7. For the purposes of this Article:

(a) the term "principal class of shares" means the class or classes of shares of a company which represent a majority of the voting power of the company;

(b) the term "recognised stock exchange" means:

(i) any regulated market pursuant to the Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (as amended) or any successor Directive;

(ii) any stock exchange established under the terms of the Financial Instruments and Exchange Law (Law No. 25 of 1948) of Japan;

(iii) Hong Kong Exchanges and Clearing, the NASDAQ System, the New York Stock Exchange, Singapore Exchange, SIX Swiss Exchange and the Taiwan Stock Exchange; and

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

(c) the term "equivalent beneficiary" means any person who would be entitled to a benefit, with respect to the item of income in respect of which the benefit of this Convention is claimed to a Contracting State, granted by that Contracting State under the law of that Contracting State, this Convention or any other international instrument, provided that such benefit is equivalent to the benefit to be granted to that item of income under the Convention.

8. Notwithstanding the other provisions of this Convention, a benefit under the Convention 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 Convention.

ARTICLE 23
ELIMINATION OF DOUBLE TAXATION

1. (a) Where a resident of Austria derives income which, in accordance with the provisions of this Convention, may be taxed in Japan, Austria shall, subject to the provisions of subparagraphs (b) to (d), exempt such income from tax.

(b) Where a resident of Austria derives items of income which, in accordance with the provisions of Articles 10, 11 and 20, may be taxed in Japan, Austria shall allow as a deduction from the tax on the income of that resident an amount equal to the Japanese tax paid in Japan. Such deduction shall not, however, exceed that part of the tax, as computed before the deduction is given, which is attributable to such items of income derived from Japan.

(c) Where in accordance with any provision of this Convention income derived by a resident of Austria is exempt from tax in Austria, Austria may nevertheless, in calculating the amount of tax on the remaining income of such resident, take into account the exempted income.

(d) The provisions of subparagraph (a) shall not apply to income derived by a resident of Austria where Japan applies the provisions of this Convention to exempt such income from tax or applies the provisions of paragraph 2 of Article 10 to such income.

2. 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 Austria which may be taxed in Austria in accordance with the provisions of this Convention, the amount of Austrian 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.