(iv) any other stock exchange which the competent authorities of the Contracting States agree to recognise for the purposes of this Article;

(d) the term "pension fund or pension scheme" means any person that:

(i) was constituted and is operated exclusively or almost exclusively to administer or provide pensions or other similar benefits; or

(ii) was constituted and is operated to invest funds for the benefit of persons referred to in clause (i), provided that substantially all the income of that person is derived from investments made for the benefit of these persons.

8. Notwithstanding the other provisions of this Agreement, a benefit under the Agreement shall not be granted in respect of an item of income if it is reasonable to conclude, having regard to all relevant facts and circumstances, that obtaining that benefit was one of the principal purposes of any arrangement or transaction that resulted directly or indirectly in that benefit, unless it is established that granting that benefit in these circumstances would be in accordance with the object and purpose of the relevant provisions of the Agreement.

9. Nothing in this Agreement shall be construed as restricting, in any manner, the application of any provisions of the law of a Contracting State which are designed to prevent the avoidance or evasion of taxes as long as those provisions are in accordance with the object and purpose of the Agreement.

Article 22
Elimination of Double Taxation

1. Subject to the provisions of the laws of Japan regarding the allowance as a credit against Japanese tax of tax payable in any country other than Japan, where a resident of Japan derives income from the Federal Republic of Germany which may be taxed in the Federal Republic of Germany in accordance with the provisions of this Agreement, the amount of German tax payable in respect of that income shall be allowed as a credit against the Japanese tax imposed on that resident. The amount of credit, however, shall not exceed the amount of the Japanese tax which is appropriate to that income.

2. Where a resident of the Federal Republic of Germany derives income which, in accordance with the provisions of this Agreement, may be taxed in Japan or is exempt from Japanese tax under the provisions of paragraph 3 of Article 10, the following shall apply:

(a) Except as provided in subparagraph (c), the income shall be exempted from the basis upon which German tax is imposed. In the case of dividends, this applies only to such dividends as are paid to a company (other than a partnership) being a resident of the Federal Republic of Germany by a company being a resident of Japan at least 10 percent of the capital of which is owned directly by the company being a resident of the Federal Republic of Germany. The exemption from the basis provided by the first sentence of this subparagraph shall not apply to dividends paid by a tax exempt company, to dividends that the distributing company may deduct for Japanese tax purposes or to dividends that are attributed under the law of the Federal Republic of Germany to a person that is not a company being a resident of the Federal Republic of Germany.

(b) The Federal Republic of Germany retains the right to take into account in the determination of its rate of tax the items of income which under the provisions of the Agreement are exempted from German tax.

(c) With respect to the following items of income, there shall be allowed as a credit against German tax on income, subject to the provisions of German tax law regarding credit for foreign tax, Japanese tax paid under the laws of Japan and in accordance with the provisions of the Agreement on such items of income:

(i) dividends within the meaning of Article 10 to which subparagraph (a) does not apply;

(ii) capital gains to which paragraph 2 of Article 13 applies;

(iii) income to which Article 15 applies;

(iv) income to which Article 16 applies;

(v) income to which paragraph 1 of Article 17 applies.