅποιοι, ἐπιδείξαντες τὰ σχετικὰ πληρεξουσία των εὐρεθέντα ἐν ἀπολύτῳ τάξει, συνεφώνησαν ὡς ἀκολούθως :

Ἄρθρον 1.

1) Οἱ φόροι οἱ ὅποιοι ἀποτελοῦν ἀντικείμενον τῆς παρούσης Συμβάσεως εἶναι :

α) Διὰ τὰς Ἡνωμένας Πολιτείας, ὁ ὁμοσπονδιακὸς φόρος ἐπὶ τοῦ εἰσοδήματος περιλαμβανομένων τῶν προσθέντων φόρων (ἐφεξῆς ἀναφερομένων ἐν τῇ παρούσῃ συμβάσει ὡς «φόρος τῶν Ἡνωμένων Πολιτειῶν»).

β) Διὰ τὸ Βασίλειον τῆς Ἑλλάδος : ὁ φόρος ἐπὶ τοῦ εἰσοδήματος περιλαμβανομένου τοῦ ἀναλυτικοῦ φόρου καὶ

τοῦ συνθετικοῦ τοιούτου ὡς καὶ τοῦ φόρου ἐπιτηδεύματος (ἐφεξῆς ἀναφερομένων ἐν τῇ παρούσῃ συμβάσει ὡς «Ἑλληνικοῦ φόρου»).

2) Ἡ παρούσα Σύμβασις θὰ ἔχῃ ἐπίσης ἐφαρμογὴν ἐπὶ οἰωνδήποτε ἄλλων φόρων χαρακτηρὸς οὐσιαστικῶς παρομοίου πρὸς τοὺς ἀνωτέρω ἐπιβαλλομένων ὑπὸ ἑκατέρου τῶν Συμβαλλομένων Κρατῶν μετὰ τὴν ἡμερομηνίαν τῆς ὑπογραφῆς τῆς παρούσης Συμβάσεως.

Ἄρθρον II.

1) Ἐν τῇ παρούσῃ Συμβάσει, ἐκτὸς ἂν ἄλλως ἀπαιτῇ ἡ ἔννοια τοῦ κειμένου :

α) Ὁ ὅρος «Ἡνωμένοι Πολιτεῖαι» ὑποδηλοῖ τὰς Ἡνωμένας Πολιτείας τῆς Ἀμερικῆς, ὅταν δὲ χρησιμοποιεῖται ὑπὸ τὴν γεωγραφικὴν τοῦ ἔθνους ὑποδηλοῖ τὰς Πολιτείας, τὰ ἐδάφη τῆς Ἀλάσκας καὶ Χαβάϊ καὶ τὸ διαμέρισμα τῆς Κολομβίας.

β) Ὁ ὅρος «Ἑλλάς» ὑποδηλοῖ τὰ ἐδάφη τοῦ Βασιλείου τῆς Ἑλλάδος.

γ) Ὁ ὅρος «Ἑταιρεία Ἡνωμένων Πολιτειῶν» ὑποδηλοῖ ἀνώνυμον ἑταιρείαν συνεταιρισμὸν (Association) ἢ ἐτέραν παρομοίας μορφῆς ἑταιρείαν συσταθεῖσαν ἢ ὀργανωθεῖσαν ἐν ταῖς Ἡνωμέναις Πολιτείαις ἢ συμφώνως πρὸς τοὺς νόμους αὐτῶν.

δ) Ὁ ὅρος «Ἑλληνικὴ Ἑταιρεία» ὑποδηλοῖ νομικὸν πρόσωπον συσταθὲν κατὰ τοὺς Ἑλληνικοὺς νόμους.

ε) Οἱ ὅροι «Ἑταιρεία ἐνὸς Συμβαλλομένου Κράτους» καὶ «Ἑταιρεία τοῦ ἐτέρου Συμβαλλομένου Κράτους» ὑποδηλοῦν ἑταιρείαν τῶν Ἡνωμένων Πολιτειῶν ἢ Ἑλληνικὴν ἑταιρείαν ὡς ἀπαιτεῖ ἡ ἔννοια τοῦ κειμένου.

ζ) Ὁ ὅρος «Ἐπιχειρήσεις τῶν Ἡνωμένων Πολιτειῶν» ὑποδηλοῖ βιομηχανικὴν ἢ ἐμπορικὴν ἐπιχείρησιν διεξαγομένην ἐν ταῖς Ἡνωμέναις Πολιτείαις ὑπὸ πολίτου ἢ κατοικοῦ τῶν Ἡνωμένων Πολιτειῶν ἢ ὑπὸ Ἑταιρείας τῶν Ἡνωμένων Πολιτειῶν.

η) Ὁ ὅρος «Ἑλληνικὴ Ἐπιχείρησις» ὑποδηλοῖ βιομηχανικὴν ἢ ἐμπορικὴν ἐπιχείρησιν διεξαγομένην ἐν Ἑλλάδι ὑπὸ ὑπηκόου ἢ κατοικοῦ τῆς Ἑλλάδος ἢ ὑπὸ Ἑλληνικῆς Ἑταιρείας.

θ) Οἱ ὅροι «Ἐπιχειρήσις ἐνὸς τῶν Συμβαλλομένων Κρατῶν» καὶ «Ἐπιχείρησις τοῦ ἐτέρου Συμβαλλομένου Κράτους» ὑποδηλοῦν Ἐπιχείρησιν τῶν Ἡνωμένων Πολιτειῶν ἢ Ἑλληνικὴν Ἐπιχείρησιν ὡς ἀπαιτεῖ ἡ ἔννοια τοῦ κειμένου.

ι) Ὁ ὅρος «μόνιμος ἐγκατάστασις» ἐφ' ὅσον χρησιμοποιεῖται δι' ἐπιχειρήσιν ἐνὸς τῶν Συμβαλλομένων Κρατῶν ὑποδηλοῖ ὑποκατάστημα, ἐργοστάσιον ἢ ἄλλον ὀρισμένον τόπον ἐργασιῶν οὐχὶ ὅμως ἀντιπροσωπεῖαν, ἐκτὸς ἐὰν ὁ περὶ οὗ ἀντιπρόσωπος ἔχῃ γενικὴν ἐξουσιοδότησιν καὶ συνήθως ἐνεργῇ δυνάμει ταύτης, ὅπως διαπραγματεύηται καὶ συνάπτῃ συμβάσεις διὰ λογαριασμὸν τῆς τοιαύτης ἐπιχειρήσεως ἢ διατηρῇ ἀπόθεμα ἐμπορευμάτων ἐκ τοῦ ὁποίου ἐκτελεῖ κανονικῶς παραγγελίας διὰ λογαριασμὸν τῆς τοιαύτης ἐπιχειρήσεως. Ἐπιχειρήσις ἐνὸς τῶν Συμβαλλομένων Κρατῶν δὲν θὰ θεωρεῖται ὡς ἔχουσαι μόνιμον ἐγκατάστασιν ἐν τῷ ἐτέρῳ Συμβαλλομένῳ Κράτει ἐκ μόνου τοῦ λόγου ὅτι διεξάγει ἐμπορικὰς δοσοληψίας εἰς τὸ ἕτερον Συμβαλλόμενον Κράτος μέσῳ καλῇ τῇ πίστει (Bona-Fide) παραγγελιοδόχου, μεσίτου ἢ θεματοφύλακος, πάντων τούτων ἐνεργούντων ἐν τῇ συνήθει διεξαγωγῇ τῆς ἐργασίας ὑπὸ τὴν τοιαύτην ιδιότητα αὐτῶν. Τὸ γεγονὸς ὅτι ἐπιχειρήσις τις ἐνὸς τῶν Συμβαλλομένων Κρατῶν διατηροῖ εἰς τὸ ἕτερον Συμβαλλόμενον Κράτος, ὀρισμένον τόπον ἐργασιῶν ἀποκλειστικῶς διὰ τὴν ἀγορὰν ἀγαθῶν ἢ ἐμπορευμάτων δὲν θὰ καθιστᾷ τὸν ἐν λόγω ὀρισμένον τόπον ἐργασιῶν αὐτὸν καθ' ἑαυτὸν μόνιμον ἐγκατάστασιν τῆς τοιαύτης ἐπιχειρήσεως.

Ὅταν Ἑταιρεία τις τοῦ ἐνὸς τῶν Συμβαλλομένων Κρατῶν ἔχῃ συγγενὴ ἑταιρείαν, ἥτις εἶναι ἑταιρεία τοῦ ἐτέρου Συμβαλλομένου Κράτους, ἢ ἡ ἑταιρεία αὕτη διεξάγῃ ἐμπόριον ἢ ἐργασίας ἐν τῷ ἐτέρῳ Κράτει, ἢ τοιαύτη συγγενὴς ἑταιρεία δὲν θὰ θεωρῇται ἐκ μόνου τοῦ γεγονότος τούτου ὡς ἀποτελοῦσα μόνιμον ἐγκατάστασιν τῆς μητρὸς ἑταιρείας.

κ) Ὁ ὅρος «Ἀρμόδια ἀρχὴ» ἢ «Ἀρμόδιαι ἀρχαί» ὑπο-

δηλοῖ εἰς τὴν περίπτωσιν τῶν Ἑνωμένων Πολιτειῶν, τὸν Ἐπίτροπον Ἑσωτερικῶν Ἑσόδων ἢ τὸν δεόντως ἐξουσιοδοτημένον ἀντιπρόσωπόν του. Εἰς τὴν περίπτωσιν τῆς Ἑλλάδος τὸν Γενικὸν Διευθυντὴν Ἀμέσων Φόρων ἢ τὸν δεόντως ἐξουσιοδοτημένον ἀντιπρόσωπόν τους.

2) Κατὰ τὴν ἐφαρμογὴν τῶν διατάξεων τῆς παρούσης Συμβάσεως παρ' ἑκατέρου τῶν Συμβαλλομένων Κρατῶν, οἰοσδήποτε ὅρος ὁ ὁποῖος δὲν καθορίζεται ἐν τῇ παρούσῃ Συμβάσει θὰ ἔχη, ἐκτὸς ἂν ἡ ἐννοια τοῦ κειμένου ἄλλως ἀπαίτη, τὴν ἐννοίαν ἢ ὁποῖα δίδεται εἰς τὸν ὅρον τοῦτον ὑπὸ τῶν νόμων τοῦ Συμβαλλομένου Κράτους τῶν ἀφορώντων τοὺς φόρους οἱ ὁποῖοι ἀποτελοῦν ἀντικείμενον τῆς παρούσης Συμβάσεως.

Ἄρθρον III.

1) Ἐπιχειρήσεις ἐνὸς τῶν Συμβαλλομένων Κρατῶν δὲν θὰ ὑποβάλληται εἰς φορολογίαν ἐν τῷ ἐτέρῳ Συμβαλλομένῳ Κράτει διὰ τὰ ἐμπορικὰ ἢ βιομηχανικὰ αὐτῆς κέρδη ἐκτὸς ἂν ἀσκή ἐμπόριον ἢ διεξάγῃ ἐργασίας διὰ μονίμου ἐν τῷ ἐδάφει τοῦ ἐτέρου Συμβαλλομένου Κράτους ἐγκαταστάσεως. Ἐὰν ἡ ἐπιχειρήσις ἐργάζεται κατὰ τὸν ἐκτεθέντα τρόπον, τὸ ἕτερον τῶν Συμβαλλομένων Κρατῶν δύναται νὰ ἐπιβάλλῃ φόρον μόνον ἐπὶ τοῦ παρὰ τῆς ἐπιχειρήσεως κτωμένου κέρδους τοῦ προκύπτοντος ἐκ πηγῶν εὐρισκομένων ἐν τῷ ἐτέρῳ Συμβαλλομένῳ Κράτει.

2) Εἰς ἃς περιπτώσεις ἐπιχειρήσις τις ἐνὸς τῶν Συμβαλλομένων Κρατῶν, ἀσκή ἐμπόριον ἢ διεξάγῃ ἐργασίας ἐν τῷ ἐτέρῳ Συμβαλλομένῳ Κράτει διὰ μονίμου ἐν αὐτῷ ἐγκαταστάσεως, θὰ θεωροῦνται ὡς κέρδη τῆς μονίμου ταύτης ἐγκαταστάσεως ἐκεῖνα ἐκ τῶν βιομηχανικῶν ἢ ἐμπορικῶν κερδῶν ταύτης, ἅτινα ἐνδεχομένως αὕτη θὰ ἀπεκόμιζεν ἐὰν ἦτο ἀνεξάρτητος ἐπιχειρήσις διεξάγουσα τὰς ἰδίας ἢ παρομοίας ἐργασίας ὑπὸ τὰς αὐτὰς ἢ παρομοίας συνθήκας καὶ ἀνευ οὐδεμιᾶς ἐξαρτήσεως ἐκ τῆς κυρίας ἐπιχειρήσεως, τῆς ὁποίας ἀποτελεῖ μόνιμον ἐγκατάστασιν. Τὰ οὕτω ὑπολογιζόμενα κέρδη, ὑποκείμενα εἰς τοὺς νόμους τοῦ ἐτέρου Συμβαλλομένου Κράτους, θὰ θεωρῶνται ὡς προκύπτοντα ἐκ πηγῶν εὐρισκομένων ἐν τῷ ἐτέρῳ τούτῳ Συμβαλλομένῳ Κράτει.

3) Κατὰ τὸν καθορισμὸν τῶν βιομηχανικῶν ἢ ἐμπορικῶν κερδῶν ἐπιχειρήσεως ἐνὸς τῶν Συμβαλλομένων Κρατῶν τῶν προερχομένων ἐκ πηγῶν εὐρισκομένων ἐντὸς τοῦ ἐτέρου Συμβαλλομένου Κράτους, δὲν θὰ θεωρῆται ὅτι προκύπτει κέρδος ἐκ τῆς ἀπλῆς καὶ μόνης ἀγορᾶς ἀγαθῶν ἢ ἐμπορευμάτων συντελουμένης ἐν τῷ ἐδάφει τοῦ δευτέρου Συμβαλλομένου Κράτους ὑπὸ τῆς τοιαύτης ἐπιχειρήσεως.

4) Αἱ ἀρμόδιαι ἀρχαὶ τῶν Συμβαλλομένων Κρατῶν δύνανται διὰ συμφωνίας νὰ θεσπίσουν κανόνας διὰ τὴν κατανομὴν βιομηχανικῶν ἢ ἐμπορικῶν κερδῶν.

Ἄρθρον IV.

Εἰς ἃς περιπτώσεις ἐπιχειρήσις ἐνὸς τῶν Συμβαλλομένων Κρατῶν λόγω συμμετοχῆς της εἰς τὴν διοίκησιν διαχειρῶν ἢ τὰ κεφάλαια ἐπιχειρήσεώς τινος τοῦ ἐτέρου Συμβαλλομένου Κράτους θέτει ἢ ἐπιβάλλει εἰς τὴν ἐπιχείρησιν ταύτην ἐν ταῖς ἐμπορικαῖς ἢ οἰκονομικαῖς των σχέσεσιν ὅρους διαφόρους ἐκεῖνων, οἵτινες θὰ συνεφωνοῦντο μετ' ἀνεξαρτήτου τινος ἐπιχειρήσεως, οἰαδήποτε κέρδη ἅτινα ἤθελον προκύψει ὑπὲρ τῆς μιᾶς ἐπιχειρήσεως ἐὰν δὲν ἐτίθεντο οἱ ὅροι οὗτοι, θὰ δύνανται νὰ συμπεριληφθοῦν εἰς τὰ φορολογητέα κέρδη τῆς ἐπιχειρήσεως ταύτης.

Ἄρθρον V.

1) Εἰσοδήματα κτώμενα ὑπὸ ἐπιχειρήσεως τινος ἐνὸς τῶν Συμβαλλομένων Κρατῶν ἐκ τῆς ἐκμεταλλεύσεως πλοίων ἢ ἀεροσκαφῶν νηολογημένων ἐν τῷ ἐν λόγω Κράτει ἢ ἐφωδιασμένων μετὰ τὰ σχετικὰ ἔγγραφα ὑπὸ τοῦ Κράτους τούτου, θὰ ἀπαλλάσσονται τῆς φορολογίας ὑπὸ τοῦ ἐτέρου Συμβαλλομένου Κράτους. Εἰσοδήματα κτώμενα ὑπὸ τοιαύτης ἐπιχειρήσεως ἐκ τῆς ἐκμεταλλεύσεως πλοίων ἢ ἀεροσκαφῶν μὴ οὕτω νηολογημένων ἢ μὴ ἐφωδιασμένων μετὰ τὰ σχετικὰ ἔγγραφα ὑπὸ τοῦ ἐν λόγω Κράτους, θὰ ὑπόκεινται εἰς τὰς διατάξεις τοῦ ἁρθροῦ III.

2) Ἡ παροῦσα Σύμβασις θεωρεῖται ὡς ἀναστέλλουσα κατὰ τὴν διάρκειαν τῆς ἰσχύος της τὰς διατάξεις τῆς συμ-

φωνίας τῆς συντελεσθείσης διὰ τῆς ἀνταλλαγῆς τῶν ἀπὸ 29-2-28, 26-4-28, 2-4-29 καὶ 10-6-29 διακοινώσεων μεταξὺ τῶν Ἑνωμένων Πολιτειῶν καὶ τῆς Ἑλλάδος τῶν προβλεπουσῶν τὴν ἀπαλλαγὴν ἀπὸ τῆς διπλῆς φορολογίας τῶν κερδῶν τῆς ἐμπορικῆς ναυτιλίας.

Ἄρθρον VI.

1) Τόκοι (ἐκ Κρατικῶν ὁμολόγων, χρεωγράφων, γραμματίων, ὁμολογιῶν ἢ ἐξ οἰασδήποτε ἄλλης μορφῆς χρέους), προερχόμενοι ἐκ πηγῶν ἐντὸς τῶν Ἑνωμένων Πολιτειῶν καὶ κτώμενοι ὑπὸ προσώπου διαμένοντος ἐν Ἑλλάδι ἢ ἐλληνικῆς ἐταιρείας μὴ ἀσχολουμένων με ἐμπόριον ἢ ἐπιχειρήσεις ἐν ταῖς Ἑνωμέναις Πολιτείαις διὰ μονίμου ἐν αὐταῖς ἐγκαταστάσεως, θὰ ἀπαλλάσσονται τοῦ φόρου τῶν Ἑνωμένων Πολιτειῶν. Ἡ τοιαύτη ὁμως ἀπαλλαγὴ δὲν δύναται νὰ χωρήσῃ ὡς πρὸς τοὺς τόκους τοὺς καταβαλλομένους ὑπὸ ἐταιρείας τῶν Ἑνωμένων Πολιτειῶν εἰς ἐλληνικὴν τοιαύτην, ἐλέγχουσαν ἀμέσως ἢ ἐμμέσως ἄνω τῶν 50 ο]ο τοῦ συνόλου τῶν ψήφων τῆς καταβαλλούσης τοὺς τόκους ἐταιρείας.

2) Τόκοι (ἐκ κρατικῶν ὁμολόγων, χρεωγράφων, γραμματίων, ὁμολογιῶν ἢ ἐξ οἰασδήποτε ἄλλης μορφῆς χρέους) προερχόμενοι ἐξ ἐλληνικῶν πηγῶν καὶ κτώμενοι ὑπὸ προσώπου διαμένοντος ἐν Ἀμερικῇ ἢ ὑπὸ ἀμερικανικῆς ἐταιρείας μὴ ἀσχολουμένης με ἐμπόριον ἢ ἐπιχειρήσεις ἐν Ἑλλάδι διὰ μονίμου ἐν αὐτῇ ἐγκαταστάσεως, θὰ ἀπαλλάσσονται τοῦ Ἑλληνικοῦ φόρου, ἀλλὰ μόνον καθ' ὃ ποσὸν τὸ ἐπιτόκιον δὲν εἶναι ἀνώτερον τοῦ 9 ο]ο ἐτησίως. Ἡ τοιαύτη ὁμως ἀπαλλαγὴ δὲν δύναται νὰ χωρήσῃ ὡς πρὸς τοὺς τόκους τοὺς καταβαλλομένους ὑπὸ ἐλληνικῆς ἐταιρείας εἰς ἐταιρίαν τῶν Ἑνωμένων Πολιτειῶν ἐλέγχουσαν, ἀμέσως ἢ ἐμμέσως, ἄνω τοῦ 50 ο]ο τοῦ συνόλου τῶν ψήφων τῆς καταβαλλούσης τοὺς τόκους ἐταιρείας.

Ἄρθρον VII.

Δικαιώματα καταβαλλόμενα διὰ τὴν χρησιμοποίησιν πνευματικῆς ιδιοκτησίας, εὐρεσιτεχνιῶν, σχεδίων μυστικῶν βιομηχανικῶν μεθόδων καὶ τύπων, ἐμπορικῶν καὶ βιομηχανικῶν σημάτων ἢ ἄλλης ἀναλόγου ιδιοκτησίας, ὡς ἐπίσης δικαιώματα (συμπεριλαμβανομένων τῶν ἐνοικίων) (ἐξαιρέσει τῶν ἐκ κινηματογραφικῶν ταινιῶν τοιούτων) διὰ τὴν χρησιμοποίησιν βιομηχανικοῦ, ἐμπορικοῦ καὶ ἐπιστημονικοῦ ἐξοπλισμοῦ, προερχόμενα ἐκ πηγῶν εὐρισκομένων ἐντὸς ἐνὸς τῶν Συμβαλλομένων Κρατῶν καὶ κτώμενα ὑπὸ κατοίκου ἢ ἐταιρείας τοῦ ἐτέρου Συμβαλλομένου Κράτους μὴ ἀσχολουμένων με ἐμπόριον ἢ ἐργασίας ἐν τῷ πρώτῳ Κράτει διὰ μονίμου ἐν αὐτῷ ἐγκαταστάσεως, θὰ ἀπαλλάσσονται τοῦ φόρου τοῦ ἐπιβαλλομένου ὑπὸ τοῦ πρώτου τούτου Κράτους.

Ἄρθρον VIII.

Κάτοικος ἢ ἐταιρεία ἐνὸς τῶν Συμβαλλομένων Κρατῶν, κτώμενοι ἐκ πηγῶν κειμένων ἐντὸς τοῦ ἐτέρου Συμβαλλομένου Κράτους δικαιώματα ἐκ τῆς λειτουργίας μεταλλείων, λατομείων ἢ ἄλλων φυσικῶν πόρων, ἢ ἐνοίκια ἐξ ἀκινήτων, δύναται νὰ ἐκλέξῃ δι' οἰονδήποτε ἔτος καθ' ὃ ταῦτα ὑπόκεινται εἰς φορολογίαν ὅπως ὑποβληθῇ εἰς τὸν φόρον τοῦ ἐτέρου Συμβαλλομένου Κράτους βάσει τοῦ καθαροῦ εἰσοδήματος, ὡς τοῦτο καθορίζεται συμφώνως πρὸς τοὺς Νόμους τοῦ ἐτέρου Συμβαλλομένου Κράτους, ὡς ἂν ὁ τοιοῦτος κάτοικος ἢ ἐταιρεία διεξῆγον ἐμπόριον ἢ ἐργασίας ἐντὸς τοῦ τοιοῦτου ἐτέρου Κράτους διὰ μονίμου ἐν αὐτῷ ἐγκαταστάσεως κατὰ τὸ ἔτος καθ' ὃ ταῦτα φορολογοῦνται.

Ἄρθρον IX.

Μερίσματα καὶ τόκοι πληρωνόμενοι ὑπὸ ἐλληνικῆς ἐταιρείας, θὰ ἀπαλλάσσονται τοῦ φόρου τῶν Ἑνωμένων Πολιτειῶν, ἐκτὸς ἂν ὁ δικαιούχος εἶναι πολίτης, κάτοικος ἢ ἐταιρεία τῶν Ἑνωμένων Πολιτειῶν.

Ἄρθρον X.

1) Ὁ κατοικῶν ἐν Ἑλλάδι θὰ ἀπαλλάσσεται τοῦ φόρου τῶν Ἑνωμένων Πολιτειῶν ἐπὶ ἀποζημιώσεως (ἀμοιβῆς) δι' ἐργασίαν ἢ προσωπικὰς ὑπηρεσίας (περιλαμβανομένης τῆς ἐξασκήσεως ἐλευθερίων καὶ καλλιτεχνικῶν ἐπαγγελμάτων) ἐὰν εὐρίσκηται προσωρινῶς ἐν ταῖς Ἑνωμέναις πολιτείαις διὰ χρονικὸν διάστημα ἢ διαστήματα μὴ ὑπερβαί-

νοντα συνολικῶς τὰς 183 ἡμέρας κατὰ τὸ φορολογητέον ἔτος καὶ ἐφ' ὅσον συντρέχει εἰς τῶν ἀκολούθων ὄρων :

α) Ἡ ἀποζημίωσις τοῦ λαμβάνεται δι' ἐργασίαν ἢ προσωπικὰς ὑπηρεσίας παρασχεθείσας ὑπ' αὐτοῦ ὡς ὑπαλλήλου, ἢ δυνάμει συμβολαίου με κάτοικον ἢ ἑταιρείαν ἢ ἄλλην ὀργάνωσιν ἐν Ἑλλάδι ἢ

β) ἡ ληφθεῖσα ὑπ' αὐτοῦ ἀποζημίωσις δι' ἐργασίαν ἢ προσωπικὰς ὑπηρεσίας δὲν ὑπερβαίνει τὰς 10.000 δολάρια.

2) Αἱ διατάξεις τῆς παραγράφου

(1) τοῦ παρόντος ἄρθρου, θὰ ἐφαρμόζονται με τὰς ἀναγκαίας ἀλλαγὰς (MUTATIS MUTANDIS) ἐπὶ κατοίκων τῶν Ἑνωμένων Πολιτειῶν ἐν σχέσει με ἀποζημιώσιν διὰ τὴν τοιαύτην ἐργασίαν ἢ προσωπικὰς ὑπηρεσίας παρασχεθείσας ἐν Ἑλλάδι.

3) Αἱ διατάξεις τοῦ παρόντος ἄρθρου δὲν θὰ ἔχωσιν ἐφαρμογὴν ἐπὶ τοῦ ἐν τῷ ἄρθρῳ XI ἀναφερομένου εἰσοδήματος.

Ἄρθρον XI.

1) Ἡμερομίσθια, μισθοὶ καὶ παρεμφερεῖς ἀποζημιώσεις ὡς καὶ συντάξεις καταβαλλόμεναι ὑπὸ ἐνὸς τῶν Συμβαλλομένων Κρατῶν ἢ ὑπὸ τῶν ὑποδιαιρέσεων τῶν εἰς αὐτὸν τι δι' ὑπηρεσίας παρασχεθείσας εἰς τὸ Κράτος τοῦτο ἢ τὰς ὑποδιαιρέσεις του, θ' ἀπαλλάσσονται ἀπὸ τῆς φορολογίας ὑπὸ τοῦ ἐτέρου Συμβαλλομένου Κράτους.

2) Ἰδιωτικαὶ συντάξεις καὶ ἰσόβιοι παροχαὶ προερχόμεναι ἐκ τοῦ ἐδάφους ἐνὸς τῶν Συμβαλλομένων Κρατῶν καὶ κτώμεναι παρὰ προσώπου διαμένοντος εἰς τὸ ἕτερον Συμβαλλόμενον Κράτος, θ' ἀπαλλάσσονται ἀπὸ τῆς φορολογίας ὑπὸ τοῦ ἐτέρου Συμβαλλομένου Κράτους.

3) Ὁ ὅρος «συντάξεις», ὡς χρησιμοποιεῖται ἐν τῷ ἄρθρῳ τούτῳ ὑποδηλοῖ περιοδικὰς πληρωμὰς γενομένας διὰ παρασχεθείσας ὑπηρεσίας ἢ ὑπὸ μορφὴν ἀποζημιώσεως διὰ σωματικὰς βλάβας.

4) Ὁ ὅρος «ἰσόβιοι παροχαί», ὡς χρησιμοποιεῖται ἐν τῷ ἄρθρῳ τούτῳ ὑποδηλοῖ ὠρισμένον ποσὸν πληρωτέον περιοδικῶς καθ' ὠρισμένα χρονικὰ διαστήματα ἐφ' ὅρου ζωῆς ἢ δι' ὠρισμένον ἀριθμὸν ἐτῶν, συνεπεῖα ἀναληφθείσης ὑποχρέωσεως περὶ πραγματοποιήσεως τῶν καταβολῶν τούτων ἐναντι ἐπαρκοῦς καὶ πλήρους χρηματικοῦ ἀνταλλάγματος ἢ ἀνταλλάγματος δεκτικοῦ ἀποτιμῆσεως εἰς χρῆμα.

Ἄρθρον XII

Καθηγητὴς ἢ διδάσκαλος κάτοικος ἐνὸς τῶν Συμβαλλομένων Κρατῶν, διαμένων προσωρινῶς ἐν τῷ ἐτέρῳ Συμβαλλομένῳ Κράτει πρὸς τὸν σκοπὸν ὅπως διδάξῃ ἐπὶ χρονικὸν διάστημα τριῶν κατ' ὀρίσμενα χρονικὰ διαστήματα ἐφ' ὅρου ζωῆς ἢ δι' ὠρισμένον ἀριθμὸν ἐτῶν, συνεπεῖα ἀναληφθείσης ὑποχρέωσεως περὶ πραγματοποιήσεως τῶν καταβολῶν τούτων ἐναντι ἐπαρκοῦς καὶ πλήρους χρηματικοῦ ἀνταλλάγματος ἢ ἀνταλλάγματος δεκτικοῦ ἀποτιμῆσεως εἰς χρῆμα.

Ἄρθρον XIII

Σπουδασταὶ ἢ μαθητευόμενοι εἰς τέχνην ἢ ἐπάγγελμα, κάτοικοι ἐνὸς τῶν Συμβαλλομένων Κρατῶν, διαμένοντες προσωρινῶς εἰς τὸ ἕτερον Συμβαλλόμενον Κράτος ἀποκλειστικῶς χάριν σπουδῶν ἢ πρὸς ἀπόκτησιν ἐπαγγελματικῆς πείρας δὲν θὰ ὑπόκεινται εἰς φορολογίαν ὑπὸ τοῦ ἐτέρου Συμβαλλομένου Κράτους διὰ τὰ παρ' αὐτῶν λαμβανόμενα χρηματικὰ ἐμβάσματα ἐκ πηγῶν ἐκτὸς τοῦ τοιούτου Κράτους πρὸς συντήρησιν τῶν ἢ διὰ τὰς σπουδὰς αὐτῶν.

Ἄρθρον XIV.

1) Παρὰ πᾶσαν τυχόν ἀντίθετον διάταξιν τῆς παρούσης συμβάσεως ἕκαστον τῶν Συμβαλλομένων Κρατῶν ἐν τῷ καθορισμῷ τῶν φόρων, εἰς οὓς νοοῦνται περιλαμβανόμενοι πάντες οἱ συμπληρωματικοὶ καὶ πρόσθετοι φόροι, τῶν πολιτῶν, ὑπηκόων, κατοίκων ἢ ἑταιρειῶν αὐτῶν, δύναται νὰ περιλάβῃ εἰς τὸ φορολογητέον ποσὸν εἰσοδήματος ἀπάσας τὰς κατηγορίας προσόδου τὰς φορολογουμένας ἐπὶ τῇ βάσει τῆς σχετικῆς νομοθεσίας αὐτοῦ, ὡς ἐὰν ἡ παροῦσα σύμβασις δὲν εἶχε τεθῇ ἐν ἰσχύϊ.

2) Ὑπὸ τὴν ἐπιφύλαξιν τῶν διατάξεων τοῦ ἄρθρου

(Section) 131 τοῦ Κώδικος Ἑσωτερικῶν Ἑσόδων τῶν Ἑνωμένων Πολιτειῶν, ὁ ἑλληνικὸς φόρος θὰ ἐκπίπτει ἐκ τοῦ φόρου τῶν Ἑνωμένων Πολιτειῶν.

3) Ἡ Ἑλλάς θὰ ἐκπίπτῃ ἐκ τοῦ ἑλληνικοῦ φόρου τὸ ποσὸν τοῦ φόρου τῶν Ἑνωμένων Πολιτειῶν, τοῦ ἐπιβληθέντος ἐπὶ εἰσοδημάτων ἐκ πηγῶν ἐντὸς τῶν Ἑνωμένων Πολιτειῶν κατὰ ποσὸν ὅμως μὴ ὑπερβαῖνον τὸ ποσὸν τοῦ ἑλληνικοῦ φόρου τοῦ ἐπιβαλλομένου ἐπὶ τοῦ εἰσοδήματος τούτου.

Ἄρθρον XV.

1) Αἱ ἀρχαὶ ἐκάστου Συμβαλλομένου Κράτους, δύναται, κατὰ τὰ ἰσχύοντα εἰς τὸ ἐν λόγῳ Κράτος, νὰ θεσπίζουσιν τοὺς ἀναγκαίους κανονισμοὺς διὰ τὴν ἐφαρμογὴν τῶν διατάξεων τῆς παρούσης Συμβάσεως.

2) Ὅσον ἀφορᾷ τὰς διατάξεις τῆς παρούσης Συμβάσεως τὰς ἀφορώσας τὴν ἀνταλλαγὴν πληροφοριῶν καὶ παροχὴν ἀμοιβαίας βοήθειας διὰ τὴν εἰσπραξίν τῶν φόρων, τὰ Συμβαλλόμενα Κράτη δύναται, κατὰ τὰς συνηθείας ἐκάστου τούτων, νὰ θεσπίσουν κανόνες ἀφορώντας εἰς ζητήματα διαδικασίας, τοὺς τύπους τῶν αἰτήσεων καὶ τῶν ἐπ' αὐτῶν ἀπαντήσεων, τὴν μετατροπὴν νομισμάτων, τὴν διάθεσιν εἰσπραχθέντων ποσῶν φόρων, τὰ κατώτατα ὅρια φόρων ἅτινα θὰ τυγχάνουν εἰσπρακτέα ὡς καὶ πᾶν συναφὲς ζήτημα.

Ἄρθρον XVI.

1) Αἱ διατάξεις τῆς παρούσης Συμβάσεως δὲν δύναται νὰ ἐρμηνευθῶσιν ὡς περιορίζουσαι καθ' οἷονδήποτε τρόπον οἰκονομικὰ ἀλλαγὴν, μείωσιν, ἐκπτώσιν ἢ ἄλλην παραχώρησιν ἐπιτρεπομένην ὑπὸ τῶν νόμων ἐνὸς τῶν Συμβαλλομένων Κρατῶν κατὰ τὸν καθορισμὸν τῶν φόρων τῶν ἐπιβαλλομένων ὑπὸ τοῦ Κράτους τούτου.

2) Εἰς ἄς περιπτώσεις ἢ ἐπεὶ προκύβει δυσχέρεια ἢ ἀμφιβολία ὡς πρὸς τὴν ἐρμηνείαν ἢ τὴν ἐφαρμογὴν τῆς παρούσης Συμβάσεως, αἱ ἀρμόδιαι ἀρχαὶ τῶν Συμβαλλομένων Κρατῶν θὰ ἀναλάβουν νὰ διακανονίσουν τὸ ζήτημα διὰ κοινῆς συμφωνίας.

3) Οἱ πολῖται ἢ ὑπήκοοι ἐνὸς τῶν Συμβαλλομένων Κρατῶν δὲν θὰ ὑπόκεινται, καθ' ὃν χρόνον διαμένουν ἐν τῇ ἐτέρᾳ Συμβαλλομένῃ Χώρᾳ εἰς ἄλλους ἢ βαρυτέρους φόρους ἀπὸ τοὺς ἐπιβαλλομένους εἰς τοὺς πολίτας ἢ ὑπήκοους τοῦ ἐτέρου Συμβαλλομένου Κράτους τοὺς κατοικοῦντας ἐν τῷ ἐδάφει του. Ὁ ὅρος «πολίτης» ἢ «υἱὸς τοῦ κράτους», ὡς χρησιμοποιεῖται ἐν τῷ παρόντι ἄρθρῳ περιλαμβάνει πάντα τὰ νομικὰ πρόσωπα, ἑταιρείας προσώπων καὶ συνεταιρισμοὺς (Associations) συνεστημένους ἢ λειτουργοῦντας κατὰ τοὺς ἰσχύοντες νόμους τῶν ἀντιστοιχῶν Συμβαλλομένων Κρατῶν. Ἐν τῷ παρόντι ἄρθρῳ διὰ τοῦ ὅρου «φόρος» νοοῦνται αἱ πάσης φύσεως καὶ εἶδους φόροι εἴτε οὗτοι τυγχάνουν ἐθνικοί, ὁμοσπονδιακοί, πολιτειακοί, ἐπαρχιακοί ἢ δημοτικοί.

Ἄρθρον XVII.

Εἰς ἄς περιπτώσεις ἢ ἐνέργεια τῶν φορολογικῶν ἀρχῶν τῶν Συμβαλλομένων Κρατῶν ἔσχε ἢ θὰ ἔχῃ ὡς συνέπειαν τὴν διπλὴν φορολογίαν, κατὰ παράβασιν τῶν διατάξεων τῆς παρούσης Συμβάσεως, ὁ φορολογούμενος δικαιούται νὰ προβάλῃ ἀπαίτησιν εἰς τὸ Κράτος οὗτινος τυγχάνει πολίτης ἢ ὑπήκοος, ἐὰν δὲ δὲν εἶναι πολίτης ἢ ὑπήκοος ἐνὸς ἐκ τῶν δύο Κρατῶν, εἰς τὸ Κράτος ἐνθα διαμένει ἢ, ἐὰν ὁ φορολογούμενος εἶναι ἑταιρεία, εἰς τὸ Κράτος ἐνθα ἰδρύθη ἢ ὀργανώθη. Ἐὰν ἡ ἀπαίτησις γίνῃ ἀποδεκτή, ἡ ἀρμόδια ἀρχὴ τοιούτου Κράτους ὀφείλει νὰ συνεννοηθῇ μετὰ τῆς ἀρμοδίας ἀρχῆς τοῦ ἄλλου Κράτους πρὸς τὸν σκοπὸν τῆς δικαίας ἀποφυγῆς τῆς διπλῆς φορολογίας.

Ἄρθρον XVIII.

Αἱ ἀρμόδιαι ἀρχαὶ τῶν Συμβαλλομένων Κρατῶν θὰ ἀνταλλάσσουσιν πληροφορίας (ἀρτῶνται διαθέτουσι), αἱ ὁποῖαι εἶναι ἀναγκαῖαι διὰ τὴν ἐκτέλεσιν τῶν διατάξεων τῆς παρούσης Συμβάσεως ἢ διὰ τὴν πρόληψιν δόλου ἢ πρὸς ἐφαρμογὴν νομοθετημάτων διατάξεων ἐναντίον καταστρατηγῆσεων ἐν σχέσει πρὸς τοὺς φόρους οἵτινες ἀποτελοῦν ἀντικείμενον τῆς παρούσης Συμβάσεως. Οἰαδήποτε οὕτω ἀνταλλάσσομένη πληροφορία θέλει θεωρηθῇ ἀπόρρητος καὶ δὲν θέλει ἀποκαλυφθῇ εἰς οἰονδήποτε πρόσωπον, πλην τῶν ἐνδιαφερομένων διὰ τὴν βεβαίωσιν καὶ εἰσπραξίν τῶν φόρων τῶν ἀπο-

τελούντων αντικείμενον τῆς παρούσης Συμβάσεως. Οὐδεμία ἀνταλλαγή πληροφοριῶν θέλει λάβῃ χώραν δυναμένη νὰ ἀποκαλύψῃ τεχνικὸν ἀπόρητον ἢ μέθοδον σχετικὴν μετὰ τὸ ἐμπόριον, βιομηχανίαν, ἐργασίαν ἢ ἐπάγγελμα.

Ἄρθρον XIX.

1) Τὰ Συμβαλλόμενα Κράτη ἀναλαμβάνουν νὰ παράσχουν ἀμοιβαίως βοήθειαν καὶ ὑποστήριξιν ἐν τῇ εἰσπράξει τῶν φόρων τῶν αποτελούντων ἀντικείμενον τῆς παρούσης Συμβάσεως μετὰ τῶν τόκων, ἐξόδων, καὶ τῶν ἐπὶ τούτων προσαυξήσεων καὶ προστίμων, μὴ ποινικοῦ χαρακτῆρος.

2) Εἰς περίπτωσιν αἰτήσεως διὰ τὴν εἰσπραξίν φόρων, φορολογικαὶ ἀξιώσεις ἐκάστου τῶν Συμβαλλομένων Κρατῶν, ὧν ἐγένετο ὁριστικὸς καθορισμός, δύνανται νὰ γίνουν ἀποδεκταὶ πρὸς ἐπιβολὴν ὑπὸ τοῦ ἐτέρου τῶν Συμβαλλομένων Κρατῶν καὶ νὰ εἰσπραχθῶσιν ἐν τῷ Κράτει τούτῳ ὡς ἂν οἱ τοιοῦτοι φόροι ἦσαν φόροι τελικῶς ἐπιβληθέντες ὀφειλόμενοι καὶ καταβλητέοι εἰς τὸ Κράτος τοῦτο. Δὲν δύναται νὰ ἀξιωθῇ ἀπὸ τὸ Κράτος εἰς ὃ ἀπευθύνεται ἡ τοιαύτη αἴτησις ὥπως ἐπιβάλλῃ ἐκτελεστικὰ μέτρα μὴ προβλεπόμενα ὑπὸ τοῦ νόμου τοῦ αἰτούντος Κράτους.

3) Πᾶσα αἴτησις δέον νὰ συνοδεύηται ὑπὸ ἐγγράφων ἀποδεικνύοντων τὸν ὁριστικὸν καθορισμὸν τῶν φόρων συμφώνως πρὸς τοὺς νόμους τοῦ αἰτούντος Κράτους.

4) Ἡ προβλεπομένη ἐν τῷ ἄρθρῳ τούτῳ βοήθεια δὲν θὰ παρέχεται διὰ τοὺς πολίτας, ὑπηκόους ἢ ἐταιρείας ἢ ἄλλα νομικὰ πρόσωπα τοῦ Κράτους, πρὸς ὃ ἀπευθύνεται ἡ αἴτησις, εἰ μὴ μόνον ἐφ' ὅσον τοῦτο ἀπαιτεῖται ὥπως ἐξασφαλισθῇ ὅτι πρόσωπα μὴ δικαιούμενα τῶν τοιούτων εὐεργετημάτων δὲν θὰ τύχουν τῆς ἀπαλλαγῆς ἢ τοῦ μειωμένου φορολογικοῦ συντελεστοῦ τοῦ προβλεπομένου ὑπὸ τῆς Συμβάσεως διὰ τοὺς ἐν λόγῳ πολίτας, ὑπηκόους, ἐταιρείας ἢ ἄλλα νομικὰ πρόσωπα.

Ἄρθρον XX.

1) Ἐν οὐδεμιᾷ περιπτώσει αἱ διατάξεις τῶν ἄρθρων XVIII καὶ XIX δύνανται νὰ ἐρμηνευθῶν ὡς ἐπιβάλλουσαι ἐπὶ ἐκατέρου τῶν Συμβαλλομένων Κρατῶν τὴν ὑποχρέωσιν :

α) Πρὸς ἐφαρμογὴν διοικητικῶν μέτρων μὴ συμφώνων πρὸς τοὺς κανονισμοὺς καὶ τὰς συνηθείας τοῦ ἐτέρου Συμβαλλομένου Κράτους ἢ,

β) Πρὸς παροχὴν πληροφοριῶν ὧν ἡ λήψις εἶναι ἀνεφικτος κατὰ τὰς διατάξεις τῆς ἰδίας αὐτοῦ νομοθεσίας ἢ τῆς τοιαύτης τοῦ ὑποβάλλοντος τὴν αἴτησιν Κράτους.

2) Τὸ Κράτος εἰς ὃ ἀπευθύνεται ἡ αἴτησις διὰ τὴν παροχὴν πληροφοριῶν ἢ βοηθείας, θέλει συμμορφωθῇ ὅσον τὸ δυνατόν ταχύτερον πρὸς τὴν ἀπευθυνομένην πρὸς τοῦτο παράκλησιν. Ἐν τούτοις, τὸ Κράτος τοῦτο δύναται νὰ ἀρνηθῇ νὰ συμμορφωθῇ πρὸς τὴν παράκλησιν διὰ λόγους δημοσίας πολιτικῆς ἢ ἂν ἡ συμμόρφωσις θὰ συνεπήγετο ἀποκάλυψιν τεχνικοῦ μυστικοῦ ἢ μεθόδου σχετικῆς μετὰ τὸ ἐμπόριον, βιομηχανίαν, ἐργασίαν ἢ ἐπάγγελμα. Ἐν τῇ περιπτώσει ταύτῃ, θὰ πληροφορηθῇ περὶ τούτου ὅσον τὸ δυνατόν ταχύτερον, τὸ ὑποβάλλον τὴν αἴτησιν Κράτος.

Ἄρθρον XXI.

1) Ἡ παροῦσα Σύμβασις κυρωθήσεται καὶ τὰ ἔγγραφα κυρώσεως θέλουσιν ἀνταλλαγῇ ἐν Ἀθήναις ὅσον τὸ δυνατόν ταχύτερον.

2) Ἡ παροῦσα Σύμβασις θὰ ἰσχύσῃ ἀπὸ τῆς πρώτης Ἰανουαρίου τοῦ ἔτους κατὰ τὸ ὅποιον θέλει λάβῃ χώραν ἢ ἀνταλλαγῇ τῶν ἐγγράφων κυρώσεως, θὰ ἐξακολουθηθῇ δὲ ἰσχύουσα διὰ χρονικὴν περίοδον 5 ἐτῶν ἀρχομένην ἀπὸ τῆς ἡμερομηνίας ταύτης καὶ ἐπ' ἀόριστον μετὰ τὴν λήξιν

τῆς περιόδου ταύτης, ἀλλὰ θὰ δύναται νὰ τερματισθῇ παρ' ἐκατέρου τῶν Συμβαλλομένων Κρατῶν μετὰ τὸ τέλος τῆς πενταετοῦς περιόδου ἢ καθ' οἷονδήποτε χρόνον μετὰ ταύτην ὑπὸ τὸν ὅρον ὅπως δοθῇ σχετικὴ περὶ τούτου προειδοποίησις πρὸ ἐξ τοῦλάχιστον μηνῶν τοῦ τερματισμοῦ, ἰσχύοντος ἀπὸ τῆς πρώτης Ἰανουαρίου τοῦ ἐπομένου τῆς ἐκπνοῆς τῆς ἐξαμήνου περιόδου.

Ἐγένετο ἐν Ἀθήναις εἰς διπλοῦν εἰς τὴν Ἑλληνικὴν καὶ Ἀγγλικὴν, ἀμφοτέρων τῶν κειμένων ὄντων ἐξ ἴσου αὐθεντικῶν σήμερον τὴν 20ὴν ἡμέραν τοῦ μηνὸς Φεβρουαρίου τοῦ ἔτους 1950.

Διὰ τὴν Κυβέρνησιν τοῦ Βασιλείου τῆς Ἑλλάδος
Π. ΠΙΠΙΝΕΛΗΣ

Διὰ τὴν Κυβέρνησιν τῶν Ἠνωμένων Πολιτειῶν
τῆς Ἀμερικῆς
HENRY F. GRADY

ΠΡΩΤΟΚΟΛΛΟΝ

Ἐν σχέσει πρὸς τὴν σύμβασιν μεταξὺ τοῦ Βασιλείου τῆς Ἑλλάδος καὶ τῶν Ἠνωμένων Πολιτειῶν τῆς Ἀμερικῆς περὶ ἀποφυγῆς διπλῆς φορολογίας καὶ παρεμποδίσεως τῆς φορολογικῆς διαφυγῆς ἐν σχέσει πρὸς τὸν φόρον εἰσοδήματος, ὑπογραφεῖσαν ἐν Ἀθήναις τῇ 20 Φεβρουαρίου 1950, οἱ κάτωθι ὑπογεγραμμένοι ἢ Α. Ε. ὁ κ. Στέφανος Στεφανόπουλος, Ὑπουργὸς ἐπὶ τῶν Ἐξωτερικῶν τῆς Ἑλλάδος, καὶ ἢ Α. Ε. ὁ κ. John E. Peurifoy, Πρεσβευτῆς τῶν Ἠνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἐν Ἑλλάδι, ἀρμοδίως ἐξουσιοδοτούμενοι παρὰ τῶν ἀντιστοίχων Κυβερνήσεων, συνελθόντες ἐπὶ τῷ αὐτῷ καὶ λαβόντες ὑπ' ὄψιν ψήφισμα ἐγκριθὲν ὑπὸ τῆς Γερουσίας τῶν Ἠνωμένων Πολιτειῶν ἐν σχέσει πρὸς τὴν παροχὴν ἀμοιβαίας βοηθείας ἐν τῇ εἰσπράξει τῶν φόρων, συνεφώνησαν ὡς ἀκολούθως :

«Ἐξυπονοεῖται ὅτι ἡ ἐφαρμογὴ τοῦ ἄρθρου XIX τῆς Συμβάσεως θὰ περιορίζεται εἰς τὴν παροχὴν ἐξουσιοδοτήσεως εἰς ἕκαστον τῶν Συμβαλλομένων Κρατῶν ὅπως εἰσπράττῃ ἐκ τῶν ἐπιβαλλομένων ὑπὸ τοῦ ἐτέρου τῶν Συμβαλλομένων Κρατῶν φόρων μόνον ἐκείνους οἵτινες θὰ παρέχουν τὴν ἐξασφάλισιν ὅτι τῆς παρεχομένης ὑπὸ τοῦ Κράτους τούτου βάσει τῆς παρούσης Συμβάσεως ἀπαλλαγῆς ἢ μειώσεως φορολογικῶν συντελεστῶν δὲν θέλουσιν ἐπωφεληθῇ πρόσωπα μὴ δικαιούμενα τοιούτων εὐεργετημάτων».

Τὸ πρωτόκολλον τοῦτο θεωρεῖται ὡς ἀναπόσπαστον μέρος τῆς συμβάσεως ὡς αὕτη ὑπεγράφη ἐν Ἀθήναις τὴν 20ὴν Φεβρουαρίου 1950 καὶ θέλει ἰσχύσῃ ἀπὸ τῆς ἡμερομηνίας καθ' ἣν ἡ Κυβέρνησις τῶν Ἠνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἤθελε εἰδοποιηθῇ ἐπισήμως περὶ τῆς ἐπικυρώσεως τοῦ παρόντος πρωτοκόλλου ὑπὸ τῆς Βουλῆς τοῦ Βασιλείου τῆς Ἑλλάδος.

Ἐφ' ᾧ συνετάγη τὸ παρὸν πρωτόκολλον ὑπογραφέν ὑπὸ τῶν ἀντιστοίχων Πληρεξουσίων ὡς ἔπεται.

Ἐγένετο ἐν Ἀθήναις εἰς διπλοῦν εἰς τὴν Ἑλληνικὴν καὶ Ἀγγλικὴν γλῶσσαν, ἀμφοτέρων τῶν κειμένων ἐχόντων τὴν αὐτὴν ἰσχύν, σήμερον τὴν 20ὴν τοῦ μηνὸς Ἀπριλίου 1953.

Διὰ τὴν Κυβέρνησιν τοῦ Βασιλείου τῆς Ἑλλάδος
ΣΤ. ΣΤΕΦΑΝΟΠΟΥΛΟΣ

Διὰ τὴν Κυβέρνησιν τῶν Ἠνωμένων Πολιτειῶν
JHON E. PEURIFOY