

PROTOCOL

BETWEEN

THE REPUBLIC OF AUSTRIA

AND

THE REPUBLIC OF POLAND

**AMENDING THE AGREEMENT BETWEEN THE REPUBLIC OF AUSTRIA AND
THE REPUBLIC OF POLAND FOR THE AVOIDANCE OF DOUBLE TAXATION
WITH RESPECT TO TAXES ON INCOME AND ON CAPITAL SIGNED IN VIENNA
ON 13 JANUARY 2004**

The Republic of Austria and the Republic of Poland desiring to conclude a Protocol amending the Agreement for the avoidance of double taxation with respect to taxes on income and on capital, signed in Vienna on the 13th day of January 2004 (hereinafter referred to as “the Agreement”),

Have agreed as follows:

ARTICLE 1

Paragraph 1 of Article 24 of the Agreement shall be deleted and replaced by the following:

- “1. In the case of a resident of Poland, double taxation shall be avoided as follows:
- (a) Where a resident of Poland derives income or owns capital which, in accordance with the provisions of the Agreement is taxed in Austria, Poland shall, subject to the provisions of sub-paragraph (b) of this paragraph, exempt such income or capital from tax;
 - (b) Where a resident of Poland derives items of income which, in accordance with the provisions of Articles 10, 11, 12 or 13 of the Agreement, may be taxed in Austria, Poland shall allow as a deduction from the tax on the income of that resident an amount equal to the tax paid in Austria. 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 Austria.”

ARTICLE 2

The Contracting States shall notify to each other through diplomatic channels that the constitutional requirements for the entry into force of this Protocol have been completed. The Protocol shall enter into force on the date of receipt of the latter of the notifications referred to above and shall have effect in both Contracting States:

- a) in respect of the taxes withheld at source – to amounts of income derived on or after the first of January of the calendar year next following the year in which the Protocol enters into force;
- b) in respect of other taxes on income or taxes on capital, to such taxes chargeable for any taxable year beginning on or after the first of January of the calendar year next following the year in which the Protocol enters into force.

In witness whereof, the Plenipotentiaries of the two Contracting States duly authorized thereto, have signed this Protocol.

Done in duplicate at Warsaw, this day of 4th February 2008 in the German, Polish and English languages, all texts being equally authentic. In case of any divergences of interpretation, the English text shall prevail.

For the Republic of Austria

Wilhelm Molterer m.p.

For the Republic of Poland

Jan Vincent-Rostowski m.p.