

2. Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services, including such gains from the alienation of such a permanent establishment (alone or with the whole enterprise) or of such a fixed base, may be taxed in that other State.

3. Gains from the alienation of ships or aircraft operated in international traffic and movable property pertaining to the operation of such ships or aircraft, shall be taxable only in the Contracting State in which such property is taxable according to paragraph 3 of Article 22.

4. Gains from the alienation of

- (a) shares of the capital stock of a company the property of which consists principally of immovable property situated in a Contracting State, and
- (b) an interest in a partnership, trust or estate, the property of which consists principally of immovable property situated in a Contracting State.

may be taxed in that State. For the purposes of this paragraph, the term "immovable property" includes the shares of a company referred to in subparagraph (a) or an interest in a partnership, trust or estate referred to in subparagraph (b) but shall not include property, other than rental property, in which the business of the company, partnership, trust or estate is carried on.

5. Gains from the alienation of any property, other than that referred to in paragraphs 1, 2, 3, and 4 shall be taxable only in the Contracting State of which the alienator is a resident.

6. The provisions of paragraph 5 shall not affect the right of either of the Contracting States to levy, according to its law, a tax on gains from the alienation of any property derived by an individual who is a resident of the other Contracting State and has been a resident of the first-mentioned State at any time during the six years immediately preceding the alienation of the property.

ARTICLE 14

Independent Personal Services

1. Income derived by an individual who is a resident of a Contracting State from the performance of professional services or other activities of an independent character shall be taxable only in that State unless such services are performed in the other Contracting State and

- (a) the individual is present in that other State for a period or periods aggregating more than 90 days in the taxable year concerned, or
- (b) the individual has or had a fixed base regularly available to him in that other State for the purpose of performing his activities, but only so much of