

- (i) gross receipts and revenues derived directly from the operation of ships or aircraft in international traffic, and
  - (ii) interest on sums generated directly from the operation of ships or aircraft in international traffic if that interest is incidental to the operation; and
- (b) the term "operation of ships or aircraft in international traffic" by an enterprise, includes
- (i) the charter or rental of ships or aircraft,
  - (ii) the rental of containers and related equipment, and
  - (iii) the alienation of ships, aircraft, containers and related equipment
- by that enterprise if that charter, rental or alienation is incidental to the operation by that enterprise of ships or aircraft in international traffic.

## ARTICLE 9

### Associated Enterprises

1. Where
- (a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or
  - (b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State,

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

2. Where a Contracting State includes in the profits of an enterprise of that State -- and taxes accordingly -- profits on which an enterprise of the other Contracting State has been charged to tax in that other State and the profits so included are profits which would have accrued to the enterprise of the first-mentioned State if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other State shall make an appropriate adjustment to the amount of tax charged therein on those profits. In determining such adjustment, due regard shall be had to the other provisions of this Convention and the competent authorities of the Contracting States shall if necessary consult each other.