6. The prior Convention shall terminate on the last date on which it applies in accordance with the provisions of this Article.

ARTICLE 31
TERMINATION

This Convention shall remain in force until terminated by a Contracting State. Either Contracting State may terminate the Convention by giving written notice of termination through diplomatic channels to the other Contracting State at least six months before the end of any calendar year beginning after expiry of five years from the date of entry into force of the Convention. In such event, the Convention shall cease to have effect:

(a) with respect to taxes levied on the basis of a taxable year, for taxes for any taxable years beginning on or after 1 January in the calendar year next following that in which the notice is given; and

(b) with respect to taxes levied not on the basis of a taxable year, for taxes levied on or after 1 January in the calendar year next following that in which the notice is given.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Convention.

DONE in duplicate at Vienna this thirtieth day of January, 2017 in the English language.

For Japan:

Kiyoshi Koinuma

For the Republic of Austria:

Schelling

PROTOCOL

At the signing of the Convention between Japan and the Republic of Austria for the Elimination of Double Taxation with respect to Taxes on Income and the Prevention of Tax Evasion and Avoidance (hereinafter referred to as "the Convention"), Japan and the Republic of Austria have agreed upon the following provisions, which shall form an integral part of the Convention.

1. With reference to paragraph 4 of Article 5 of the Convention:

It is understood that the use of facilities or the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of delivery shall not be deemed to constitute a permanent establishment if these activities are only of a preparatory or auxiliary character.

2. With reference to paragraph 3 of Article 1 and Article 7 of the Convention:

(a) Paragraph 3 of Article 1 of the Convention shall be deleted and replaced by the following provisions on the date to be agreed between the Governments of the Contracting States through an exchange of diplomatic notes:

"3. This Convention shall not affect the taxation, by a Contracting State, of its residents except with respect to the benefits granted under paragraph 3 of Article 7, and Articles 9, 18, 19, 23, 24, 25, and 28."

(b) Paragraphs 1 to 6 of Article 7 of the Convention shall be deleted and replaced by the following provisions on the date referred to in subparagraph (a):

"1. Profits of an enterprise of a Contracting State shall be taxable only in that Contracting State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits that are attributable to the permanent establishment in accordance with the provisions of paragraph 2 may be taxed in that other Contracting State.