



# ΕΦΗΜΕΡΙΣ ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ

## ΤΟΥ ΒΑΣΙΛΕΙΟΥ ΤΗΣ ΕΛΛΑΔΟΣ

Ἐν Ἀθήναις  
τῇ 12 Νοεμβρίου 1953

ΤΕΥΧΟΣ ΠΡΩΤΟΝ

Ἀριθμὸς φύλλου 329

### ΠΕΡΙΕΧΟΜΕΝΑ

#### ΝΟΜΟΘΕΤΙΚΑ ΔΙΑΤΑΓΜΑΤΑ

- N. Δ. 2732. Περὶ κυρώσεως τῆς μεταξὺ Ἑλλάδος καὶ Ἡνωμένου Βασιλείου τῆς Μεγάλης Βρετανίας καὶ Βορείου Ἰρλανδίας συμβάσεως περὶ ἀποφυγῆς τῆς διπλῆς φορολογίας καὶ ἀποτροπῆς τῆς φορολογικῆς διαφύγης ἐν σχέσει πρὸς τοὺς φόρους ἐπὶ τοῦ εἰσοδήματος. 1
- N. Δ. 2734. Περὶ κυρώσεως φορολογικῆς συμβάσεως μεταξὺ Ἑλλάδος καὶ Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς «περὶ ἀποφυγῆς τῆς διπλῆς φορολογίας καὶ ἀποτροπῆς τῆς φορολογικῆς διαφύγης ἐν σχέσει πρὸς τοὺς φόρους ἐπὶ τῶν περιουσιῶν ἀποδιωσάντων προσώπων» ..... 2

#### ΝΟΜΟΘΕΤΙΚΑ ΔΙΑΤΑΓΜΑΤΑ

(1)

#### ΝΟΜΟΘ. ΔΙΑΤΑΓΜΑ ὑπ' ἀριθμ. 2732.

Περὶ κυρώσεως τῆς μεταξὺ Ἑλλάδος καὶ Ἡνωμένου Βασιλείου τῆς Μεγάλης Βρετανίας καὶ Βορείου Ἰρλανδίας συμβάσεως περὶ ἀποφυγῆς τῆς διπλῆς φορολογίας καὶ ἀποτροπῆς τῆς φορολογικῆς διαφύγης ἐν σχέσει πρὸς τοὺς φόρους ἐπὶ τοῦ εἰσοδήματος.

#### ΠΑΥΛΟΣ

#### ΒΑΣΙΛΕΥΣ ΤΩΝ ΕΛΛΗΝΩΝ

Ἐχοντες ὑπ' ὅψει τὰς διατάξεις τοῦ ἀρθρου 35 τοῦ Συντάγματος καὶ τὴν ἀπὸ 20 Ὁκτωβρίου 1953 σύμφωνον γνῶμην τῆς κατὰ τὴν παράγραφον 2 τοῦ αὐτοῦ ἀρθρου 35 Εἰδικῆς Ἐπιτροπῆς ἐκ Βουλευτῶν, προτάσει τοῦ Ἡμετέρου Ὑπουργικοῦ Συμβουλίου, ἀπεφασίσαμεν καὶ διατάσσομεν:

Ἄρθρον μόνον

1. Κυροῦται, ἔχουσα πλήρη ἰσχὺν νόμου, ἡ ἐν Ἀθήναις τὴν 25 Ἰουνίου 1953 ὑπογραφεῖσα σύμβασις μεταξὺ Ἑλλάδος καὶ Ἡνωμένου Βασιλείου τῆς Μεγάλης Βρετανίας καὶ Βορείου Ἰρλανδίας ἀποσκοποῦσα εἰς τὴν ἀποφυγὴν τῆς διπλῆς φορολογίας καὶ τὴν ἀποτροπὴν τῆς φορολογικῆς διαφύγης ἐν σχέσει πρὸς τοὺς φόρους ἐπὶ τοῦ εἰσοδήματος καὶ ἡς τὸ κείμενον,, ἀμφοτέρων τῶν κειμένων δυτῶν ἐξ ἵσου εὐθεντικῶν,, ἔπειται ἐν τῇ ἑλληνικῇ καὶ ἀγγλικῇ γλώσσῃ.

2. Ἡ ἰσχὺς τῆς συμβάσεως ἀρχεται ἀπὸ τῆς ἀνταλλαγῆς τῶν κυρωτικῶν ἐγγράφων.

Ἐν τῇ B. Ἐλληνικῇ Πρεσβείᾳ Οὐασιγκτώνος 31 Ὁκτωβρίου 1953

#### ΠΑΥΛΟΣ

B.

ΤΟ ΥΠΟΥΡΓΙΚΟΝ ΣΥΜΒΟΥΛΙΟΝ

Ο ΠΡΟΕΔΡΟΣ

ΑΛΕΞΑΝΔΡΟΣ ΠΑΠΑΓΟΣ

ΤΑ ΜΕΛΗ

Θ. ΚΑΨΑΛΗΣ, Δ. ΜΠΑΜΠΑΚΟΣ, ΠΑΤΣ. ΛΤΚΟΤΡΕΖΟΣ, Κ. ΠΑΠΑΓΙΑΝΝΗΣ, Κ. ΚΑΡΑΜΑΝΗΣ, Χ. ΨΑΡΡΟΣ, Λ. ΛΑΜΠΡΙΑΝΙΔΗΣ, Η. ΣΙΦΝΑΙΟΣ, Σ. ΔΗΜΑΡΑΤΟΣ, Σ. ΓΕΩΡΓΟΤΛΗΣ, Σ. ΓΤΑΛΙΣΤΡΑΣ, Λ. ΕΤΤΑΙΑΣ, Α. ΚΑΡΑΘΟΔΩΡΟΣ.

Ἐθεωρήθη καὶ ἐτέθη ἡ μεγάλη τοῦ Κράτους σφραγίς.

Ἐν Ἀθήναις τῇ 12 Νοεμβρίου 1953

Ο ΕΠΙ ΤΗΣ ΔΙΚΑΙΟΣΥΝΗΣ ΥΠΟΥΡΓΟΣ

Δ. ΜΠΑΜΠΑΚΟΣ



των, άλλα μόνον διὸ τὸ μέρος αὐτῶν τὸ ὄποιον θεωρεῖται διὰ ἀνήκει εἰς τὴν μόνιμον αὐτὴν ἐγκατάστασιν.

(2) Τὰ βιομηχνικὰ ἢ ἐμπορικὴ κέρδη Ἐλληνικῆς ἐπιχειρήσεως δὲν θὰ ὑπόκεινται εἰς τὸν φόρον τοῦ Ἡνωμένου Βασιλείου ἔκτὸς ἂν ἡ ἐπιχειρησικὴ διεξάγητη ἐμπόριον ἢ ἐργασίαν ἐν τῷ Ἡνωμένῳ Βασιλείῳ διὰ μονίμου ἐν σύντῳ ἐγκαταστάσεως. "Αν διεξάγητη ἐμπόριον ἢ ἐργασίαν ὡς προελέχθη, δύναται νὰ ἐπιβληθῇ ὑπὸ τοῦ Ἡνωμένου Βασιλείου φόρος ἐπὶ τῶν κερδῶν τούτων ἀλλὰ μόνον ἐπὶ τοῦ μέρους αὐτῶν τὸ ὄποιον θεωρεῖται διὰ ἀνήκει εἰς τὴν μόνιμον αὐτὴν ἐγκατάστασιν.

(3) Εἰς δὲς περιπτώσεις ἐπιχειρησίς τις ἐνὸς τῶν ἔδαφῶν διεξάγει ἐμπόριον ἢ ἐργασίαν ἐν τῷ ἑτέρῳ ἔδαφῳ, διὰ μονίμου ἐν αὐτῷ ἐγκαταστάσεως, θὰ θεωροῦνται ὡς κέρδη τῆς μονίμου αὐτῆς ἐγκαταστάσεως τὰ βιομηχνικὰ καὶ ἐμπορικὰ κέρδη ἂτινα προσδοκᾶται διὰ θὰ προέκυπτον ἐν τῷ ἑτέρῳ τούτῳ ἔδαφῳ ἀνὴρ ἡτο ἀνεξάρτητος ἐπιχειρησίς διεξάγουσα τὰς ἴδιας ἢ παρομοίας ἐργασίας ὑπὸ τὰς αὐτὰς ἢ παρομοίας συνθήκας καὶ ἔνει σύνδεσις ἐξ αρτήσεως ἐκ τῆς κυρίας ἐπιχειρήσεως τῆς ὑπίας ἀποτελεῖ μόνιμον ἐγκατάστασιν.

(4) Εἰς δὲς περιπτώσεις ἐπιχειρησίς τις ἐνὸς τῶν ἔδαφῶν κτᾶται κέρδη δύναμει συμβάσεων συναφθεισῶν ἐν τῷ ἔδαφῳ αὐτῷ ἐκ πωλήσεων ἀγαθῶν ἢ ἐμπορευμάτων ἀποθηκευμένων ἐν ἀποθήκῃ τοῦ ἑτέρου ἔδαφους διὰ τὴν εὔχερειαν παραδόσεως καὶ οὐγὶ διὰ λόγους ἐπιδεξεως, τὰ κέρδη ταῦτα δὲν θὰ θεωρηθοῦν διὰ ἀνήκουν εἰς μόνιμον ἐγκατάστασιν τῆς ἐπιχειρήσεως ἐν τῷ ἑτέρῳ τούτῳ ἔδαφῳ, παρὰ τὸ διὰ αἱ προσφορὰι ἀγορᾶς ἐλήφθησαν ὑπὸ ἀντιπροσώπου ἐν τῷ ἑτέρῳ τούτῳ ἔδαφῳ καὶ διεβιβάσθησαν ὑπὸ αὐτοῦ εἰς τὴν ἐπιχειρησιν πρὸς ἀποδοχήν.

(5) Οὐδὲν τμῆμα οἰωνδήποτε κερδῶν κτωμένων ὑπὸ ἐπιχειρήσεως ἐνὸς τῶν ἔδαφῶν θέλει θεωρηθῆναι διὰ ἀνήκει εἰς μόνιμον ἐγκατάστασιν εὐρισκομένην ἐν τῷ ἑτέρῳ ἔδαφῳ εἰς μόνιμον ἐγκατάστασιν τῆς ἐπιχειρήσεως ἐν τῷ ἑτέρῳ τούτῳ ἔδαφῳ, παρὰ τὸ διὰ αἱ προσφορὰι ἀγορᾶς ἐλήφθησαν ὑπὸ ἀντιπροσώπου ἐν τῷ ἑτέρῳ τούτῳ ἔδαφῳ καὶ διεβιβάσθησαν ὑπὸ αὐτοῦ εἰς τὴν ἐπιχειρησιν πρὸς ἀποδοχήν.

#### "Ἀρθρον ΙΓ."

Εἰς δὲς περιπτώσεις :

(α) ἐπιχειρησίς ἐνὸς τῶν ἔδαφῶν συμμετέχει ἀπ' εὐθείας ἢ ἐμμέσως εἰς τὴν διοίκησιν, διαχείρισιν ἢ τὰ κεφάλαια ἐπιχειρήσεώς τινος τοῦ ἑτέρου ἔδαφους.

(β) ἢ τὰ ἴδια πρόσωπα συμμετέχουν ἀπ' εὐθείας ἢ ἐμμέσως εἰς τὴν διοίκησιν, διαχείρισιν ἢ τὰ κεφάλαια ἐπιχειρήσεώς τινος τοῦ ἑτέρου ἔδαφους, καὶ εἰς ἑκατέραν τῶν περιπτώσεων, τίθενται ἢ ἐπιβάλλονται δροὶ μεταξὺ τῶν δύο ἐπιχειρήσεων εἰς τὰς ἐμπορικὰς ἢ οἰκονομικὰς τῶν σχέσεις διάφοροι: ἔκεινων οἵτινες θὰ συνεφωνοῦντο μεταξὺ ἀνεξάρτητων ἐπιχειρήσεων, τότε οἰωνδήποτε κέρδη ἂτινα ἥθελον προκύψῃ, ἀν δὲν ἐτίθεντο οἱ δροὶ οὗτοι, διὰ μίαν τῶν ἐπιχειρήσεων τούτων καὶ τὰ δροῖα δὲν προέκυψαν λόγω τῶν δρῶν τούτων, θὰ δύνανται νὰ συμπεριληφθοῦν εἰς τὰ κέρδη τῆς ἐπιχειρήσεως ταύτης καὶ νὰ φορολογηθοῦν ἀναλόγως.

#### "Ἀρθρον Γ."

(1) Παρὰ τοὺς δρους τῶν ἀρθρῶν III καὶ IΓ κέρδη κτώμενα ὑπὸ κατοίκου τοῦ Ἡνωμένου Βασιλείου ἐκ τῆς ἐκμεταλλεύσεως πλοίων νηολογημένων εἰς λιμένα τοῦ Ἡνωμένου Βασιλείου ἢ ἐκ τῆς ἐκμεταλλεύσεως ἀεροσκαφῶν, θ' ἀπαλλάσσονται τοῦ Ἐλληνικοῦ φόρου.

(2) Παρὰ τὰς διατάξεις τῶν ἀρθρῶν III καὶ IΓ κέρδη κτώμενα ὑπὸ κατοίκου τῆς Ἐλλάδος ἐκ τῆς ἐκμεταλλεύσεως πλοίων νηολογημένων εἰς ἐλληνικὸν λιμένα, ἢ ἐκ τῆς ἐκμεταλλεύσεως ἀεροσκαφῶν, θ' ἀπαλλάσσονται τοῦ φόρου τοῦ Ἡνωμένου Βασιλείου.

#### "Ἀρθρον ΣΙ."

(1) Τόκοι ἢ δικαιώματα κτώμενα ἐκ πηγῶν ἐντὸς ἐνὸς τῶν ἔδαφῶν ὑπὸ κατοίκου τοῦ ἑτέρου ἔδαφους, διὰ ταῦτα εἰς φόρον εἰς τὸ ἑτέρον τοῦτο ἔδαφος, καὶ ὃ δροῖος δὲν διεξάγει ἐμπόριον ἢ ἐργασίαν ἐν τῷ πρώτῳ ἔδαφῳ διὰ μονίμου ἐν αὐτῷ ἐγκαταστάσεως, θὰ ἀπαλλάσσονται τοῦ φόρου εἰς τὸ πρῶτον ἔδαφος.

(2). Ἐν τῷ παρόντι ἀρθρῷ διὸς «τεύκοι» περιλαμβάνει τόκους ἐπὶ ὁμοιογῶν ἢ οἰωνδήποτε ἀλλού τύπου ὁφειλῆς, ἐξησφαλισμένης ἢ μὴ καὶ διὸς «ιδικαιώματα» ἐννοεῖ οἰωνδήποτε δικαιώματα ἢ διὰ ποσὸν καταβαλλόμενον ὡς ἀντάλλαγμα διὰ τὴν χρησιμοποίησιν ἢ διὰ τὸ δικαιώματα χρησιμοποιησεως, οἰασδήποτε πνευματικῆς ίδιοκτησίας, εὑρεσιτεχνίας, σχεδίου, μυστικῆς βιομηχανικῆς μεθόδου καὶ τύπου, ἐμπορικοῦ καὶ βιομηχανικοῦ σήματος, ἢ διὰ τὴν λειτουργίαν μεταλλείου, λατομείου ἢ οἰανδήποτε ἀλληγόρους φυσικῶν πόρων.

(3) Εἰς δὲς περιπτώσεις οἰωνδήποτε τόκοι ἢ δικαιώματα ὑπερβαίνουν ἐν δίκαιον καὶ λογικὸν ἀντάλλαγμα διὰ τὴν ὁφειλὴν ἢ τὰ δικαιώματα διὰ τὰ δροῖα καταβάλλονται, ἢ προβλεπομένη ὑπὸ τοῦ παρόντος ἀρθρου ἀπαλλαγὴ θὰ ἔχῃ μόνον ἐφαρμογὴν ἐπὶ τοῦ μέρους ἐκείνου τῶν τόκων ἢ δικαιωμάτων τὸ δροῖον ἀντιπροσωπεύει ἐν τοιούτον δίκαιοιν καὶ λογικὸν ἀντάλλαγμα.

(4) Οἰωνδήποτε ποσὸν κτώμενον ἐκ πηγῶν εὐρισκομένων ἐντὸς ἐνὸς τῶν ἔδαφῶν ἐκ τῆς πωλήσεως δικαιωμάτων εὑρεσιτεχνίας ὑπὸ κατοίκου τοῦ ἑτέρου ἔδαφους, διὰ τὸ πρώτῳ ἔδαφῳ διεξάγει ἐμπόριον ἢ ἐργασίαν ἐν τῷ πρώτῳ ἔδαφῳ διεξάγει ἀπαλλάσσηται τοῦ φόρου ἐν τῷ πρώτῳ ἔδαφῳ.

#### "Ἀρθρον VII"

Κάτοικος ἐνὸς τῶν ἔδαφῶν διστις δὲν διεξάγει ἐμπόριον ἢ ἐργασίαν ἐν τῷ ἑτέρῳ ἔδαφῳ διὰ μονίμου ἐν αὐτῷ ἐγκαταστάσεως, θ' ἀπαλλάσσηται ἐν τῷ ἑδάφῳ διστις διονδήποτε φόρου ἐπὶ ωφελείας ἐκ τῆς πωλήσεως, μεταβιβάσεως, ἢ ἀνταλλαγῆς στοιχείων παγίου ἐνεργητικοῦ.

#### "Ἀρθρον VIII"

(1) Ἀμοιβαί, περιλαμβανομένων τῶν συντάξεων, καταβαλλόμεναι ὑπὸ ἐνὸς τῶν Συμβαλλομένων Μερῶν ἢ ἐκ κεφαλαίων δημιουργηθέντων ὑπὸ τούτου εἰς οἰωνδήποτε ἀτομον δι' ὑπηρεσίας παρασχεθείσας εἰς τὸ Συμβαλλόμενον τοῦτο Μέρος κατὰ τὴν ἐκτέλεσιν Κυβερνητικῆς ὑπηρεσίας, θ' ἀπαλλάσσωνται τοῦ φόρου εἰς τὸ ἔδαφος τοῦ ἑτέρου Συμβαλλομένου Μέρους, ἐκτὸς ἀν τὸ ἀτομον αὐτὸν εἶναι ὑπήκοος τοῦ ἑτέρου Συμβαλλομένου Μέρους χωρὶς νὰ εἶναι ἐπίσης καὶ ὑπήκοος τοῦ πρώτου Συμβαλλομένου Μέρους.

(2) Αἱ διατάξεις τοῦ παρόντος ἀρθρου δὲν θὰ ἔχουν ἐφαρμογὴν ἐπὶ πληρωμῶν δι' ὑπηρεσίας παρασχεθείσας ἐν σχέσει μὲ οἰωνδήποτε ἐμπόριον ἢ ἐργασίαν διεξαγομένην παρ' ἐκατέρου τῶν Συμβαλλομένων Μερῶν πρὸς τὸν σκοπὸν κέρδους.

#### "Ἀρθρον IX"

(1) "Ἄτομον τὸ δροῖον εἶναι κάτοικος τοῦ Ἡνωμένου Βασιλείου θ' ἀπαλλάσσηται τοῦ Ἐλληνικοῦ φόρου ἐπὶ κέρδων ἢ ἀμοιβῆς διὰ προσωπικᾶς ὑπηρεσίας (περιλαμβανομένων καὶ τῶν ἐπαγγελματικῶν) παρασχεθείσας ἐντὸς τῆς Ἐλλάδος καθ' οἰωνδήποτε ἔτος βεβαιώσεως :

(α) ἀν εὐρίσκεται ἐντὸς τῆς Ἐλλάδος διὰ χρονικὸν διάστημα ἢ διαστήματα μὴ ὑπερβαίνοντα συνολικῶς τὰς 183 ἡμέρας κατὰ τὸ ἔτος αὐτό,

(β) ἀν αἱ διατάξεις παρέχουνται διὰ κάτοικον τοῦ Ἡνωμένου Βασιλείου ἢ διὰ λογαριασμὸν του, καὶ .

(γ) ἀν τὰ κέρδη ἢ ἡ ἀμοιβὴ ὑπόκεινται εἰς τὸν φόρον τοῦ Ἡνωμένου Βασιλείου.

(2) "Ἄτομον τὸ δροῖον εἶναι κάτοικος τῆς Ἐλλάδος θ' ἀπαλλάσσηται τοῦ φόρου τοῦ Ἡνωμένου Βασιλείου ἐπὶ κέρδων ἢ ἀμοιβῆς διὰ προσωπικᾶς ὑπηρεσίας (περιλαμβανομένων καὶ τῶν ἐπαγγελματικῶν) παρασχεθείσας ἐντὸς τοῦ Ἡνωμένου Βασιλείου καθ' οἰωνδήποτε ἔτος βεβαιώσεως :

(α) ἀν εὐρίσκεται ἐντὸς τοῦ Ἡνωμένου Βασιλείου διάστημα ἢ διαστήματα μὴ ὑπερβαίνοντα συνολικῶς τὰς 183 ἡμέρας κατὰ τὸ ἔτος αὐτό, καὶ .

(β) ἀν αἱ διατάξεις παρέχουνται διὰ κάτοικον τῆς Ἐλλάδος ἢ διὰ λογαριασμὸν του, καὶ .

(γ) ἀν τὰ κέρδη ἢ ἡ ἀμοιβὴ ὑπόκεινται εἰς τὸν Ἐλληνικὸν φόρον.

(3) Αἱ διατάξεις τοῦ παρόντος ἀρθρου δὲν θὰ ἔχουν ἐφαρμογὴν ἐπὶ κέρδων ἢ ἀμοιβῶν προσώπων λαμβανόντων μέρος

εἰς δημόσια θεάματα ὡς οἱ καλλιτέχναι τοῦ θεάτρου, κινηματογράφου ἢ ραδιοφωνικοῦ σταθμοῦ, οἱ μουσικοὶ καὶ οἱ ἀθληταί.

#### "Αρθρον X

(1) Οἰαδήποτε σύνταξις (ἐκτὸς τοῦ εἴδους συντάξεως τοῦ ἀναφερομένου ἐν παραγράφῳ (1) τοῦ ἀρθρου VIII) καὶ οἰαδήποτε ἑτησία παροχὴ κτωμένη ἐκ πηγῶν εὐρισκομένων ἐντὸς τῆς Ἑλλάδος ὑπὸ προσώπου τὸ διποῖον εἶναι κάτοικος τοῦ Ἡνωμένου Βασιλείου καὶ ὑπόκειται δὲ αὐτὴν εἰς τὸν φόρον τοῦ Ἡνωμένου Βασιλείου, θ' ἀπαλλάσσηται τοῦ Ἑλληνικοῦ φόρου.

(2) Οἰαδήποτε σύνταξις (ἐκτὸς τοῦ εἴδους συντάξεως τοῦ ἀναφερομένου εἰς τὴν παράγραφον (1) τοῦ ἀρθρου VIII) καὶ οἰαδήποτε ἑτησία παροχὴ κτωμένη ἐκ πηγῶν εὑρισκομένων ἐντὸς τοῦ Ἡνωμένου Βασιλείου ὑπὸ προσώπου τὸ διποῖον εἶναι κάτοικος τῆς Ἑλλάδος καὶ ὑπόκειται διὰ ταύτην εἰς τὸν Ἑλληνικὸν φόρον, θ' ἀπαλλάσσηται τοῦ φόρου τοῦ Ἡνωμένου Βασιλείου.

(3) 'Ο δρος «ἑτησία παροχὴ» ὑποδηλοῖ ὡρισμένον ποσὸν πληρωτέον καθ' ὡρισμένα χρονικὰ διαστήματα, ἐφ' δρου ζωῆς ἢ δι' ὡρισμένον ἢ καθοριστέον χρονικὸν διάστημα, συνεπείᾳ ἀναληφθείσης ὑποχρεώσεως περὶ πραγματοποιήσεως τῶν καταβολῶν τούτων ἔναντι ἐπαρκοῦς καὶ πλήρους γρηματικοῦ ἀνταλλάγματος ἢ ἀνταλλάγματος δεκτικοῦ ἀποτιμήσεως εἰς χρῆμα.

#### "Αρθρον XI

Καθηγητὴς ἢ διδάσκαλος ἐξ ἐνδος τῶν ἐδαφῶν, διστις λαμβάνει ἀμοιβὴν διὰ διδασκαλίαν, κατὰ τὴν διάρκειαν προσωρινῆς παραμονῆς μὴ ὑπερβαίνοντος τὰ δύο συνεχῆ ἔτη, εἰς Πανεπιστήμιον, Κολλέγιον, Σχολεῖον ἢ ἄλλο Ἑκπαιδευτικὸν "Ιδρυμα λειτουργοῦν εἰς τὸ ἄλλο ἐδαφος, θ' ἀπαλλάσσηται τοῦ φόρου εἰς τὸ ἔτερον τοῦτο ἐδαφος διὰ τὴν ἀμοιβὴν ταύτην.

#### "Αρθρον XII

Σπουδαστὴς ἢ μαθητεύμενος εἰς τέχνην ἢ ἐπάγγελμα ἐξ ἐνδος τῶν ἐδαφῶν διαθέτων δύον του τὸν χρόνον πρὸς ἐκπαίδευσιν ἢ μετεκπαίδευσιν ἐν τῷ ἑτέρῳ ἐδάφει θ' ἀπαλλάσσηται τοῦ φόρου εἰς τὸ ἔτερον τοῦτο ἐδαφος ἐπὶ καταβολῶν γενομένων εἰς αὐτὸν ὑπὸ προσώπων εὐρισκομένων εἰς τὸ πρῶτον ἐδαφος διὰ τὴν συντήρησιν, ἐκπαίδευσιν ἢ μετεκπαίδευσιν του.

#### "Αρθρον XIII

(1) "Ατομα κατοικοῦντα ἐν Ἑλλάδι θὰ δικαιοῦνται τῶν ἰδίων προσωπικῶν ἐκπτώσεων, ἀπαλλαγῶν καὶ μειώσεων διὰ τοὺς σκοποὺς τοῦ φόρου τοῦ Ἡνωμένου Βασιλείου ὡς οἱ Βρεττανοὶ ὑπήκοοι οἱ μὴ κατοικοῦντες ἐν τῷ Ἡνωμένῳ Βασιλείῳ.

(2) "Ατομα" κατοικοῦντα ἐν τῷ Ἡνωμένῳ Βασιλείῳ θὰ δικαιοῦνται τῶν ἰδίων προσωπικῶν ἐκπτώσεων, ἀπαλλαγῶν καὶ μειώσεων διὰ τοὺς σκοποὺς τοῦ Ἑλληνικοῦ φόρου ὡς οἱ "Ἐλληνες πολῖται οἱ μὴ διαμένοντες ἐν Ἑλλάδι.

#### "Αρθρον XIV

(1) Οἱ νόμοι τῶν Συμβαλλομένων Μερῶν θὰ ἔξακολουθήσουν διέποντες τὴν φορολογίαν τοῦ εἰσοδήματος τοῦ προκύπτοντος εἰς ἑκάτερον τῶν ἐδαφῶν, ἐκτὸς εἰς δὲ περιπτώσεις προβλέπεται ρητῶς τὸ ἀντίθετον ἐν τῇ παρούσῃ Συμφωνίᾳ.

Εἰς δὲ περιπτώσεις τὸ εἰσόδημα ὑπόκειται εἰς φόρον εἰς ἀμφότερα τὰ ἐδάφη, θὰ δίδεται ἀπαλλαγὴ ἀπὸ τὴν διπλήν φορολογίαν συμφώνως πρὸς τὸ ἀκολούθους παραγράφους τοῦ παρόντος ἀρθρου.

(2) ὑπὸ τὴν ἐπιφύλαξιν τῶν διατάξεων τοῦ νόμου τοῦ Ἡνωμένου Βασιλείου περὶ ἐκπτώσεως ἐκ τοῦ φόρου τοῦ Ἡνωμένου Βασιλείου τοῦ φόρου τοῦ καταβλητέου εἰς ἐδαφος ἐκτὸς τοῦ Ἡνωμένου Βασιλείου, ὃ Ἐλληνικὸς φόρος ὃ καταβλητέος, εἴτε ἀπ' εὐθείας εἴτε δὲ ἐκπτώσεως δὲ εἰσόδημα ἐκ πηγῶν εὐρισκομένων ἐντὸς τῆς Ἑλλάδος, θὰ ἐκπίπτεται ἐκ τοῦ φόρου τοῦ Ἡνωμένου Βασιλείου τοῦ καταβλητέου διὰ τὸ εἰσόδημα τοῦτο.

(3) ὑπὸ τὴν ἐπιφύλαξιν τῶν διατάξεων τοῦ Ἑλληνικοῦ Νόμου περὶ ἐκπτώσεως ἐκ τοῦ Ἑλληνικοῦ φόρου τοῦ φόρου τοῦ καταβλητέου εἰς ἐδαφος ἐκτὸς τῆς Ἑλλάδος, ὃ φόρος τοῦ Ἡνωμένου Βασιλείου ὃ καταβλητέος, εἴτε ἀπ' εὐθείας

εἴτε δὲ ἐκπτώσεως, δὲ εἰσόδημα ἐκ πηγῶν εὐρισκομένων ἐντὸς τοῦ Ἡνωμένου Βασιλείου, θὰ ἐκπίπτεται ἐκ τοῦ Ἑλληνικοῦ φόρου τοῦ προσήκοντος εἰς τὸ μέρισμα τὸν φόρον τοῦ Ἡνωμένου Βασιλείου τὸν καταβλητέον ὑπὸ τῆς Ἑλλάδος ἐπὶ τοῦ ἀναλογοῦντος μέρους τῶν κερδῶν τῆς καὶ εἰς δὲ περιπτώσεις πρόκειται περὶ μερίσματος καταβαλλομένου ἐπὶ συμμετεχουσῶν μετοχῶν προτιμήσεως καὶ ἀντιπροσωπεύοντος τόσον τὸ μέρισμα εἰς τὸ καθορισθὲν ποσοστὸν εἰς τὸ διποῖον δικαιοῦνται αἱ μετοχαὶ δύον καὶ μίαν πρόσθετον συμμετοχὴν εἰς τὰ κέρδη ὃ οὔτω καταβλητέος φόρος τοῦ Ἡνωμένου Βασιλείου θὰ ληφθῇ ὅμοιως ὑπὸ δψιν ἐφ' δύον τὸ μέρισμα ὑπερβαίνει τὸ καθορισθὲν ποσοστόν. "Ὕπὸ τὸν δρον δὲ τὸ ποσὸν τῆς ἐκπτώσεως δὲν θὰ περβάινῃ τὸ ποσὸν τοῦ Ἑλληνικοῦ φόρου τοῦ ἐπιβαλλομένου διὰ τὸ εἰσόδημα τοῦτο.

4. Διὰ τοὺς σκοποὺς τοῦ παρόντος "Αρθρου, κέρδη ἢ ἀμοιβὴ διὰ προσωπικὰ ὑπηρεσίας (περιλαμβανομένων καὶ τῶν ἐπαγγελματικῶν) παρασχεθείσας εἰς ἐν τῶν ἐδαφῶν θὰ θεωροῦνται δὲ εἶναι εἰσόδημα ἐκ πηγῶν ἐντὸς τοῦ ἐδάφους ἐκείνου, καὶ αἱ ὑπηρεσίαι ἀτόμου τινὸς τοῦ διποῖου αἱ ὑπηρεσίαι παρέχονται ἐξ ὀλοκλήρου ἢ κυρίως ἐπὶ πλοίων ἢ ἀεροπλάνων ἐκμεταλλευμένων ὑπὸ κατοίκου ἐνδος τῶν ἐδαφῶν θὰ θεωροῦνται δὲ παρεσχέθησαν ἐν τῷ ἐδάφει ἐκείνῳ.

#### "Αρθρον XV

(1) Αἱ φορολογικαὶ ἀρχαὶ τῶν Συμβαλλομένων Μερῶν θὰ ἀνταλλάσσουν πληροφορίας (δεὶς αὐταὶ διαθέτουσι δυνάμει τῶν φορολογικῶν των νόμων κατὰ τὴν κανονικὴν διεξαγωγὴν τῆς Ὑπηρεσίας), αἱ διποῖαι εἶναι ἀναγκαῖαι διὰ τὴν ἐκτέλεσιν τῶν διατάξεων τῆς παρούσης Συμβάσεως ἢ διὰ τὴν πρόληψιν δόλου ἢ πρὸς ἐφαρμογὴν νομοθετημάτων διατάξεων ἐνσαντίον καταστρατηγήσεων ἐν σχέσει πρὸς τοὺς φόρους οἵτινες ἀποτελοῦν ἀντικείμενον τῆς παρούσης Συμβάσεως. Οἰαδήποτε οὔτω ἀνταλλασσομένη πληροφορία θέλει θεωρηθῆ ἀπόρρητος καὶ δὲν θέλει ἀποκαλυφθῆ εἰς οἰαδήποτε ὅλλα πρόσωπα, πλὴν τῶν ἐνδιαφερομένων διὰ τὴν βεβαίωσιν καὶ εἰσπραξιν τῶν φόρων τῶν ἀποτελούντων ἀντικείμενον τῆς παρούσης Συμβάσεως. Οὐδεμία ἀνταλλαγὴ πληροφοριῶν ὡς ἄνωθεν θέλει λάβη χώραν δυναμένη νὰ ἀποκαλύψῃ οἰνδήποτε μυστικόν τῆς ἐπιχειρήσεως καὶ ἐμπορικόν, βιομηχανικόν, ἢ ἐπαγγελματικόν μυστικόν μέθιδον.

(2) 'Ο δρος «φορολογικαὶ ἀρχαὶ» ὡς χρησιμοποιεῖται ἐν τῷ παρόντι ἀρθρῷ ὑποδηλοῦ, εἰς τὴν περίπτωσιν τοῦ Ἡνωμένου Βασιλείου, τοὺς Ἐπιτρόπους τῶν Ἐσωτερικῶν "Ἐσδρων ἢ τὸν ἔξουσιοδοτημένον ἀντιπρόσωπον των. Εἰς τὴν περίπτωσιν τῆς Ἑλλάδος τὸν Γενικὸν Διευθυντὴν τῆς Φορολογίας ἢ τὸν ἔξουσιοδοτημένον ἀντιπρόσωπον του. Καὶ εἰς τὴν περίπτωσιν οἰουδήποτε ἐδάφους εἰς τὸ διποῖον ἐπεκτείνεται ἡ παρούσα Σύμβασις δυνάμει τοῦ ἀρθρου XVII, ἢ ἀρχὴ ἡτοι εἶναι ἀρμοδία εἰς τὸ ἐδάφος ἐκεῖνο διὰ τὴν διαχείρησιν τῶν φόρων ἐπὶ τῶν διποίων ἔχει ἐφαρμογὴν ἢ Σύμβασις.

#### "Αρθρον XVI

(1) Οἱ ὑπήκοοι ἐνδος τῶν Συμβαλλομένων Μερῶν δὲν ὑπόκεινται εἰς τὸ ἐδάφος τοῦ ἑτέρου Συμβαλλομένου Μέρους εἰς οἰαδήποτε φορολογίαν ἢ οἰαδήποτε ὑποχρέωσιν ἔχουσαν σχέσιν μὲ αὐτήν, ἢ δόποια εἶναι διάφορος, μεγαλυτέρα ἢ βαρυτέρα τῆς φορολογίας, καὶ τῶν συναφῶν πρὸς αὐτὴν ὑποχρέωσεων, εἰς τὴν διποίαν ὑπόκεινται ἢ δύνανται νὰ ὑπαχθοῦν οἱ ὑπήκοοι τοῦ ἑτέρου Συμβαλλομένου Μέρους.

(2) Αἱ ἐπιχειρήσεις ἐνδος τῶν ἐδαφῶν, εἴτε διεζάγονται ὑπὸ ἐταιρείας, διμάδος προσώπων ἢ ὑπὸ ἀτόμων μεμονωμένων ἢ ἐν συνεταιρισμῷ δὲν θὰ ὑπόκεινται εἰς τὸ ἑτέρον ἐδάφος διὰ κέρδη ἢ κεφάλαια ἀνήκοντα εἰς τὰς μονίμους ἐγκαταστάσεις των εἰς τὸ ἑτέρον αὐτὸν ἐδάφος, εἰς οἰαδήποτε φορολογίαν ἡτοι εἶναι διάφορος, μεγαλυτέρα ἢ βαρυτέρα τῆς φορολογίας εἰς τὴν διποίαν ὑπόκεινται ἢ δύνανται νὰ ὑπαχθοῦν διὰ παρόμοια κέρδη ἢ κεφάλαια αἱ ἐπιχειρή-

σεις του ἑτέρου κύτου ἐδάφους αἱ διεξαγόμεναι κατὰ παρεμφερῆ τρόπον.

(3) Τὸ εἰσόδημα, κέρδη καὶ κεφάλαια ἐπιχειρήσεως τινὸς ἐνὸς τῶν ἐδαφῶν, τὸ κεφάλαιον τῆς ὁποίας ὀνήκει ὀλικῶς ἡ μερικῶς ἡ ἐλέγχεται ἀμέσως ἡ ἐμμέσως ὑπὸ κατοίκου ἡ κατοίκων τοῦ ἑτέρου ἐδάφους, δὲν θέλει ὑπαχθῇ εἰς τὸ πρώτον ἐδάφος εἰς οἰονδήποτε φορολογίαν ἢ τις εἶναι διάφορος μεγαλυτέρα ἡ βαρυτέρα τῆς φορολογίας εἰς τὴν ὁποίαν ὑπόκεινται ἡ δύνανται νὰ ὑπαχθοῦν ἄλλαι ἐπιχειρήσεις τοῦ πρώτου αὐτοῦ ἐδάφους διὰ παρόμοιον εἰσόδημα κέρδη καὶ κεφάλαια.

(4) Ὁτιδήποτε ἐν παραγράφῳ (1) ἢ ἐν παραγράφῳ (2) τοῦ παρόντος ἀρθρου δὲν θὰ ἐρμηνευθῇ ὡς ὑποχρεοῦν τὸ ἐν Συμβαλλόμενον Μέρος νὰ παραχωρήσῃ εἰς πολίτας τοῦ ἑτέρου Συμβαλλομένου Μέρους οἵτινες δὲν εἶναι κάτοικοι τοῦ πρώτου Συμβαλλομένου Μέρους τὰς ἰδίας προσωπικὰς ἐκπτώσεις, ἀπαλλαγὰς καὶ μειώσεις διὰ φορολογικοὺς σκοπούς αἱ ὅποιαι παρέχονται εἰς τοὺς ἴδιους ἀυτοῦ πολίτας.

(5) Ἐν τῷ παρόντι ἀρθρῷ δὲ ὅρος «πολίται» ὑποδηλοῖ

(α) ἐν σχέσει μὲ τὴν Ἑλλάδα πάντα τὰ ἀπομα τὰ ἔχοντα τὴν Ἑλληνικὴν ὑπηκοότητα συμφώνως πρὸς τὸν Ἑλληνικὸν Νόμον καὶ διπλανὰ τὰ νομικὰ πρόσωπα τὰ συσταθέντα δυνάμει τοῦ Ἑλληνικοῦ Νόμου.

(β) ἐν σχέσει μὲ τὸ Ἡνωμένον Βασίλειον ἀποντας τοὺς Βρεταννοὺς ὑπηκόους ἡ πρόσωπα τυγχάνοντα τῆς Βρεταννικῆς προστασίας:

1. τὰ κατοικοῦντα ἐν τῷ Ἡνωμένῳ Βασίλειῳ ἐν ἀλλῳ Βρεταννικῷ ἐδάφει εἰς τὸ ὅποιον ἐπεκτείνεται ἡ παροῦσα σύμβασις δυνάμει τοῦ "Ἀρθρου XVII, ἥ

2. ἔλκοντα τὴν ἰδιότητά των ταύτην ἐκ τῶν σχέσεων των μετὰ τοῦ Ἡνωμένου Βασίλειον ἡ οἰονδήποτε ἄλλου Βρεταννικοῦ ἐδάφους εἰς τὸ ὅποιον ἐπεκτείνεται ἡ παροῦσα Σύμβασις δυνάμει τοῦ "Ἀρθρου XVII καὶ διπλανὰ τὰ νομικὰ πρόσωπα, ἐταιρεῖαι προσώπων, συνεταιρισμοὶ (ASSOCIATIONS) καὶ ἄλλα νομικὰ πρόσωπα τὰ ὅποια ἀποτοῦν τὴν ἰδιότητά των ταύτην ἐκ τοῦ νόμου ὅστις ἵσχει εἰς οἰονδήποτε Βρεταννικὸν ἐδάφος εἰς τὸ ὅποιον ἔχει ἐφαρμογὴν ἡ Σύμβασις.

(6) Ἐν τῷ παρόντι ἀρθρῷ δὲ ὅρος «φορολογία» ὑποδηλοῖ φόρους πεντὸς εἴδους καὶ φύσεως εἰσπραττούμενους διὰ διὰ λογαριασμὸν οἰονδήποτε ἀρχῆς.

#### "Ἀρθρον XVII"

(1) Ἡ παροῦσα Σύμβασις δύναται νὰ ἐπεκτείνεται, εἴτε ἐν τῇ διάτητί της, εἴτε μετὰ τροποποιήσεων, εἰς οἰονδήποτε ἐδάφος διὰ τὰς διεθνεῖς σχέσεις τοῦ ὅποιου εἶναι ὑπεύθυνον τὸ Ἡνωμένον Βασίλειον καὶ τὸ ὅποιον ἐδάφος ἐπιβάλλει φόρους χαρακτῆρος οὐσιαδός. πάρομοίου μὲ ἐκείνους, οἵτινες ἀποτελοῦν ἀντικείμενον τῆς Συμβάσεως, οἰονδήποτε δὲ τοιαύτη ἐπέκτασις θέλει ἵσχυση ἀπὸ τῆς ἡμερομηνίας ταύτης καὶ θὰ δύναεται εἰς τοιαύτας τροποποιήσεις καὶ ὅρους (συμπεριλαμβανομένων καὶ τῶν ὅρων τερματισμοῦ), οἵτινες ἥθελον καθορισθῇ καὶ συμφωνηθῇ μεταξὺ τῶν Συμβαλλομένων Μερῶν εἰς διακοινώσεις ἀνταλλακτικής συμφωνίας πρὸς τὸν σκοπὸν τοῦτον.

(2) Ὁ τερματισμὸς τῆς παρούσης Σύμβασεως ὡς πρὸς τὴν Ἑλλάδα ἥ τὸ Ἡνωμένον Βασίλειον δυνάμει τοῦ ἀρθρου XXI, ἐκτὸς ἀλλως ἥθελε ρητῶς συμφωνηθῇ ὑπὸ τῶν Συμβαλλομένων Μερῶν, θέλει τερματίσῃ τὴν ἐφαρμογὴν τῆς Συμβάσεως εἰς οἰονδήποτε ἐδάφος εἰς τὸ ὅποιον ὡστῇ ἔχει ἐπεκταθῇ δυνάμει τοῦ παρόντος "Ἀρθρου.

#### "Ἀρθρον XVIII"

Ἐκτὸς ὡς ἀναφέρεται, αἱ ἀκόλουθοι συμφωνίαι δὲν θὰ ἵσχουν ἐν σχέσει μὲ οἰονδήποτε φόρου, δι' οἰονδήποτε ἐδάφος εἰς τὸ ὅποιον ἔχει ἐφαρμογὴν ἡ παροῦσα Σύμβασις, δι' οἰονδήποτε ἔτος ἡ χρονικὸν διάστημα κατὰ τὸ ὅποιον ἵσχει ἡ Σύμβασις ὡς πρὸς τὸν φόρον αὐτόν, ἥτοι :

(α) Ἡ συμφωνία τῆς 31ης Ιουλίου 1929 μεταξὺ τῆς Κυβερνήσεως τῆς Α. Μεγαλειότητος ἐν τῷ Ἡνωμένῳ Βασίλειο καὶ τῆς Ἑλληνικῆς Κυβερνήσεως διὰ τὴν ἀμοιβαίκην ἀπαλλαγὴν τῶν κερδῶν τῆς ναυτιλίας ἀπὸ τὸν φόρον εἰσοδήματος κ.λ.π.

(β) Ἡ συμφωνία τῆς 17ης Σεπτεμβρίου 1936 μεταξὺ τῆς Κυβερνήσεως τῆς Α. Μεγαλειότητος ἐν τῷ Ἡνωμένῳ Βασίλειο καὶ τῆς Ἑλληνικῆς Κυβερνήσεως διὰ τὴν ἀμοιβαίκην ἀπαλλαγὴν ἀπὸ τὸν φόρον εἰσοδήματος ὡρισμένων κερδῶν ἡ ὀψελεῖδην πρωτηκτονισμόν μέσων ἀντιπροσωπευσίας.

(γ) Ἡ συμφωνία ἡ γενομένη διὰ τῆς Ἀνταλλαγῆς Διακοινώσεων ἡμερομηνίας 16ης Νοεμβρίου 1950, μεταξὺ τῆς Κυβερνήσεως τοῦ Ἡνωμένου Βασίλειου καὶ τῆς Ἑλληνικῆς Κυβερνήσεως διὰ τὴν ἀμοιβαίκην ἀπαλλαγὴν κερδῶν ἐξ ἀεροποριῶν μεταφορῶν ἀπὸ τὸν φόρον εἰσοδήματος ἀλπ. ἐκτὸς τῆς παραγράφου 6 καὶ καθ' ὃ μέρος ἡ Συμφωνία ὡστῇ εἶναι ἀναγκαία διὰ τὴν ἐφαρμογὴν τῆς παραγράφου ταύτης.

#### "Ἀρθρον XIX"

(1) Ἡ παροῦσα Σύμβασις κυρωθήσεται καὶ τὰ ἔγγραφα κυρώσεως θέλουν ἀνταλλαγῆς ἐν Λουδίνῳ ἢσσον τὸ δυνατὸν ταχύτερον.

(2) Ἡ παροῦσα Σύμβασις θὰ ἵσχει ἀπὸ τῆς ἀνταλλαγῆς τῶν κυρώσεων.

#### "Ἀρθρον XX"

"Αμαὶ ὡς τεθῇ ἐν ισχύι ἡ παροῦσα Σύμβασις συμφώνως πρὸς τὸ ἀρθρον XIX καὶ διατάξεις τῆς Συμβάσεως θέλουν ἵσχυση :

(α) ἐν τῷ Ἡνωμένῳ Βασίλειῳ :

Ὦς πρὸς τὸν φόρον εἰσοδήματος, δι' οἰονδήποτε ἔτος βεβαιώσεως ἀρχόμενον κατὰ ἡ μετὰ τὴν 6ην Ἀπριλίου 1952.

Ὦς πρὸς τὸν πρόσθετον φόρον, δι' οἰονδήποτε ἔτος βεβαιώσεως ἀρχόμενον κατὰ ἡ μετὰ τὴν 6ην Ἀπριλίου 1951 καὶ

Ὦς πρὸς τὸν φόρον κερδῶν καὶ τὸν φόρον ὑπερβατικῶν κεοδῶν διὰ τὰ ἀκόλουθα κέρδη.

(I) Κέρδη προκύπτοντα καθ' οἰονδήποτε φορολογητέαν χρήσιν ἀρχόμενην κατὰ ἡ μετὰ τὴν 1ην Ἀπριλίου 1952.

(II) Κέρδη ἀνήκοντα εἰς τὸν μέρος οἰονδήποτε φορολογητέας γρήσεως, μερικῶς προγενεστέρας καὶ μερικῶς μεταγενεστέρας τῆς ἡμερομηνίας ταύτης, ὃσον εἶναι μεταγενέστερον τῆς ἡμερομηνίας ταύτης.

(III) Τὰ μὴ οὕτω προκύπτοντα καὶ ἀνήκοντα κέρδη ἐν σχέσει μὲ τὰ ὅποια δὲ φόρος εἰσοδήματος ἐπιβάλλεται, ἡ θὰ ἐπεβάλλετο, ἀλλ' δεν ὑφίστατο ἡ Σύμβασις, δι' οἰονδήποτε ἔτος βεβαιώσεως ἀρχόμενον κατὰ ἡ μετὰ τὴν 6ην Ἀπριλίου 1952.

(β) Ἐν τῷ Ἑλλάδι :

Ἐις τὴν περίπτωσιν εἰσοδήματος κτιωμένου ὑπὸ Ἑταιρείας, ὡς πρὸς τὸν φόρον εἰσοδήματος δι' οἰονδήποτε δικηγοριστικὸν ἔτος λῆγον μετὰ τὴν 1ην Μαρτίου 1951.

11. Εἰς τὰς ἀλλας περιπτώσεις, ὡς πρὸς τὸν φόρον ἐπὶ τοῦ εἰσοδήματος τοῦ φορολογητέου καθ' οἰονδήποτε φορολογικὸν ἔτος ἀρχόμενον κατὰ ἡ μετὰ τὴν 6ην Ιουλίου 1952.

#### "Ἀρθρον XXI"

"Ἡ παροῦσα Σύμβασις, θὰ ἔξαπολουθήσῃ, ἵσχυση αἴπερ διάτεστον τῶν Συμβαλλομένων θὰ δύναται νὰ δώσῃ, κατὰ τὴν ἡ πρὸ τῆς 30ης Ιουνίου οἰονδήποτε ἡμερολογιακοῦ ἔτους μὴ προγενεστέρου τοῦ ἔτους 1956, εἰς τὸ ἔτον Συμβαλλόμενον Μέρος διὰ τῆς διπλωματικῆς, ὅδοι, ἔγγραφων προειδοποίησιν τερματισμοῦ καὶ ἐν τῇ περιπτώσει ταύτη, ἡ Σύμβασις θέλει πανήση ἵσχυσουσα.

(α) Ἐν τῷ Ἡνωμένῳ Βασίλειῳ :

Ὦς πρὸς τὸν φόρον εἰσοδήματος δι' οἰονδήποτε ἔτος βεβαιώσεως ἀρχόμενον κατὰ ἡ μετὰ τὴν 6ην Ἀπριλίου τοῦ ἡμερολογιακοῦ ἔτους τοῦ ὀμέσως ἐπομένου ἐκείνου καθ' ὁ δέδηλη ἡ προειδοποίησις.

Ὦς πρὸς τὸν πρόσθετον φόρον, δι' οἰονδήποτε ἔτος βεβαιώσεως ἀνηρχόμενον κατὰ ἡ μετὰ τὴν 6ην Ἀπριλίου τοῦ ἡμερολογιακοῦ ἔτους τοῦ ὀμέσως ἐπομένου ἐκείνου καθ' ὁ δέδηλη ἡ προειδοποίησις.

Ὦς πρὸς τὸν φόρον κερδῶν καὶ τὸν φόρον ὑπερβατικῶν κερδῶν διὰ τὰ ἀκόλουθα κέρδη.

(I) Κέρδη προκύπτοντα καθ' οἰονδήποτε φορολογητέαν χρῆσιν ἀρχόμενην κατὰ ἡ μετὰ τὴν 1ην Ἀπριλίου τοῦ ἔτους τοῦ ὀμέσως ἐπομένου ἐκείνου καθ' ὁ δέδηλη ἡ προειδοποίησις.

(II) Κέρδη ἀνήκοντα εἰς τόσον μέρος οἰασδήποτε φορολογητέας χρήσεως, μερικῶς προγενεστέρας καὶ μερικῶς μεταγενεστέρας τῆς ἡμερομηνίας ταύτης, ὅσον εἶναι μεταγενέστερον τῆς ἡμερομηνίας ταύτης.

(III) Τὰ μὴ οὔτω προκύπτοντα ἢ ἀνήκοντα κέρδη ἐν σχέσει μὲ τὰ ὅποια ἐπιβάλλεται φόρος εἰσοδήματος καθ' οἰονδήποτε ἔτος βεβαιώσεως ἀρχόμενον κατὰ ἢ μετὰ τὴν δην. Ἀπριλίου τοῦ ἀμέσως ἐπομένου ἡμερολογιακοῦ ἔτους.

(β) 'Ἐν Ἑλλάδι:

(I) Εἰς τὴν περίπτωσιν εἰσοδήματος κτωμένου ὑπὸ ἐταιρείας ὡς πρὸς τὸν φόρον εἰσοδήματος δὲ οἰονδήποτε διαχειριστικοῦ ἔτος λῆγον μετὰ τὴν 1ην Μαρτίου τοῦ ἡμερολογιακοῦ ἔτους καθ' ὃ ἐδόθη ἢ προειδοποίησις.

(II) Εἰς τὰς ἄλλας περιπτώσεις, ὡς πρὸς τὸν φόρον τοῦ εἰσοδήματος τοῦ φορολογητέου καθ' οἰονδήποτε φο-

ρολογικὸν ἔτος ἀρχόμενον κατὰ ἢ μετὰ τὴν 1ην Ἰουλίου τοῦ ἡμερολογιακοῦ ἔτους τοῦ ἀμέσως ἐπομένου ἐκείνου καθ' ὃ ἐδόθη ἢ προειδοποίησις.

'Ἐφ' ὃ οἱ κάτωθι ὑπογραφόμενοι δεόντως ἔξουσιοδοτημένοι ὑπὸ τῶν Κυβερνήσεών των, ὑπέγραψαν τὴν παρούσαν Σύμβασιν καὶ ἔθεσαν εἰς αὐτὴν τὰς σφραγίδας των.

'Ἐγένετο εἰς διπλοῦν ἐν Ἀθήναις σήμερον τὴν 25ην ἡμέραν τοῦ Ἰουνίου τοῦ γηλιοστοῦ ἐννεακοσιοστοῦ πεντηκοστοῦ τρίτου ἔτους εἰς τὴν Ἀγγλικὴν καὶ Ἑλληνικὴν, ἀμφότερων τῶν κειμένων ὅντων ἐξ Ἰσοῦ αὐθεντικῶν.

Διὰ τὴν Κυβέρνησιν

τῆς Ἑλλάδος

Διὰ τὴν Κυβέρνησιν τοῦ  
Ἡνωμένου Βασιλείου τῆς Μεγάλης  
Βρεταννίας καὶ Βορείου Ἰρλανδίας

ΣΤ. ΣΤΕΦΑΝΟΠΟΥΛΟΣ CHARLES PEAKE

## CONVENTION

Between the government of the United Kingdom of great Britain and Northern Ireland and the Government of the Kingdom of Greece for the Avoidance of double Taxation and the Prevention of fiscal evasion with respect to taxes on income

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Greece.

Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,

Have agreed as follows :

### Article I.

1. The taxes which are the subject of the present Convention are :

a) in Greece :

the income tax, including the schedular or analytical tax, and the complementary tax (hereinafter referred to as «Greek Tax»)

b) In the United Kingdom of Great Britain and Northern Ireland :

The income tax (including surtax) the profits tax and the excess profits levy (hereinafter referred to as «United Kingdom Tax»).

2. The present Convention shall also apply to any other taxes of a substantially similar character imposed in Greece or the United Kingdom subsequently to the date of signature of the Convention.

### Article II.

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

a) The term «United Kingdom »means Great Britain and Northern Ireland, excluding the Channel Islands and Isle of Man ;

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

c) The term «one of the territories» and the «other territory» mean the United Kingdom or Greece as the context requires;

d) The term «tax» means United Kingdom tax or Greek tax, as the context requires ;

e) The term «person» includes any body of persons, corporate or not corporate ;

f) The term «company» means any body corporate ;

g) The terms «resident of the United Kingdom» and «resident of Greece» mean respectively any person who is resident in the United Kingdom for the purposes of United Kingdom tax and not domiciled or resident in Greece for the purposes of Greek tax, and any per-

son who is domiciled or resident in Greece for the purposes of Greek tax and not resident in the United Kingdom for the purposes of United Kingdom tax ; and a company shall be regarded as resident in the United Kingdom if its business is managed and controlled in the United Kingdom and as resident in Greece if its business is managed and controlled in Greece ;

h) The terms «resident of one of the territories» and «resident of the other territory» mean a person who is a resident of the United Kingdom or a person who is a resident of Greece as the context requires ;

i) The terms «United Kingdom enterprise» and «Greek enterprise» mean respectively an industrial or commercial enterprise or undertaking carried on by a resident of the United Kingdom and an industrial or commercial enterprise or undertaking carried on by a resident of Greece, and the terms «enterprise of one of the territories» and «enterprise of the other territory» mean a United Kingdom enterprise or a Greek enterprise, as the context requires ;

j) The term «industrial or commercial profits» includes profits from mining and farming and rents or royalties in respect of cinematograph films ;

k) The term «permanent establishment», when used with respect to an enterprise of one of the territories, means a branch, (management), factory, or other fixed place of business, and a farm, mine, quarry or other place of natural resources subject to exploitation but does not include an agency unless the 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 its behalf.

In this connection-

i) An enterprise of one of the territories shall not be deemed to have a permanent establishment in the other territory merely because it carries on business dealings in that other territory through a bona fide broker or general commission agent acting in the ordinary course of his business as such ;

ii) The fact that an enterprise on one of the territories maintains in the other territory a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute that fixed place of business a permanent establishment of the enterprise ;

iii) The fact that a company which is a resident of one of the territories has a subsidiary company which is a resident of the other territory or which carried on a trade or business in that other territory (whether

through a permanent establishment or otherwise) shall not of itself constitute that subsidiary company a permanent establishment of its parent company.

DL 2. Where the present Convention provides that income from a source in one of the territories shall be exempt from tax in that territory if (with or without other conditions) it is subject to tax in the other territory, and under the law in force in that other territory the said income is subject to tax by reference to the amount thereof which is remitted to or received in that other territory and not by reference to the full amount thereof then the exemption to be allowed under the convention in the first territory shall apply only to so much of the income as is remitted to or received in that other territory.

3. In the application of the provisions of the present Convention by either Contracting Party any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws in force in the territory of that Party relating to the taxes which are the subject of Convention.

### Article III

1. The industrial or commercial profits of a United Kingdom enterprise shall not be subject to Greek tax unless the enterprise carries on a trade or business in Greece through a permanent establishment situated therein. If it carries on a trade or business as aforesaid, tax may be imposed on those profits by Greece, but only on so much of them as is attributable to that permanent establishment.

2. The industrial or commercial profits of a Greek enterprise shall not be subject to United Kingdom tax unless the enterprise carries on a trade or business in the United Kingdom through a permanent establishment situated therein. If it carries on a trade or business as aforesaid, tax may be imposed on those profits by the United Kingdom but only on so much of them as is attributable to that permanent establishment.

3. Where an enterprise of one of the territories carries on a trade or business in the other territory through a permanent establishment situated therein, there shall be attributed to that permanent establishment the industrial or commercial profits which it might be expected to derive in that other territory 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.

4. Where an enterprise of one the territories derives profits, under contracts concluded in that territory, from sales of goods or merchandise stocked in a warehouse in the other territory for convenience of delivery and not for purposes of display, these profits shall not be attributed to a permanent establishment of the enterprise in that other territory, notwithstanding that the offers of purchase have been obtained by an agent in that other territory and transmitted by him to the enterprise for acceptance.

5. No portion of any profits arising to an enterprise of one of the territories shall be attributed to a permanent establishment situated in the other territory by reason of the mere purchase of goods or merchandise within that other territory by the enterprise.

### Article IV

#### Where

a) an enterprise of one of the territories participates directly or indirectly in the management, control or capital of an enterprise of the other territory,  
or

b) the same persons participate directly or indire-

ctly in the management, control or capital of an enterprise of one or the territories and an enterprise of the other territory, 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 V

1. Notwithstanding the provisions of article III and IV, profits which a resident of the United Kingdom derives from operating ships whose port of registry is in the United Kingdom, or from operating aircraft, shall be exempt from Greek tax.

2. Notwithstanding the provisions of Articles III and IV, profits which a resident of Greece derives from operating ships whose port of registry is in Greece, or from operating aircraft, shall be exempt from United Kingdom tax.

### Article VI

1. Any interest or royalty derived from sources within one of the territories by a resident of the other territory, who is subject to tax in that other territory in respect thereof and does not carry on a trade or business in the first territory through a permanent establishment situated, therein, shall be exempt from tax in that first territory.

2. In this Article the term «interest» includes interest on a debenture or any other form of indebtedness, secured or unsecured; and the term «royalty» means any royalty or other amount paid as consideration for the use of, or for the privilege of using, any copyright, patent, design, secret process or formula, trade-mark or other like property but does not include any royalty or other amount paid in respect of the operation of a mine or quarry or of any other extraction of natural resources.

3. Where any interest or royalty exceeds a fair and reasonable consideration in respect of the indebtedness or rights for which it is paid, the exemption provided by this Article shall apply only to so much of the interest or royalty as represents such fair and reasonable consideration.

4. Any capital sum derived from sources within one of the territories from the sale of patent rights by a resident of the other territory, who does not carry on a trade or business in the first territory through a permanent establishment situated therein shall be exempt from tax in that first territory.

### Article VII

A resident of one of the territories who does not carry on a trade or business in the other territory through a permanent establishment situated therein shall be exempt in that other territory from any tax on gains from the sale, transfer, or exchange of capital assets.

### Article VIII

1. Remuneration, including pensions paid by, or out of funds created by, one Contracting party to any individual in respect of services rendered to that party in the discharge of governmental functions shall be exempt from tax in the territory of the other Contracting Party, unless the individual is a national of that other Party without being also a national of the first Party.

2. The provisions of this Article shall not apply to payments in respect of services rendered in conne-

xion with any trade or business carried on by either Contracting Party for purposes of profit.

#### Article IX

1. An individual who is a resident of the United Kingdom shall be exempt from Greek tax on profits or remuneration in respect of personal (including professional) services performed within Greece in any year of assessment if

a) He is present within Greece for a period or periods not exceeding in the aggregate 183 days during that year, and

b) the services are performed for or on behalf of a resident of the United Kingdom, and

c) the profits or remuneration are subject to United Kingdom tax.

2. An individual who is a resident of Greece shall be exempt from United Kingdom tax on profits or remuneration in respect of personal (including professional) services performed within the United Kingdom in any year of assessment, if

a) he is present within the United Kingdom for a period or periods not exceeding in the aggregate 183 days during that year, and

b) the services are performed for or on behalf of a resident of Greece, and

c) the profits or remuneration are subject to Greek tax.

3. The provisions of this Article shall not apply to the profits or remuneration of public entertainers such as theatre, motion picture or radio artists, musicians and athletes.

#### Article X

1. Any pension (other than a pension of the kind referred to in paragraph (1) of Article VIII) and any annuity, derived from sources within Greece by an individual who is a resident of the United Kingdom and subject to United Kingdom tax in respect thereof, shall be exempt from Greek tax.

2. Any pension (other than a pension of the kind referred to in paragraph (1) of Article VIII) and any annuity derived from sources within the United Kingdom by an individual who is a resident of Greece and subject to Greek tax in respect thereof, shall be exempt from United Kingdom tax.

3. The term «annuity» means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

#### Article XI

A professor or teacher from one of the territories, who receives remuneration for teaching, during a period of temporary residence not exceeding two consecutive years, at a university, college, school or other educational institution in the other territory, shall be exempt from tax in that other territory in respect of that remuneration.

#### Article XII

A student or business apprentice from one of the territories, who is receiving full-time education or training in the other territory, shall be exempt from tax in that other territory on payments made to him by persons in the first territory for the purposes of his maintenance, education or training.

#### Article XIII

1. Individuals who are residents of Greece shall be entitled to the same personal allowances, reliefs and reductions for the purposes of United Kingdom

income tax as British subjects not resident in the United Kingdom.

2. Individuals who are residents of the United Kingdom shall be entitled to the same personal allowances and reliefs for the purposes of Greek nationals not resident in Greece.

#### Article XIV

1. The laws of the Contracting Parties shall continue to govern the taxation of income arising in either of the territories, except where express provision to the contrary is made in the present Convention. Where income is subject to tax in both territories, relief from double taxation shall be given in accordance with the following paragraphs of this Article.

2. Subject to the provisions of the law of the United Kingdom regarding the allowance as a credit against United Kingdom tax of tax payable in a territory outside the United Kingdom, Greek tax payable, whether directly or by deduction, in respect of income from sources within Greece shall be allowed as a credit against the United Kingdom tax payable in respect of that income.

3. Subject to the provisions of the law of Greece regarding the allowance as a credit against Greek tax of tax payable in a territory outside Greece, United Kingdom tax payable, whether directly or by deduction, in respect of income from sources in the United Kingdom shall be allowed as a credit against any Greek tax payable in respect of that income. Where such income is an ordinary dividend paid by a company resident in the United Kingdom, the credit shall take into account, in addition to the United Kingdom tax appropriate to the dividend, the United Kingdom tax payable by the Company on the corresponding part of its profits; and where it is a dividend paid on participating preference shares and representing both a dividend at the fixed rate to which the shares are entitled and an additional participation in profits the United Kingdom tax so payable shall likewise be taken into account in-so-far as the dividend exceeds that fixed rate.

Provided that the amount of the credit shall not exceed the amount of the Greek tax charged in respect of that income.

4. For the purposes of this Article, profits or remuneration for personal (including professional) services performed in one of the territories shall be deemed to be income from sources within that territory, and the services of an individual whose services are wholly or mainly performed in ships or aircraft operated by a resident of one of the territories shall be deemed to be performed in that territory.

#### Article XV

1. The taxation authorities of the Contracting Parties shall exchange such information (being information which is at their disposal under their respective taxation laws in the normal courses of administration) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or for the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than those concerned with the assessment and collection of the taxes which are the subject of the Convention. No information as aforesaid shall be exchanged which would disclose any trade, business, industrial or professional secret or trade process.

2. As used in this Article, the term «taxation auth-

ties» means, in the case of the United Kingdom, the Commissioners of Inland Revenue or their authorised representative ; in the case of Greece, the Director-General of taxes or his authorised representative ; and, in the case of any territory to which the present Convention is extended under Article XVII, the competent authority for the administration in such territory of the taxes to which the Convention applies.

#### Article XVI

1. The nationals of one Contracting Party shall not be subjected in the territory of the other Contracting Party to any taxation or any requirement connected therewith which is other, higher, or more burdensome than the taxation and connected requirements to which the nationals of the latter Party are or may be subjected.

2. The enterprises of one of the territories, whether carried on by a company, a body of persons or by individuals alone or in partnership, shall not be subjected in the other territory, in respect of profits or capital attributable to their permanent establishments in that other territory, to any taxation which is other, higher or more burdensome than the taxation to which the enterprises of that other territory similarly carried on are or may be subjected in respect of the like profits or capital.

3. The income, profits and capital of an enterprise of one of the territories, the capital of which is wholly or partly owned or controlled directly or indirectly, by a resident or residents of the other territory shall not be subjected in the first territory to any taxation which is other, higher or more burdensome than the taxation to which other enterprises of that first territory are or may be subjected in respect of the like income, profits and capital.

4. Nothing in paragraph (1) or paragraph (2) of this Article shall be construed as obliging one Contracting Party to grant to nationals of the other Contracting Party who are not resident in the territory of the former Party the same personal allowances, reliefs and reductions for tax purposes as are granted to its own nationals.

5. In this Article the term «nationals» means  
a) in relation to Greece, all individuals having Greek nationality in accordance with Greek law and all legal persons established under the laws of Greece ;

b) in relation to the United Kingdom, all British subjects and British protected persons

i) residing in the United Kingdom or any British territory to which the present Convention is extended under Article XVII, or

II. deriving their status as such from connexion with the United Kingdom or any British territory to which the present Convention is extended under Article XVII, and all legal persons, partnerships, associations and other entities deriving their status as such from the law in force in any British territory to which the Convention applies

6. In this Article the term «taxation» means taxes or every kind and description levied on behalf of any authority whatsoever.

#### Article XVII

1. The present Convention may be extended, either in its entirety or with modifications to any territory for whose international relations the United Kingdom is responsible and which imposes taxes substantially similar in character to those which are the subject of the Convention, and any such extension shall have effect from such date and subject to such modifications and conditions (including conditions as to termination) as may be specified and agreed between

the Contracting Parties in notes to be exchanged for this purpose.

2. The termination in respect of Greece or the United Kingdom of the present Convention under Article XXI shall, unless otherwise expressly agreed by the Contracting Parties, terminate the application of the Convention to any territory to which it has been extended under this Article.

#### Article XVIII

Except as indicated, the following agreements shall not have any effect in relation to any tax, in respect of any territory to which the present Convention applies, for any year or period for which the Convention has effect as respect that tax, that is to say :

a) The Agreement of 31st July, 1929, between His Majesty's Government in the United Kingdom and the Greek Government for the reciprocal exemption of shipping profits from income tax, etc..

b) The Agreement of 17th September 1936, between His Majesty's Government in the United Kingdom and the Government of Greece for the reciprocal exemption from income tax of certain profits or gains arising through an Agency.

c) The Agreement constituted by Exchange of Notes dated 16th November 1950, between the Government of the United Kingdom and the Government of the Kingdom of Greece for the reciprocal exemption of air transport profits from income tax, etc. except paragraph 6 and except so far as is required for the purpose of that paragraph.

#### Article XIX

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

2. The present Convention shall enter into force upon the exchange of ratifications.

#### Article XX

Upon the entry into force of the present Convention in accordance with Article XIX, the provisions shall have effect :

a) In the United Kingdom : as respects income tax for any year of assessment beginning on or after the 6th April, 1952 ; as respects surtax for any year of assessment beginning on or after the 6th April, 1951 ; and as respects profits tax and the excess profits levy in respect of the following profits

i) profits arising in any chargeable accounting period beginning on or after the 1st April, 1952 ;

ii) profits attributable to so much of any chargeable accounting period falling partly before and partly after that date as falls after that date :

iii) profits not so arising or attributable by reference to which income tax is, or but for the Convention would be, chargeable for any year of assessment beginning on or after the 6th April, 1952.

b) In Greece :

i) in the case of income arising to a company, as respects tax on income for any accounting year ending after 1st March, 1951 ;

ii) in other cases, as respect tax on income taxable for any fiscal year beginning on or after 1st July, 1952,

#### Article XXI

The present Convention shall continue in force indefinitely but either Contracting Party may, on or before the 30th June in any calendar year not earlier than the year, 1956, give to the other Contracting Party, through the diplomatic channel, written notice of termination and, in such event, the Convention shall cease to be effective.

a) In the United Kingdom as respects income tax for any year of assessment beginning on or after the 6th April in the calendar year next following that in which the notice is given; as respects surtax for any year of assessment beginning on or after the 6th April in the calendar year in which the notice is given; and as respects profits tax and the excess profits levy in respect of the following profits.

i) profits arising in any chargeable accounting period beginning on or after the 1st April in the calendar year next following that in which the notice is given;

ii) profits attributable to so much of any chargeable accounting period falling partly before and partly after that date as falls after that date;

iii) profits not so arising or attributable by reference to which income tax is chargeable for any year of assessment beginning on or after the 6th April in the next following calendar year;

b) In Greece:

i) in the case of income arising to a company, as

respects tax on income for any accounting year ending after 1st March in the calendar year in which the notice is given;

16. in other cases, as respects tax on income taxable for any fiscal year beginning on or after 1st July in the calendar year next following that in which the notice is given.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed the present Convention and have affixed thereto their seals.

Done in duplicate at Athens on the 25th day of June. One thousand nine hundred and fifty three, in the English and Greek languages, both texts being equally authoritative.

For the Government of the United Kingdom of Great Britain and Northern Ireland	For the Government of Greece
Charles Peake	S. Stephanopoulos

(2)

## ΝΟΜΟΘ. ΔΙΑΤΑΓΜΑ ίπ' ἡρ. 2734.

Περὶ κυρώσεως φορολογικῆς συμβάσεως μεταξὺ Ελλάδος καὶ Ηνωμένων Πολιτειῶν τῆς Αμερικῆς «περὶ ἀποφυγῆς τῆς διπλῆς φορολογίας καὶ ἀποισοπῆς τῆς φορολογικῆς διαφυγῆς ἐν σχέσει πρὸς τοὺς φόρους ἐπὶ τῷ περιουσιῶν ἀποβιωσάντων προσώπων».

**Π Α Υ Λ Ο Σ**  
**ΒΑΣΙΛΕΥΣ ΤΩΝ ΕΛΛΗΝΩΝ**

Ἐχοντες ὅπ' ὅψει τὰς διατάξεις τοῦ ἔρθρου 35 τοῦ Συντάγματος καὶ τὴν ἀπὸ 20 Οκτωβρίου 1953 σύμφωνον γνωμην τῆς κατὰ τὴν παράγραφον 2 τοῦ αὐτοῦ ἔρθρου 35 Εἰδήσης Ἐπιτροπῆς ἐκ Βουλευτῶν, προτάσει τοῦ Ἡμετέρου Υπουργικού Συμβουλίου, ἀπεφασίσαμεν καὶ διατάσσομεν:

”Ἄρθρον μόνον.

1. Κυροῦται καὶ ἔχει πλήρη καὶ νόμιμον ἰσχὺν ἡ ὡς κάτωθι καὶ ἐν Ἀθήναις ὑπογραφεῖσα τῇ 20ῃ Φεβρουαρίου 1950 σύμβασις μεταξὺ Ελλάδος καὶ Ηνωμένων Πολιτειῶν τῆς Αμερικῆς «περὶ ἀποφυγῆς τῆς διπλῆς φορολογίας καὶ ἀποτροπῆς τῆς φορολογικῆς διαφυγῆς ἐν σχέσει πρὸς τοὺς φόρους ἐπὶ τῶν περιουσιῶν ἀποβιωσάντων προσώπων» μετὰ τοῦ ὡς κάτωθι καὶ ἐν Ἀθήναις τὴν 18ην Ιουλίου 1953 ὑπογράφεντος συμπληρωματικοῦ σύντης πρωτοκόλλου, ὃν τὸ κεί-

μενον ἔπειτα εἰς τὴν ἐλληνικὴν καὶ τὴν ἀγγλικήν, ἀμφοτέρων τῶν κειμένων ὄντων ἐξ οὗ αὐθεντικῶν.

2. Ἡ ἴσχυς τῆς συμβάσεως ἀρχεται ἀπὸ τῆς ἡμέρας τῆς ἀνταλλαγῆς τῶν σχετικῶν χυρωτικῶν ἐγγράφων.

Ἐν τῇ Β. Ἐλληνικῇ Ηρεσείᾳ Οικανικτῶνος 31 Οκτωβρίου 1953

**ΠΑΥΛΟΣ****B.**

ΤΟ ΥΠΟΥΡΓΙΚΟΝ ΣΥΜΒΟΥΛΙΟΝ

Ο ΠΡΟΕΔΡΟΣ

**ΑΛΕΞΑΝΔΡΟΣ ΠΑΠΑΓΟΣ****ΤΑ ΜΕΑΝΗ**

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Ἐμεωρήθη καὶ ἐτένη ἡ μεγάλη τοῦ Κράτους σφραγίς.

Ἐν Ἀθήναις τῇ 12 Νοεμβρίου 1953

Ο ΕΠΙ ΤΗΣ ΔΙΚΑΙΟΣΥΝΗΣ ΥΠΟΥΡΓΟΣ

**Δ. ΜΠΑΜΠΑΚΟΣ**

## ΣΥΜΒΑΣΙΣ

Μεταξύ τοῦ Ἑλληνικοῦ Βασιλείου καὶ τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς διὰ τὴν ἀποφυγὴν διπλῆς φορολογίας καὶ τὴν ἀποτροπὴν φορολογικῆς διαφυγῆς ἐν σχέσει πρὸς τοὺς φόρους ἐπὶ τῶν περιουσιῶν ἀποθισάντων προσώπων.

Ἡ Κυβέρνησις τοῦ Βασιλείου τῆς Ἐλλάδος καὶ ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἐπιθυμοῦσαι νὰ συγνάψουν Σύμβασιν ἀποσκοποῦσαν τὴν ἀποφυγὴν τῆς διπλῆς φορολογίας καὶ τὴν ἀποτροπὴν τῆς φορολογικῆς διαφυγῆς ἐν σχέσει πρὸς τοὺς φόρους ἐπὶ τῶν περιουσιῶν ἀποθισάντων προσώπων, διώρισκαν πρὸς τὸν σκοπὸν τούτον ὡς πληρεξουσίους τῶν:

Ἡ Κυβέρνησις τοῦ Βασιλείου τῆς Ἐλλάδος, τὴν Α. Ε. τὸν κ. Παναγιώτην Πιπινέλην ἐπὶ τῶν Ἐξωτερικῶν Ὑπουργόν καὶ ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς τὴν Λ. Ε. τὸν κ. Henry F. Grady, Πρεσβευτὴν τῶν Ἡνωμένων Πολιτειῶν ἐν Ἐλάδῃ, οἱ ὄποιοι, ἐπιδείξαντες τὰ σχετικὰ πληρεξούσιά των, εὑρεθέντα ἐν ἀπολύτῳ τάξει, συνεφώνησαν ὡς ἀκολούθως:

"Ἄρθρον I.

(1) Οἱ φόροι οἱ ὄποιοι ἀποτελοῦν τὸ ἀντικείμενον τῆς παρούσης Συμβάσεως εἰναῖς:

α) Διὰ τὰς Ἡνωμένας Πολιτείας, δὲ Ὁμοσπονδιακὸς φόρος ἐπὶ τῶν κληρονομιῶν, καὶ

β) Διὰ τὸ Βασίλειον τῆς Ἐλλάδος, δὲ φόρος ἐπὶ τῶν κληρονομιῶν.

(2) Ἡ παροῦσα Σύμβασις συνάπτεται μὲ βάσιν τοὺς ἐν Ἰσχύi νόμους τῶν Ἡνωμένων Πολιτειῶν καὶ τῆς Ἐλλάδος κατὰ τὴν ἡμέραν τῆς ὑπογραφῆς τῆς. Ἐπομένως, ἀν οἱ νόμοι οὗτοι ξθελον τροποποιηθῇ αἰσθητῶς, αἱ ἀρμόδιαι ἀρχαὶ τῶν δύο Κρατῶν θὰ συνενοοῦνται μεταξὺ τῶν πρὸς τὸν σκοπὸν δπῶς προσαρμόσουν τὰς διατάξεις τῆς παρούσης Συμβάσεως εἰς τὰς τοιαύτας μεταβολάς.

"Ἄρθρον II.

(1) Ἐν τῇ παρούσῃ Συμβάσει:

α) Ὁ δρος «Ἡνωμέναι Πολιτεῖαι» ὑποδηλοῦ τὰς Ἡνωμένας Πολιτείας τῆς Ἀμερικῆς καὶ διὰ τὴν ἐφαρμογὴν τῆς παρούσης Συμβάσεως, περιλαμβάνει τὰς Πολιτείας, τὰ ἐδάφη τῆς Ἀλάσκας καὶ Χαβάη καὶ τὸ Διαμέρισμα τῆς Κολομβίας.

β) Ὁ δρος «Ἐλλάς» ὑποδηλοῦ τὰ ἐδάφη τοῦ Βασίλειον τῆς Ἐλλάδος.

γ) Ὁ δρος «φόρος» ὑποδηλοῦ τὸν Ἐλληνικὸν φόρον ἐπὶ τῶν κληρονομιῶν, ἢ τὸν Ὁμοσπονδιακὸν φόρον τῶν Ἡνωμένων Πολιτειῶν ἐπὶ τῶν κληρονομιῶν, ὡς ἡ ἔννοια τοῦ κειμένου ἀπαιτεῖ.

δ) Ὁ δρος «ἄρμόδιαι ἀρχαὶ» ὑποδηλοῦ, εἰς τὴν περίπτωσιν τῶν Ἡνωμένων Πολιτειῶν, τὸν Ἐπίτροπον Ἐσωτερικῶν ἐσόδων ἢ τὸν δεόντως ἐξουσιοδοτημένον ἀντιπρόσωπόν του. Εἰς τὴν περίπτωσιν τῆς Ἐλλάδος, τὸν Γενικὸν Διευθυντὴν Ἀμέσων Φόρων ἢ τὸν δεόντως ἐξουσιοδοτημένον ἀντιπρόσωπόν του.

(2) Κατὰ τὴν ἐφαρμογὴν τῶν διατάξεων τῆς παρούσης Συμβάσεως παρ' ἐκατέρου τῶν Συμβαλλομένων Κρατῶν, οἵσαδήποτε δρος ὁ ὄποιος δὲν καθορίζεται ἐν τῇ παρούσῃ Συμβάσει θὰ ἔχῃ, ἐκτὸς ἀν ἡ ἔννοια τοῦ κειμένου ἀλλως ἀπαιτεῖ, τὴν ἔννοιαν ἡ ὄποια δίδεται εἰς τὸν δρον τούτον ὑπὸ τῶν νόμων τοῦ Συμβαλλομένου Κράτους τῶν ἀφορώντων τοὺς φόρους οἱ ὄποιοι ἀποτελοῦν ἀντικείμενον τῆς παρούσης Συμβάσεως.

"Ἄρθρον III.

(1) Ἀκίνητος ἰδιοκτησία κειμένη ἐν Ἐλλάδι δὲν θὰ ὑπόκειται εἰς τοὺς φόρους τοὺς ἐπιβαλλομένους ὑπὸ τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς.

(2) Ἀκίνητος ἰδιοκτησία κειμένη ἐν Ἡνωμέναις Πολιτείαις δὲν θὰ ὑπόκειται εἰς τοὺς φόρους τοὺς ἐπιβαλλομένους ὑπὸ τῆς Ἐλλάδος.

(3) Τὸ ζήτημα κατὰ πόσουν δικαιώματα σχετικὰ μὲ ἀκίνητον ἰδιοκτησίαν ἢ τοιαῦτα ἐξασφαλισθέντα δι' ἀκίνητου ἰδιοκτησίας θέλουσι θεωρηθῆ ὡς ἀκίνητος ἰδιοκτησία διὰ τοὺς σκοποὺς τῆς παρούσης Συμβάσεως, θέλει καθο-

ρισθῆ συμφώνως πρὸς τοὺς νόμους τοῦ ἐπιβάλλοντος τοὺς φύρους Συμβαλλομένου Κράτους.

"Άρθρον IV

(1) Διὰ τοὺς σκοποὺς τῆς παρούσης Συμβάσεως τὸ ζήτημα ἀν ὁ ἀποθισάσας κατώκει ἐν τῷ ἐδάφει ἐνὸς τῶν Συμβαλλομένων Κρατῶν κατὰ τὸν χρόνον τοῦ θανάτου του θέλει καθορισθῆ συμφώνως πρὸς τοὺς ἐδάφει τούτῳ ισχύοντας νόμους.

(2) Προκειμένου περὶ προσώπου κατοικοῦντος, ἐν τῷ ἐδάφει ἐνὸς τῶν Συμβαλλομένων Κρατῶν ὁ τόπος ἐνθα κεῖται οἵσαδήποτε τῶν ἀκολούθων ἰδιοκτησίων ἢ δικαιωμάτων ἐπὶ ἰδιοκτησίας θέλει καθορισθῆ διὰ τὴν ἐπιβολὴν τοῦ φόρου καὶ διὰ τὴν ὑπὸ τοῦ ἀρθρου VI προβλεπομένην ἔκπτωσιν, ἀποκλειστικῶς συμφώνως πρὸς τοὺς ἀκολούθους κανόνας:

α) Στοιχεῖα ἐσωμάτου κινητῆς περιουσίας ἐκτὸς τῶν κατωτέρω καθοριζομένων, ὡς καὶ τὰ τραπεζογραμμάτια καὶ πᾶν ἔτερον εἰδὸς χρημάτων, ἀποτελοῦν νόμιμον μέσον πληρωμῆς ἐπὶ τῷ τόπῳ τῆς ἐιδόσεως ὡς καὶ ἐπιταγαὶ εἰς τὸν κομιστήν, θέλουσι θεωρηθῆ ὡς κείμενα ὅπου φυσικῶς κεῖνται κατὰ τὸν χρόνον τοῦ θανάτου τοῦ ἀποθισάσαντος.

β) Πλοῖα καὶ ἀεροσκάφη θὲωροῦνται ὡς κείμενα ἐπὶ τῷ τόπῳ τῆς ἐδόσεως τῶν συετικῶν ἐγγράφων καταχωρίσεως ἢ ηνολογήσεως τοῦ πλοίου ἢ τοῦ ἀεροσκάφους.

γ) Ὁ «ἀέρας» ἐμπορικὸν οἶκου ἢ ὁ «ἀέρας» ὁ συναφῆς μὲ τὴν ἀσκησιν ἐνὸς τῶν ἐλευθερίων ἐταγγελμάτων θέλει θεωρηθῆ ὡς κείμενος ἐκεῖ ὅπου διεξάγεται ἢ ἐμπορικὴ ἐπιχείρησις ἢ ἐξασκεῖται τὸ ἐπάγγελμα.

δ) Διπλώματα εὑρεσιτεγγίας, ἐμπορικὰ σήματα καὶ σχέδια θέλουσι θεωρηθῆ ὡς κείμενα ἐπὶ τῷ τόπῳ ἐν τῷ ὅποιῳ ἔχονται καταχωριθῆ.

ε) Δικαιώματα πνευματικῆς ἰδιοκτησίας ὡς καὶ δικαιώματα ἢ ἀδειαὶ πρὸς γρηγοριοποίησιν ὑλικοῦ ἀποτελοῦντος τὸ ἀντικείμενον οἴουσδήποτε συγγραφικοῦ δικαιώματος, διπλώματος εὑρεσιτεγγίας, ἐμπορικοῦ σήματος ἢ σχεδίου θέλουσι θεωρηθῆ ὡς κείμενα ἐπὶ τῷ τόπῳ ἐν τῷ ὅποιῳ δύνανται νὰ ἀσκηθῶσιν τὰ ἐξ αὐτῶν προκύπτοντα δικαιώματα.

ζ) Μετοχαὶ Ἐταιρείας (περιλαμβανομένων τῶν μετοχῶν αἵτινες κρατοῦνται πρὸς ἔφελος τοῦ ἀποθισάσαντος ὑπὸ προσώπου οἱστεύντος ὑπ' αὐτοῦ) θέλουσι θεωρηθῆ ὡς κείμεναι ἐπὶ τῷ τόπῳ δυνάμει τῶν νόμων τοῦ ὄποιού ἢ Ἐταιρεία αὕτη ἰδρύθη ἢ ὀργανώθη.

η) Αἱ συναλλαγματικαὶ θεωροῦνται ὡς κείμεναι ἐν τῷ τόπῳ διαμονῆς τοῦ ἀποδέκτου, τὰ δὲ διαπραγματεύσιμα γραμμάτια ἐπὶ τῷ τόπῳ διαμονῆς τοῦ ἐλεύθου καὶ αἱ ἐπιταγαὶ αἱ πληρωτέαὶ εἰς καθωρισμένον πρόσωπον, ἐν τῷ τόπῳ διαμονῆς τοῦ προσώπου τούτου.

θ) Ἀπαιτήσεις ἐξησφαλισμέναι δι' ὑποθήκης ἐπὶ ἀκίνητων ἢ πλοίων θεωροῦνται κείμεναι ὅπου, κατὰ τὰς διατάξεις τῆς παρούσης Συμβάσεως, θεωρεῖται ὅτι κεῖται τὸ ἀκίνητον ἢ τὸ πλοῖον.

ι) Όμολογίαι, καταθέσεις παρὰ Τραπέζαις καὶ ἀποκτήσεις οἵασδήποτε ἀλλης φύσεως, ἐξησφαλισμέναι ἢ μὴ καὶ πᾶν ἔτερον περιουσιακὸν στοιχεῖον μὴ ἀλλως ἀναφερόμενον ἀνωτέρω, θέλουσι θεωρηθῆ ὡς κείμεναι ἐν τῷ Κράτει ἐν τῷ ὅποιῳ ὁ ἀποθισάσας εἰχε τὴν κατοικίαν του κατὰ τὸν χρόνον τοῦ θανάτου του.

"Άρθρον V.

Τὸ Συμβαλλόμενον Κράτος τὸ ἐπιβάλλον τὴν φορολογίαν, προκειμένου περὶ ἀποθισάσαντος ὅστις κατὰ τὸν χρόνον τοῦ θανάτου του δὲν ἔτοι πολίτης ἢ ὑπήκοος τοῦ τοιούτου Συμβαλλομένου Κράτους καὶ δὲν εἶχε τὴν κατοικίαν του ἐν τῷ ἐδάφει τοῦ Κράτους τούτου, ἀλλ ἔτοι πολίτης ἢ ὑπήκοος τοῦ τοιούτου ἐπέρεου Συμβαλλομένου Κράτους ἢ κατώκει ἐν τῷ ἐδάφει τοῦ τοιούτου Συμβαλλομένου Κράτους:

α) Θὲωρηθῆ πᾶσαν ἀλλτασιν, ἀπαλλαγήν, μείωσιν ἢ ἐκπτωσιν (ἐκτὸς τῆς συζυγικῆς ἐκπτωσεως τῆς προβλεπομένης ὑπὸ τοῦ Νόμου Ἐσόδων τῶν Ἡνωμένων Πολιτειῶν τοῦ 1948) ἔτις θὲωρηθῆ ἐφαρμοστέα βάσει τῶν νόμων αὐτοῦ εἰς ὃν περίπτωσιν ὁ ἀποθισάσας κατώκει ἐν τῷ ἐδάφει τοῦ Κράτους τούτου, εἰς ποσὸν μὴ κατώτερον τῆς ἀναλογίας τὴν ὄποιαν ἢ ἀξία τῆς ἰδιοκτησίας, ἔτις κεῖται συμφώνως πρὸς τὸ ζήτημα τούτου Κράτους καὶ δένται τοιούτου Κράτους καὶ δένται τοιούτου Συμβαλλομένου Κράτους.

εις τὸν φόρον τοῦ Κράτους τούτου, ἔχει πρὸς τὴν ἀξίαν τῆς ιδιαιτησίας ἥπις. Θὰ υπέκειτο εἰς τὸν φόρον τοῦ τοιούτου Κοάτους ἐν δὲ ἀποβιώσας κατώκει ἐν τῷ ἐδάφει τούτῳ καὶ

β) δὲν θέλει λάβει ὑπ' ὄψιν κακτὰ τὸν καθορισμὸν τοῦ ποσοῦ ή τοῦ ποσοστοῦ τοῦ φόρου (ἐκτὸς καθ' ὅσον ἀφορεῖ τὸν σκοπὸν τοῦ ἐδαφίου (α) τοῦ παρόντος ἀρθρου καὶ τὸν σκοπὸν οἰωνδήποτε ἐλλων ἀναλόγων ἐκπτώσεων ἐλλως προβλεπομένων) περιουσιακὰ στοιχεῖα κείμενα συμφώνως πρὸς τὸ ἀρθρον IV ἐκτὸς τοῦ ἐδαφίους του.

'Αρθρον VI.

(1) Τό Συμβαλλόμενον Κράτος τό ἐπιβάλλον φόρον εἰς τὴν περίπτωσιν ἀποβιώσαντος προσώπου, τό ὄποιον κατά τὸν χρόνον τοῦ θανάτου του κατώκει ἐν τῷ Κράτει τούτῳ ἢ ἂντο πολίτης ἢ ὑπήκοος τούτου, οὐχ χορηγῇ ἐκ τοῦ φέρου του ἔκπτωσιν διὰ τὸ ποσὸν τοῦ φέρου τοῦ ἐπιβαλλομένου ὑπὸ τοῦ ἑτέρου Συμβαλλομένου Κράτους διὰ περιουσιακὰ στοιχεῖα κείμενα ἐν τῷ ἐδάφει τοῦ ἑτέρου τούτου Συμβαλλομένου Κράτους καὶ περιληφθέντα διὰ φορολογικοὺς οικοποὺς ὅπ' ἀμφοτέρων τῶν Κρατῶν, διὰ τὸ ποσὸν τῆς ἔκπτώσεως δὲν θὰ ὑπερβαίνῃ τὸ τυμῆμα τοῦ φέρου τοῦ ἐπιβληθέντος ὑπὸ τοῦ πρώτου Κράτους τὸ ἀναλογοῦν εἰς τὰ περιουσιακὰ ταῦτα στοιχεῖα. Δὲν θέλει χορηγηθῆ ἔκπτωσις δυνάμει τῆς παρούσης παραγράφου διὰ περιουσιακὰ στοιχεῖα κείμενα ἢ θεωρούμενα ὃς κείμενα εἰς ἀμφότερος τὰ συμβαλλόμενα Κράτη.

(2) Ἐν δὲ ἀποβιωσας θεωρήται ὑφ' ἔκάστου τῶν Συμβαλλομένων Κρατῶν διτὶ κατώκει ἐν τῷ ἰδικῷ του ἐδίκτει κατὰ τὸν χρόνον τοῦ θανάτου του, ἔκαστον Κράτος θέλει γοργήστη ἔκπτωσιν ἔναντι τοῦ φόρου του διὰ τὸ μέρες τοῦ φόρου τοῦ ἐπιβληθέντος ὑπὸ τοῦ ἑτέρου Κράτους διὰ περιουσιακὰ στοιχεῖα περιληφθέντα διὰ φορολογικούς σκοπούς ὑπὸ ἀμφοτέρων τῶν Κρατῶν καὶ κείμενα ἡ θεωρούμενα ὡς κείμενα ἐκτὸς ἀμφοτέρων τῶν ἐδαφῶν. Ἡ ὑπὸ τῆς περιούσης παραγράφου ἐπιτρεπομένη ἔκπτωσις θὰ είναι ἵση πρὸς τὸ ποσὸν τοῦ φόρου τοῦ ἐπιβληθέντος διὰ τὰ τοιαῦτα περιουσιακὰ στοιχεῖα ὑπὸ τοῦ ἐπιβλέποντος τὸν μικρότερον φόρον Κράτους, καὶ θέλει διαμοιρασθῆ μεταξὺ τῶν δύο Κρατῶν κατ' ἀναλογίαν τοῦ ποσοῦ τοῦ φόρου τοῦ ἐπιβληθέντος ὑφ' ἔκάστου τῶν δύο Συμβαλλομένων Κρατῶν διὰ τὰ τοιαῦτα περιουσιακὰ στοιχεῖα.

(3) Διὰ τοὺς σκοποὺς τοῦ παρόντος ἀρθρου τὸ ποσὸν τοῦ φόρου ἑκάστου τῶν Συμβαλλομένων Κρατῶν τὸ ἀναλογοῦν εἰς οἰονδήποτε καθωρισμένον περιουσιακὸν στοιχεῖον θὰ καθορίζεται ἀφοῦ ληφθῇ ὅπ' ὅψει πᾶσα ἐπ' αὐτοῦ ἔφερμοζομένη ἐλάπτωσις, ἔκπτωσις, ἀπαλλαγὴ, μείωσις ἢ αὔξησις ὡς προβλέπεται ὑπὸ τοῦ νόμου αὐτοῦ, (ἐκτὸς τῶν ὅπερι παρόντος ἀρθρου ἑπτακοσιομένων ἔκπτωσις)

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”Αρθρον VII.

(2) Οιαδήποτε τοιαύτη ἐπιστροφὴ θά γίνεται ἀγεν κατα-  
ζωδῆς τόγχων ἐπὶ τῷ αἵττῳ ἐπιστρεψομένου πεποι.

వాచి లోభప

Αρθρον VIII.  
Αι ἀρμέδαιαι ἀρχαι τῶν Συμβαλλομένων Κρατῶν θέλουν ἀνταλλάσση τὰς πληροφορίας (ἃς αὐται διαθέτουσι) αἱ ὄποιαι εἶναι ἀναγκαῖαι διὰ τὴν ἐκτέλεσιν τῶν διατάξεων τῆς παρούσης Συμβάσεως ή διὰ τὴν πρόληψιν δόλου ή πρὸς ἔφαρμογήν νομοθετημένων διατάξεων ἐναντίον καταστρατηγήσεων ἐν σχέσει πρὸς τοὺς φόρους οἰτινες ἀποτελοῦν τὸ ἀντικείμενον τῆς παρούσης Συμβάσεως. Οἰαδήποτε αὖται ἀνταλλασσομένη πληροφορίᾳ θέλει θεωρηθῆ ἀπόρρητος καὶ δὲν θέλει ἀποκαλυφθῆ εἰς οἰονδήποτε πρόσωπον πλὴν τῶν ἐνδιαφερομένων διὰ τὴν βεβαίωσιν καὶ εἴσπραξιν τῶν φόρων, τῶν ἀποτελούντων τὸ ἀντικείμενον τῆς παρούσης Συμβάσεως. Οὔδεμία ἀνταλλαγὴ πληροφοριῶν θέλει λάβει χώρων δυναμένη ν ἀποκαλύψῃ τεχνικὸν ἀπόρρητον, ή μέθοδον σχετικὴν μὲ τὸ ἐμπόριον, βιομηχανίαν, ἔργων σιν, ἐπάγγελμα.

"Aegeoy IX.

(1) Ἐν οὐδεμιᾷ περιπτώσει αἱ διατάξεις τοῦ φεύγοντος

VIII δύνανται νὰ ἔρμηγενθισුν δέ τις βάλλονται ἐπὶ ἐκπέρωμ  
τῶν Συμβολομένων Κορτέων τὴν πόμορφωσιν:

α) πρὸς ἐφαρμογὴν διοικητικῶν μέτρων μή, συμφώνων πρὸς τὸ ίδιο κανονισμούς καὶ συνηθείας ἐκπέμπου τὸν Συμβιλ-λομένων Κρατῶν, ή

β) πρὸς παροχήν πληροφοριῶν ὅν τὴν ληψίαν εἶναι ἀνέψικτος κατὰ τὰς δικτάξεις τῆς Ιδεᾶς αὐτοῦ νομοθεσίας τῆς τοικύτης τοῦ ποιοβάλλοντας τὴν αἰτησιν Κράτους.

(2) Τὸ Κράτος πρὸς ὁ ἀπειλήσαντες αἰτήσις διὰ τὴν παροχὴν πληροφοριῶν ἡ βοηθείας θέλει συμμορφωθῆ<sup>ται</sup> ὅσον τὸ δυνατόν ταχύτερον πρὸς τὴν ἀπειλήνομένην πρὸς τοῦτο παράκλησιν. Ἐν τούτοις τὸ Κράτος τοῦτο δύναται καὶ ν' ἀρνηθῆ<sup>ται</sup> νὰ συμμορφωθῇ πρὸς τὴν παράκλησιν διὰ λόγους δημοσίας πολιτικῆς ἢ ἂν ἡ συμμόρφωσις θὲλ συνεπήγετο ἀποκάλυψιν τεχνικῶν μαστικοῦ ἢ μεθόδου σχετικῆς μὲ τὸ ἐμπόριον, βιομηχανίαν, ἔργασίαν ἢ ἐπάγγελμα.

Ἐν τῇ περιπτώσει τάχη θάλασσας πληρούμορθήσῃ, περὶ τούτου δύον τὸ μυνατόν ταχύτερον τὸ ὑποβάλλον τὴν αἰτησιν Κράτος.

"Αρθρον Χ.

(1) Αἱ ἀρχαι ἐκάστου τῶν Συμβαλλομένων Κράτων θὰ δύνανται συμφώνως πρὸς τὰ ἰσχύοντα εἰς τὸ ἐν λόγῳ Κράτος νὰ θεσπίσουν τοὺς ἀναγκαῖους κανονισμοὺς διὰ τὴν ἐκτέλεστην τῶν διατάξεων τῆς παρούσης Συμβάσεως.

(2) "Οσον ἀφορᾷ τὰς διατάξεις τῆς παρόυσης Συμβάσεως τὰς σχετιζομένας μὲ τὴν ἀνταλλαγὴν πληροφοριῶν καὶ παροχὴν ἀμοιβαίας Βοηθείας διὰ τὴν εἰσπραξὲν τῶν φόρων, τὰ Συμβαλλόμενα Κράτη θὰ δύνανται συμφώνως πρέπει τὰς συνηθείας ἐκάστου τούτων νὰ θεσπίσουν κανόνας ἀφορῶντας ζητήματα διαδικασίας, τὴν μετατροπὴν νομισμάτων, τὴν διάθεσιν εἰσπραχθέντων ποσῶν, τὸν πρασδιορισμὸν τῶν ἐλαχίστων ποσῶν ἐν σχέσει μὲ τὴν εἰσπραξὲν καὶ πᾶν συγκρότες ζητημα.

"Αρθρον XI.

— "Οπου ή ἐνέργεια τῶν φορολογικῶν ἀρχῶν τῶν Συμβαλλομένων Κρατῶν είχε ή θά ἔχη ώς συνέπειων τὴν διπλῆν φορολογίαν ἐν ἀντιθέσει πρὸς τὰς διατάξεις τῆς παρούσης Συμβάσεως, δὲ φορολογύμενος θά δικαιώνται νὰ ὑποβάλῃ ἀπαίτησην εἰς τὸ Κράτος οὐτινος τυγχάνει πολίτης ή ὑπήκοος ή ἄν δὲν εἶναι πολίτης η ὑπήκοος ἐνός ἐκ τῶν δύο Συμβαλλομένων Κρατῶν, εἰς τὸ Κράτος ἔνθι δικαιέναι, ἐάν δὲ ὁ φορολογύμενος εἶναι Ἐπαρέια, εἰς τὸ Κράτος ἐν τῷ ἑποιῷ ἰδρύθη ἢ ὡργανώθη. Ἐὰν δὲ ἀπαίτησις γίνηται ἀποδεκτή, ἡ ἀρμοδιά ἀρχῆ τοῦ τοιούτου Κράτους ὀφείλει νὰ συνεννοηθῇ μετὰ τῆς ἀρμοδίας ἀρχῆς τοῦ ἑτέρου Κράτους πρὸς τὸν σκοπὸν τῆς δικαιαίας ἀποφυγῆς τῆς περὶ ής ὁ λόγος διπλῆς φορολογίας.

*"Αρθρον* XII.

(1) "Ἡ παροῦσα Σύμβασις κυρωθήσεται καὶ τὰ ἔγγραφα κυρώσεως θέλουν ἀνταλλαχῆ ἐν Ἀθήναις ὅσου τὸ δυνατὸν ταχύτερον.

(2) Ή παρούσας Σύμβασις θὰ ισχύσῃ ἀπότης ἡμέρας τῆς ἀνταλλαγῆς τῶν κυρωτικῶν ἐγγράφων καὶ θὰ ἔχηται ἐφαρμογὴν ἀποκλειστικῶς ἐπὶ περιουσιῶν τῆς αἰγαίου νομού εἰς τὴν περίπτωσιν προσώπων τὰ δικαιία τὰ οποῖα θὰ παριστήσουν κατά τὴν ἡμερομηνίαν ταῦτην τι μετὰ ταῦτη. Ήτάχθηστη ισχύσια διὰ χρονικήν περιόδου πέντε ἑτδιν., ὅριο μένην ἀπὸ τῆς ἡμερομηνίας ταῦτης καὶ ἐπ' ἀριστον., μετὰ τὴν ἡξήν τῆς περιόδου ταῦτης, ἀλλὰ ήταν δύναται νὰ τερματισθῇ πικρὸν ἐκκατέρου τῶν Συμβατικῶν Κρατῶν κατὰ τὸ τέλος τῆς ποντιακῆς περιόδου ἢ καθ' οἰονδήποτε γρόνον μετὰ ταῦτην, διὸ τὸν ὅρον διπλωτὸν τούλαχιστον εἶς μηδὲν προειδοποιήσεις περὶ τούτου, τοῦ τερματισμοῦ ισχύοντος ἀπὸ τῆς 1ης Ἰανουαρίου τοῦ ἐποιηένου τῆς ἐπινοηθεῖται ἔκπληκτου περιόδου.

Ἐγένετο ἐν Ἀθήναις εἰς διπλοῦν εἰς τὴν Ἀγγλικὴν καὶ Ἐλληνικὴν, ὀμφοτέρων τῶν κειμένων ὅντων τέλος οὐσιώντων, σήμερον τὴν 20ὴν ἡμέραν τοῦ Φεβρουαρίου μηδὲ τοῦ 1950.

Διὰ τὴν Κυβέρνησιν τοῦ Βασιλείου τῆς Ἑλλάδος  
Π. ΠΙΠΙΝΕΛΗΣ

Διά τὴν Κυβέρνησιν τῶν Ἡγαμένων Πολιτειῶν τῆς  
Αμερικῆς

HENRY F. GRADY

## 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 the estates of deceased persons.

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 the estates of deceased persons, have appointed for that purpose as their respective Plenipotentiaries :

The Government of the Kingdom of Greece : His Excellency Panayotis Pipinells, 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 estate tax, and

b) In the case of Greece : the tax on inheritances.

2. The present Convention is concluded with reference to United States and Greek law in force on the day of its signature. Accordingly, if these laws are appreciably modified, the competent authorities of the two States will consult together for the purpose of adapting the provisions of the present Convention to such changes.

### Article II.

1. In the present Convention :

a) The term «United States» means the United States of America, and for the application of this Convention, includes 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 «Tax» means the Greek tax on inheritances or the Federal estate tax of the United States, as the context requires.

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

2. In the application of the provisions of 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. Immovable property situated in Greece shall be exempt from the application of the taxes imposed by the United States.

2. Immovable property situated in the United States shall be exempt from the application of the taxes imposed by Greece.

3. The question whether rights relating to or secured by immovable property are to be considered as immovable property for the purposes of the present Convention shall be determined in accordance with the laws of the Contracting State imposing the tax.

### Article IV.

1. For the purposes of the present Convention, the question whether a decedent was domiciled in the territory of the Contracting States at the time of his death shall be determined in conformity with the laws in force in that territory.

2. In the case of a person domiciled in the territory of one of the Contracting States, the situs of any of the following property or property rights shall, for the purpose of the imposition of the tax and for the purpose of the credit provided for in Article VI, be determined exclusively in accordance with the following rules :

a) Corporeal movable property, except as herein-after prescribed, as well as bank notes, any other kind of money which is legal tender at the place of issuance, and bearer checks, shall be deemed to be situated where it is physically located at the time of the decedent's death.

b) Ships and aircraft shall be deemed to be situated at the place of documentation or registration of the ship or aircraft.

c) The goodwill of a business firm or the goodwill attached to the practice of one of the liberal professions shall be deemed to be situated where the business is carried on or the profession is practiced.

d) Patents, trademarks and designs shall be deemed to be situated at the place where they are registered.

e) Copyrights and rights or licenses to use any copyrighted material, patent, trademark or design shall be deemed to be situated at the place where the rights arising therefrom are exercisable.

f) Shares in a corporation (including shares held by a nominee for the benefit of the decedent) shall be deemed to be situated at the place under the laws of which such corporation was created or organized.

g) Bills of exchange shall be deemed to be situated at the place of the drawee's residence, negotiable promissory notes at the place of residence of the maker, and checks payable to a designated payee at the place of such payee's residence.

h) Claims secured by a mortgage on immovable property or on ships shall be deemed to be situated at the place where, in accordance with the provisions of the present Convention, the immovable property or the ship is deemed to be situated.

i) Bonds, bank deposits, and claims of any other nature, secured or unsecured, and other property not otherwise mentioned herein before, shall be deemed to be situated in the State in which the deceased person was domiciled at the time of his death.

### Article V.

The Contracting State which imposes tax, in the case of a decedent who, at the time of his death, was not a citizen or subject of such Contracting State and was not domiciled in its territory, but was a citizen or subject of the other contracting State or was domiciled in the territory of such other Contracting State :

a) Shall allow every abatement, exemption, deduction, or credit (except the marital deduction provided by the United States Revenue Act of 1948), which would be applicable under its law if the decedent had been domiciled in its territory, in an amount not less than the proportion thereof which the value of the property, situated according to article IV in such State and Subject to the tax of such State, bears to the value of the property which would have been subject to the tax of such State if the decedent had been domiciled in its territory and.

b) Shall (except for the purpose of the subparagraph (a) of this article and for the purpose of any

other proportionate allowance otherwise provided) take no account of property situated according to article IV outside its territory in determining the amount or rate of tax.

#### Article VI.

1. The Contracting State imposing tax in the case of a deceased person who, at the time of his death, was domiciled in such State or was a citizen or subject thereof, shall allow against its tax a credit for the amount of the tax imposed by the other Contracting State with respect to property situated in the territory of such other Contracting State and included for tax purposes by both States, but the amount of credit shall not exceed the portion of the tax imposed by the former State which is attributable to such property. No credit shall be allowed under this paragraph for property which is situated or deemed to be situated in both Contracting States.

2. If the decedent is regarded by each of the Contracting States as having been domiciled in its own territory at the time of his death, each State shall allow against its tax a credit for the part of the tax imposed by the other State with respect to property included for tax purposes by both States and situated or deemed to be situated outside both territories. The credit authorized by this paragraph shall be equal to the amount of tax imposed with respect to such property by the State imposing the smaller tax, and shall be divided between the two States in proportion to the amount of tax imposed by each of the two Contracting States with respect to such property.

3. For the purpose of this article, the amount of the tax of each Contracting State attributable to any designated property shall be ascertained after taking into account any applicable abatement, credit, remission, diminution, or increase, as provided by its law, other than any credit authorized by this article.

#### Article VII.

1. Any claim for a credit or a refund of tax founded on the provisions of the present Convention shall be made within a period of five years from the date of the termination of the period during which the return is required to be filed under the applicable law of the respective Contracting States.

2. Any such refund shall be made without payment of interest on the amount so refunded.

#### Article VIII

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 the 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 IX

1. In no case the provisions of Articles VIII shall be construed so as to impose upon either of the Contracting States the obligation:

a) to carry out administrative measures at vari-

ance 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 X.

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, conversion of currency, disposition of amounts collected, minimum amounts subject to collection, and related matters.

#### Article XI.

When 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 XII.

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 day of the exchange of instruments of ratification and shall be applicable solely to estates or inheritances in the case of persons who die on or after that date. 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 that five-year period or at any time thereafter, provided that at least six month's 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

## ΠΡΩΤΟΚΟΛΛΟΝ

Αναφερόμενοι εἰς τὴν σύμβασιν μεταξὺ τοῦ Βασιλείου τῆς Ἑλλάδος καὶ τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς περὶ ἀποφυγῆς διπλῆς φορολογίας καὶ παρεμποδίσεως τῆς φορολογικῆς διαφυγῆς ἐν σχέσει πρὸς τοὺς φόρους ἐπὶ τῶν περιουσιῶν ἀποβιωσάντων προσώπων, ὑπογραφεῖσαν ἐν Ἀθήναις τὴν 20<sup>η</sup> Φεβρουαρίου 1950, οἱ κάτωθι ὑπογεγραμμένοι, ἡ Α.Ε. ὁ κ. Στέφανος Στεφανόπουλος, Ὑπουργός ἐπὶ τῶν Ἐξωτερικῶν τῆς Ἑλλάδος καὶ ἡ Α.Ε. ὁ κ. John E. Peurifoy, Πρεσβευτὴς τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἐν Ἑλλάδi, ὁρμοδίως ἔξουσιοδοτημένοι παρὰ τῶν ἀντιστοίχων αὐτῶν Κυβερνήσεων καὶ λαβόντες ὑπὲρ δύει τὸ γεγονός τῆς κυρώσεως τῆς ὡς ἀνω συμβάσεως ὑπὸ τῆς Γερουσίας τῶν Ἡνωμένων Πολιτειῶν ὑπὸ τὸν δρον ἀπαλείψεως τοῦ "Αρθρου 9 αὐτῆς, συμφωνοῦσιν δπως τὸ μὲν "Αρθρον 9 τῆς ἐν λόγῳ συμβάσεως θεωρῆται ἀπαλειφθὲν ἐκ τῆς συμβάσεως, τὰ δὲ ἐπομένα "Αρθρα 10 καὶ 11 νοοῦνται ἐφαρμοστέα συμφώνως πρὸς τὴν προμνησθεῖσαν ἀπάλειψιν τοῦ "Αρθρου 9.

Τὸ πρωτόκολλον τοῦτο θεωρεῖται ως ἀναπόσπαστον μέρος τῆς συμβάσεως ως αὕτη ὑπεγράφη ἐν Ἀθήναις τὴν 20ὴν Φεβρουαρίου 1950 καὶ θέλει ίσχύσει ἀπὸ τῆς ἡμερομηνίας καθ' ἣν ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἤθελεν εἰδοποιηθῆ ἐπισήμως περὶ τῆς ἐπιχυρώσεως τοῦ παρόντος πρωτοκόλλου ὑπὸ τῆς Βουλῆς τοῦ Βασιλείου τῆς Ἑλλάδος.

'Εφ' ὁ συνετέγγι τὸ παρὸν πρωτόκολλον ὑπογραφὲν  
ὑπὸ τῶν ἀντιστούγων Πληρεξούσιων.

Ἐγένετο ἐν Ἀθήναις εἰς διπλοῦν εἰς τὴν Ἑλληνικὴν καὶ Ἀγγλικὴν γλῶσσαν, ἀμφοτέρων τῶν κειμένων ἔχόντων τὴν αὐτὴν Ιστούν, σήμερον τὴν 18ην τοῦ μηνὸς Ιουλίου 1953.

**Διὰ τὴν Κυβέρνησιν τοῦ  
Βασιλείου τῆς Ἑλλάδος  
Σ. ΣΤΕΦΑΝΟΠΟΥΛΟΣ**

Διὰ τὴν Κυβέρνησιν τῶν  
‘Ηνωμένων Πολιτειῶν  
J. E. PEUBIFOY

## 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 the estate of deceased persons, signed in Athens on February 20, 1950, the undersigned, His Excellency STEPHANOS STEPHANOPOULOS, Minister of Foreign Affairs of Greece, and The Honorable JOHN E. PEURIFOY, Ambassador of the United States of America in Greece, being duly authorized thereto by their respective Governments and having considered the fact that the aforesaid convention was approved by the United States Senate subject to the deletion of Article IX thereof, have reached an understanding that Article IX of the aforesaid convention shall be deemed as deleted from the convention and that Articles X and XI which follow shall be deemed as applicable in accordance with the said deletion of Article IX.

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 18th day of July 1953.

For the Government of the Kingdom of Greece

S. STEPHANOPOULOS

S. STEPHANOPOULOS  
For the Government of the United States of America  
**JOHN E. PEURIFOY**