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Convention

on Mutual Administrative Assistance in Tax Matters

Strasbourg, 24 May 2007

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*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
July 2010*

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CONVENTION ON MUTUAL ADMINISTRATIVE ASSISTANCE IN TAX MATTERS

PREAMBLE

The member states of the Council of Europe and the Member countries of the Organisation for Economic Co-operation and Development (OECD), signatories of this Convention,

Considering that the development of international movement of persons, capital, goods and services - although highly beneficial in itself - has increased the possibilities of tax avoidance and evasion and therefore requires increasing co-operation among tax authorities;

Welcoming the various efforts made in recent years to combat tax avoidance and tax evasion on an international level, whether bilaterally or multilaterally;

Considering that a co-ordinated effort between states is necessary in order to foster all forms of administrative assistance in matters concerning taxes of any kind whilst at the same time ensuring adequate protection of the rights of taxpayers;

Recognising that international co-operation can play an important part in facilitating the proper determination of tax liabilities and in helping the taxpayer to secure his rights;

Considering that fundamental principles entitling every person to have his rights and obligations determined in accordance with a proper legal procedure should be recognised as applying to tax matters in all states and that states should endeavour to protect the legitimate interests of taxpayers, including appropriate protection against discrimination and double taxation;

Convinced therefore that states should not carry out measures or supply information except in conformity with their domestic law and practice, having regard to the necessity of protecting the confidentiality of information, and taking account of international instruments for the protection of privacy and flows of personal data;

Desiring to conclude a convention on mutual administrative assistance in tax matters,

Have agreed as follows:

CHAPTER I

SCOPE OF THE CONVENTION

ARTICLE 1

Object of the Convention and Persons Covered

1. The Parties shall, subject to the provisions of Chapter IV, provide administrative assistance to each other in tax matters. Such assistance may involve, where appropriate, measures taken by judicial bodies.
2. Such administrative assistance shall comprise:
 - a. exchange of information, including simultaneous tax examinations and participation in tax examinations abroad;
 - b. assistance in recovery, including measures of conservancy; and
 - c. service of documents.
3. A Party shall provide administrative assistance whether the person affected is a resident or national of a Party or of any other state.

ARTICLE 2

Taxes Covered

1. This Convention shall apply:
 - a. to the following taxes:
 - i. taxes on income or profits,
 - ii. taxes on capital gains which are imposed separately from the tax on income or profits,
 - iii. taxes on net wealth,imposed on behalf of a Party; and
 - b. to the following taxes:
 - i. taxes on income, profits, capital gains or net wealth which are imposed on behalf of political subdivisions or local authorities of a Party;

- ii. compulsory social security contributions payable to general government or to social security institutions established under public law;
- iii. taxes in other categories, except customs duties, imposed on behalf of a Party, namely:
 - A. estate, inheritance or gift taxes;
 - B. taxes on immovable property;
 - C. general consumption taxes, such as value-added or sales taxes;
 - D. specific taxes on goods and services such as excise taxes;
 - E. taxes on the use or ownership of motor vehicles;
 - F. taxes on the use or ownership of movable property other than motor vehicles;
 - G. any other taxes;
- iv. taxes in categories referred to in sub-paragraph iii above which are imposed on behalf of political subdivisions or local authorities of a Party.

2. The existing taxes to which the Convention shall apply are listed in Annex A in the categories referred to in paragraph 1.

3. The Parties shall notify the Secretary General of the Council of Europe or the Secretary General of OECD (hereinafter, referred to as the 'depositories') of any change to be made to Annex A as a result of a modification of the list mentioned in paragraph 2. Such change shall take effect on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the depository.

4. The Convention shall also apply, as from their adoption, to any identical or substantially similar taxes which are imposed in a Contracting State after the entry into force of the Convention in respect of that Party in addition to or in place of the existing taxes listed in Annex A and, in that event, the Party concerned shall notify one of the depositories of the adoption of the tax in question.

CHAPTER II

GENERAL DEFINITIONS

ARTICLE 3

Definitions

1. For the purposes of this Convention, unless the context otherwise requires:
 - a. the terms "applicant State" and "requested State" mean respectively any Party applying for administrative assistance in tax matters and any Party requested to provide such assistance;
 - b. the term "tax" means any tax or social security contribution to which the Convention applies pursuant to Article 2;
 - c. the term "tax claim" means any amount of tax, as well as interest thereon, related administrative fines and costs incidental to recovery, which are owed and not yet paid;
 - d. the term "competent authority" means the persons and authorities listed in Annex B;
 - e. the term "nationals" in relation to a Party means:
 - i. all individuals possessing the nationality of that Party, and
 - ii. all legal persons, partnerships, associations and other entities deriving their status as such from the laws in force in that Party.

For each Party that has made a declaration for that purpose, the terms used above will be understood as defined in Annex C.

2. As regards the application of the Convention by a Party, any term not defined therein shall, unless the context otherwise requires, have the meaning which it has under the law of that Party concerning the taxes covered by the Convention.

3. The Parties shall notify one of the depositaries of any change to be made to Annexes B and C. Such change shall take effect on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the depositary in question.

CHAPTER III
FORMS OF ASSISTANCE

Section I

Exchange of Information

ARTICLE 4

General Provision

1. The Parties shall exchange any information, in particular as provided in this section, that is foreseeably relevant to.
 - a. the assessment and collection of tax, and the recovery and enforcement of tax claims, and
 - b. the prosecution before an administrative authority or the initiation of prosecution before a judicial body.

Information which is unlikely to be relevant to these purposes shall not be exchanged under this Convention.

2. A Party may use information obtained under this Convention as evidence before a criminal court only if prior authorisation has been given by the Party which has supplied the information. However, any two or more Parties may mutually agree to waive the condition of prior authorisation.
3. Any Party may, by a declaration addressed to one of the depositaries, indicate that, according to its internal legislation, its authorities may inform its resident or national before transmitting information concerning him, in conformity with Articles 5 and 7.

ARTICLE 5

Exchange of Information on Request

1. At the request of the applicant state, the requested state shall provide the applicant state with any information referred to in Article 4 which concerns particular persons or transactions.
2. If the information available in the tax files of the requested state is not sufficient to enable it to comply with the request for information, that state shall

take all relevant measures to provide the applicant state with the information requested.

ARTICLE 6

Automatic Exchanged of Information

With respect to categories of cases and in accordance with procedures which they shall determine by mutual agreement, two or more Parties shall automatically exchange the information referred to in Article 4.

ARTICLE 7

Spontaneous Exchange of Information

1. A Party shall, without prior request, forward to another Party information of which it has knowledge in the following circumstances:

- a. the first mentioned Party has grounds for supposing that there may be a loss of tax in the other Party;
- b. a person liable to tax obtains a reduction in or an exemption from tax in the first-mentioned Party which would give rise to an increase in tax or to liability to tax in the other Party;
- c. business dealings between a person liable to tax in a Party and a person liable to tax in another Party are conducted through one or more countries in such a way that a saving in tax may result in one or the other Party or in both;
- d. a Party has grounds for supposing that a saving of tax may result from artificial transfers of profits within groups of enterprises;
- e. information forwarded to the first-mentioned Party by the other Party has enabled information to be obtained which may be relevant in assessing liability to tax in the latter Party.

2. Each Party shall take such measures and implement such procedures as are necessary to ensure that information described in paragraph 1 will be made available for transmission to another Party.

ARTICLE 8

Simultaneous Tax Examinations

1. At the request of one of them, two or more Parties shall consult together for the purposes of determining cases and procedures for simultaneous tax examinations. Each Party involved shall decide whether or not it wishes to participate in a particular simultaneous tax examination.
2. For the purposes of this Convention, a simultaneous tax examination means an arrangement between two or more Parties to examine simultaneously, each in its own territory, the tax affairs of a person or persons in which they have a common or related interest, with a view to exchanging any relevant information which they so obtain.

ARTICLE 9

Tax Examinations Abroad

1. At the request of the competent authority of the applicant state, the competent authority of the requested state may allow representatives of the competent authority of the applicant state to be present at the appropriate part of a tax examination in the requested state.
2. If the request is acceded to, the competent authority of the requested state shall, as soon as possible, notify the competent authority of the applicant state about the time and place of the examination, the authority or official designated to carry out the examination and the procedures and conditions required by the requested state for the conduct of the examination. All decisions with respect to the conduct of the tax examination shall be made by the requested state.
3. A Party may inform one of the depositaries of its intention not to accept, as a general rule, such requests as are referred to in paragraph 1. Such a declaration may be made or withdrawn at any time.

ARTICLE 10

Conflicting Information

If a Party receives from another Party information about a person's tax affairs which appears to it to conflict with information in its possession, it shall so advise the Party which has provided the information.

Section II

Assistance in Recovery

ARTICLE 11

Recovery of Tax Claims

1. At the request of the applicant state the requested state shall, subject to the provisions of Articles 14 and 15, take the necessary steps to recover tax claims of the first-mentioned state as if they were its own tax claims.

2. The provision of paragraph 1 shall apply only to tax claims which form the subject of an instrument permitting their enforcement in the applicant state and, unless otherwise agreed between the Parties concerned, which are not contested.

However, where the claim is against a person who is not a resident of the applicant state, paragraph 1 shall only apply, unless otherwise agreed between the Parties concerned, where the claim may no longer be contested.

3. The obligation to provide assistance in the recovery of tax claims concerning a deceased person or his estate is limited to the value of the estate or of the property acquired by each beneficiary of the estate, according to whether the claim is to be recovered from the estate or from the beneficiaries thereof.

ARTICLE 12

Measures of Conservancy

At the request of the applicant state, the requested state shall, with a view to the recovery of an amount of tax, take measures of conservancy even if the claim is contested or is not yet the subject of an instrument permitting enforcement.

ARTICLE 13

Documents Accompanying the Request

1. The request for administrative assistance under this section shall be accompanied by:

- a. a declaration that the tax claim concerns a tax covered by the Convention and, in the case of recovery, that, subject to paragraph 2 of Article 11, the tax claim is not or may not be contested;

- b. an official copy of the instrument permitting enforcement in the applicant state; and
 - c. any other document required for recovery or measures of conservancy.
2. The instrument permitting enforcement in the applicant state shall, where appropriate and in accordance with the provisions in force in the requested state, be accepted, recognised, supplemented or replaced as soon as possible after the date of the receipt of the request for assistance, by an instrument permitting enforcement in the latter state.

ARTICLE 14

Time-limits

1. Questions concerning any period beyond which a tax claim cannot be enforced shall be governed by the law of the applicant state. The request for assistance shall give particulars concerning that period.
2. Acts of recovery carried out by the requested state in pursuance of a request for assistance, which, according to the laws of that state, would have the effect of suspending or interrupting the period mentioned in paragraph 1, shall also have this effect under the laws of the applicant state. The requested state shall inform the applicant state about such acts.
3. In any case, the requested state is not obliged to comply with a request for assistance which is submitted after a period of fifteen years from the date of the original instrument permitting enforcement.

ARTICLE 15

Priority

The tax claim in the recovery of which assistance is provided shall not have in the requested state any priority specially accorded to the tax claims of that state even if the recovery procedure used is the one applicable to its own tax claims.

ARTICLE 16

Deferral of Payment

The requested state may allow deferral of payment or payment by instalments if its laws or administrative practice permit it to do so in similar circumstances, but shall first inform the applicant state.

Section III

Service of Documents

ARTICLE 17

Service of Documents

1. At the request of the applicant state, the requested state shall serve upon the addressee documents, including those relating to judicial decisions, which emanate from the applicant state and which relate to a tax covered by this Convention.
2. The requested state shall effect service of documents:
 - a. by a method prescribed by its domestic laws for the service of documents of a substantially similar nature;
 - b. to the extent possible, by a particular method requested by the applicant state or the closest to such method available under its own laws.
3. A Party may effect service of documents directly through the post on a person within the territory of another Party.
4. Nothing in the Convention shall be construed as invalidating any service of documents by a Party in accordance with its laws.
5. When a document is served in accordance with this article, it need not be accompanied by a translation. However, where it is satisfied that the addressee cannot understand the language of the document, the requested state shall arrange to have it translated into or a summary drafted in its or one of its official languages. Alternatively, it may ask the applicant state to have the document either translated into or accompanied by a summary in one of the official languages of the requested state, the Council of Europe or OECD.

CHAPTER IV

PROVISIONS RELATING TO ALL FORMS OF ASSISTANCE

ARTICLE 18

Information to be Provided by the Applicant State

1. A request for assistance shall indicate where appropriate:
 - a. the authority or agency which initiated the request made by the competent authority;
 - b. the name, address and any other particulars assisting in the identification of the person in respect of whom the request is made;
 - c. in the case of a request for information, the form in which the applicant state wishes the information to be supplied in order to meet its needs;
 - d. in the case of a request for assistance in recovery or measures of conservancy, the nature of the tax claim, the components of the tax claim and the assets from which the tax claim may be recovered;
 - e. in the case of a request for service of documents, the nature and the subject of the document to be served;
 - f. whether it is in conformity with the law and administrative practice of the applicant state and whether it is justified in the light of the requirements of Article 19.
2. As soon as any other information relevant to the request for assistance comes to its knowledge, the applicant state shall forward it to the requested state.

ARTICLE 19

Possibility of Declining a Request

The requested state shall not be obliged to accede to a request if the applicant state has not pursued all means available in its own territory, except where recourse to such means would give rise to disproportionate difficulty.

ARTICLE 20

Response to the Request for Assistance

1. If the request for assistance is complied with, the requested state shall inform the applicant state of the action taken and of the result of the assistance as soon as possible.
2. If the request is declined, the requested state shall inform the applicant state of that decision and the reason for it as soon as possible.
3. If, with respect to a request for information, the applicant state has specified the form in which it wishes the information to be supplied and the requested state is in a position to do so, the requested state shall supply it in the form requested.

ARTICLE 21

Protection of Persons and Limits to the Obligation to Provide Assistance

1. Nothing in this Convention shall affect the rights and safeguards secured to persons by the laws or administrative practice of the requested state.
2. Except in the case of Article 14, the provisions of this Convention shall not be construed so as to impose on the requested state the obligation:
 - a. to carry out measures at variance with its own laws or administrative practice or the laws or administrative practice of the applicant state;
 - b. to carry out measures which it considers contrary to public policy (ordre public) or to its essential interests;
 - c. to supply information which is not obtainable under its own laws or its administrative practice or under the laws of the applicant state or its administrative practice;
 - d. to supply information which would disclose any trade, business, industrial, commercial or professional secret, or trade process, or information the disclosure of which would be contrary to public policy (ordre public) or to its essential interests;
 - e. to provide administrative assistance if and insofar as it considers the taxation in the applicant state to be contrary to generally accepted taxation principles or to the provisions of a convention for the avoidance of double taxation, or of any other convention which the requested state has concluded with the applicant state;

- f. to provide assistance if the application of this Convention would lead to discrimination between a national of the requested state and nationals of the applicant state in the same circumstances.

ARTICLE 22

Secrecy

1. Any information obtained by a Party under this Convention shall be treated as secret in the same manner as information obtained under the domestic laws of that Party, or under the conditions of secrecy applying in the supplying Party if such conditions are more restrictive.

2. Such information shall in any case be disclosed only to persons or authorities (including courts and administrative or supervisory bodies) involved in the assessment, collection or recovery of, the enforcement or prosecution in respect of, or the determination of appeals in relation to, taxes of that Party. Only the persons or authorities mentioned above may use the information and then only for such purposes. They may, notwithstanding the provisions of paragraph 1, disclose it in public court proceedings or in judicial decisions relating to such taxes, subject to prior authorisation by the competent authority of the supplying Party. However, any two or more Parties may mutually agree to waive the condition of prior authorisation.

3. If a Party has made a reservation provided for in sub-paragraph a of paragraph 1 of Article 30, any other Party obtaining information from that Party shall not use it for the purpose of a tax in a category subject to the reservation. Similarly, the Party making such a reservation shall not use information obtained under this Convention for the purpose of a tax in a category subject to the reservation.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, information received by a Party may be used for other purposes when such information may be used for such other purposes under the laws of the supplying Party and the competent authority of that Party authorises such use. Information provided by a Party to another Party may be transmitted by the latter to a third Party, subject to prior authorisation by the competent authority of the first-mentioned Party.

ARTICLE 23

Proceedings

1. Proceedings relating to measures taken under this Convention by the requested state shall be brought only before the appropriate body of that state.

2. Proceedings relating to measures taken under this Convention by the applicant state, in particular those which, in the field of recovery, concern the existence or the amount of the tax claim or the instrument permitting its enforcement, shall be brought only before the appropriate body of that state. If such proceedings are brought, the applicant state shall inform the requested state which shall suspend the procedure pending the decision of the body in question. However, the requested state shall, if asked by the applicant state, take measures of conservancy to safeguard recovery. The requested state can also be informed of such proceedings by any interested person. Upon receipt of such information, the requested state shall consult on the matter, if necessary, with the applicant state.

3. As soon as a final decision in the proceedings has been given, the requested state or the applicant state, as the case may be, shall notify the other state of the decision and the implications which it has for the request for assistance.

CHAPTER V

SPECIAL PROVISIONS

ARTICLE 24

Implementation of the Convention

1. The Parties shall communicate with each other for the implementation of this Convention through their respective competent authorities. The competent authorities may communicate directly for this purpose and may authorise subordinate authorities to act on their behalf. The competent authorities of two or more Parties may mutually agree on the mode of application of the Convention among themselves.

2. Where the requested state considers that the application of this Convention in a particular case would have serious and undesirable consequences, the competent authorities of the requested and of the applicant state shall consult each other and endeavour to resolve the situation by mutual agreement.

3. A co-ordinating body composed of representatives of the competent authorities of the Parties shall monitor the implementation and development of this Convention, under the aegis of OECD. To that end, the co-ordinating body shall recommend any action likely to further the general aims of the Convention. In particular it shall act as a forum for the study of new methods and procedures to increase international co-operation in tax matters and, where appropriate, it may recommend revisions or amendments to the Convention. States which have signed but not yet ratified, accepted or approved the Convention are entitled to be represented at the meetings of the co-ordinating body as observers.

4. A Party may ask the co-ordinating body to furnish opinions on the interpretation of the provisions of the Convention.

5. Where difficulties or doubts arise between two or more Parties regarding the implementation or interpretation of the Convention, the competent authorities of those Parties shall endeavour to resolve the matter by mutual agreement. The agreement shall be communicated to the co-ordinating body.

6. The Secretary General of OECD shall inform the Parties, and the signatory states which have not yet ratified, accepted or approved the Convention, of opinions furnished by the co-ordinating body according to the provisions of paragraph 4 above and of mutual agreements reached under paragraph 5 above.

ARTICLE 25

Language

Requests for assistance and answers thereto shall be drawn up in one of the official languages of OECD and of the Council of Europe or in any other language agreed bilaterally between the Contracting States concerned.

ARTICLE 26

Costs

Unless otherwise agreed bilaterally by the Parties concerned:

- a. ordinary costs incurred in providing assistance shall be borne by the requested state;
- b. extraordinary costs incurred in providing assistance shall be borne by the applicant state.

CHAPTER VI

FINAL PROVISIONS

ARTICLE 27

Other International Agreement or Arrangements

1. The possibilities of assistance provided by this Convention do not limit, nor are they limited by, those contained in existing or future international agreements or other arrangements between the Parties concerned or other instruments which relate to co-operation in tax matters.
2. Notwithstanding the rules of the present Convention, those Parties which are members of the European Economic Community shall apply in their mutual relations the common rules in force in that Community.

ARTICLE 28

Signature and Entry into Force of the Convention

1. This Convention shall be open for signature by the member states of the Council of Europe and the member countries of OECD. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with one of the depositaries.
2. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five states have expressed their consent to be bound by the Convention in accordance with the provisions of Paragraph 1.
3. In respect of any member state of the Council of Europe or any member country of OECD which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

ARTICLE 29

Territorial Application of the Convention

1. Each state may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, specify the territory or territories to which this Convention shall apply.

2. Any state may, at any later date, by a declaration addressed to one of the depositaries, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the depositary.

3. Any declaration made under either of the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to one of the depositaries. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the depositary.

ARTICLE 30

Reservations

1. Any state may, at the time of signature or when depositing its instrument of ratification, acceptance or approval or at any, later date, declare that it reserves the right:

- a. not to provide any form of assistance in relation to the taxes of other Parties in any of the categories listed in sub-paragraph b of paragraph 1 of Article 2, provided that it has not included any domestic tax in that category under Annex A of the Convention;
- b. not to provide assistance in the recovery of any tax claim, or in the recovery of an administrative fine, for all taxes or only for taxes in one or more of the categories listed in paragraph 1 of Article 2;
- c. not to provide assistance in respect of any tax claim, which is in existence at the date of entry into force of the Convention in respect of that state or, where a reservation has previously been made under subparagraph a or b above, at the date of withdrawal of such a reservation in relation to taxes in the category in question;
- d. not to provide assistance in the service of documents for all taxes or only for taxes in one or more of the categories listed in paragraph 1 of Article 2;
- e. not to permit the service of documents through the post as provided for in paragraph 3 of Article 17.

2. No other reservation may be made.

3. After the entry into force of the Convention in respect of a Party, that Party may make one or more of the reservations listed in paragraph 1 which it did not make at the time of ratification, acceptance or approval. Such reservations shall

enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of the reservation by one of the depositaries.

4. Any Party, which has made a reservation under paragraphs 1 and 3, may wholly or partly withdraw it by means of a notification addressed to one of the depositaries. The withdrawal shall take effect on the date of receipt of such notification by the depositary in question.

5. A Party which has made a reservation in respect of a provision of this Convention may not require the application of that provision by any other Party; it may, however, if its reservation is partial, require the application of that provision insofar as it has itself accepted it.

ARTICLE 31

Denunciation

1. Any Party may, at any time, denounce this convention by means of a notification addressed to one of the depositaries.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the depositary.

3. Any Party, which denounces the Convention, shall remain bound by the provisions of Article 22 for as long as it retains in its possession any documents or information obtained under the Convention.

ARTICLE 32

Depositaries and their Functions

1. The depositary with whom an act, notification or communication has been accomplished, shall notify the member states of the Council of Europe and the member countries of OECD of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance or approval;
- c. any date of entry into force of this Convention in accordance with the provisions of Articles 28 and 29;
- d. any declaration made in pursuance of the provisions of paragraph 3 of Article 4 or paragraph 3 of Article 9 and the withdrawal of any such declaration;

- e. any reservation made in pursuance of the provisions of Article 30 and the withdrawal of any reservation effected in pursuance of the provisions of paragraph 4 of Article 30;
- f. any notification received in pursuance of the provisions of paragraph 3 or 4 of Article 2, paragraph 3 of Article 3, Article 29 or paragraph 1 of Article 31;
- g. any other act, notification or communication relating to this Convention.

2. The depositary receiving a communication or making a notification in pursuance of the provisions of paragraph 1 shall immediately inform the other depositary thereof.

In witness whereof the undersigned, being duly authorised thereto, have signed the Convention.

Done at Strasbourg, the 25th day of January 1988, in English and French, both texts being equally authentic, in two copies of which one shall be deposited in the archives of the Council of Europe and the other in the archives of OECD. The Secretaries General of the Council of Europe and of OECD shall transmit certified copies to each member state of the Council of Europe and to the member countries of OECD.

ANNEX A

TAXES TO WHICH THE CONVENTION WOULD APPLY

(Paragraph 2 of Article 2 of the Convention)

AZERBAIJAN

Article 2, paragraph 1.a.i:

Income tax from individuals;

Profit tax from legal persons (with the exception of entities and enterprises that are the property of municipalities);

Tax withheld at the source of payment on income of non-residents;

Tax withheld from the net profit of a permanent establishment.

Article 2, paragraph 1.b.i:

Profit tax from entities and enterprises that are the property of municipalities.

Article 2, paragraph 1.b.ii:

Payments to the State Social Protection Fund.

Article 2, paragraph 1.b.iii.A:

Property tax from legal persons.

Article 2, paragraph 1.b.iii.B:

Land tax from legal persons.

Article 2, paragraph 1.b.iii.C:

Value added tax.

Article 2, paragraph 1.b.iii.D:

Excise Tax

Article 2, paragraph 1.b.iii.E:

Road tax.

Article 2, paragraph 1.b.iii.G:

Mining tax;

Tax under simplified system;

Duties withheld according to the “Law of state duties”.

Article 2, paragraph 1.b.iv:

Land tax from individuals;

Property tax from individuals;

Mining tax on the exploitation of constructions materials produced in certain regions.

BELGIUM

Article 2, paragraph 1.a.i:

Individual income tax;

Corporate income tax;

Income tax on legal entities;

Income tax on non-residents;

Withholding tax (prepayment) on income from movable property, withholding tax (prepayment) on earned income;

Surcharge on the income tax on non-residents.

Article 2, paragraph 1.b.i:

Surcharges on the individual income tax;

Withholding tax (prepayment) on income from immovable property and surcharges on this tax.

Article 2, paragraph 1.b.iii.A:

Registration duties on donations inter vivos.

Article 2, paragraph 1.b.iii.C:

Value added tax.

Article 2, paragraph 1.b.iii.D:

Excise duties;

Special excise duties;

Annual tax on insurance policies;

Annual tax on profit sharing schemes.

Article 2, paragraph 1.b.iv.A:

Inheritance tax and transfer duty upon death.

DENMARK

Danish taxes:

Article 2, paragraph 1.a.i:

Income taxes to the State (indkomstskatter til staten).

Article 2, paragraph 1.a.iii:

Capital tax to the State (formueskat til staten) – repealed as of 1 January 1997, enforceable and collectible (in cases of fraud) until 1 January 2011.

Article 2, paragraph 1.b.i:

Income tax to the municipalities (kommunal indkomstskat);

Income tax to the county municipalities (amtskommunal indkomstskat) – repealed as of income tax year 2007, integrated in assessments for income tax years 2006 and previous years;

Tax on immovable property (ejendomsskat);

Tax on assessed value of immovable property (ejendomsværdiskat);

Church tax (kirkeskat).

Article 2, paragraph 1.b.ii:

Labour market contribution (arbejdsmarkedsbidrag);

Special pension contribution (særligt pensionsbidrag).

Article 2, paragraph 1.b.iii.A:

Tax on inheritance and gifts (afgift af dødsboer og gaver).

Article 2, paragraph 1.b. iii.C:

Value added tax (merværdiafgift).

Article 2, paragraph 1.b.iii.D:

Excise duties imposed by the State (forbrugsafgifter, som pålægges af staten);

Article 2, paragraph 1.b.iii.E:

Registration tax on motor vehicles (registreringsafgift af motorkøretøjer);

Weight tax on motor vehicles and other taxes on the ownership or use of motor vehicles (vægtafgift af motorkøretøjer og andre afgifter på eje eller brug af motorkøretøjer).

Article 2, paragraph 1.b.iii.F:

Tax on insurances for yachts (afgift af lystfartøjsforsikringer).

Article 2, paragraph 1.b.iii.G:

Payroll tax (lønsafgift);

Taxes on betting, on casinos, on gaming machines and on lottery prizes (afgift af totalisatorspil, spillekasinoer, spilleautomater og gevinster ved lotterispil);

Tax on registration of rights in real property etc. (afgift af tinglysning og registrering af ejer- og panterrettigheder);

Stamp duty (stempelafgift).

Article 2, paragraph 1.b.iv:

Service charge on business property (dækningsafgift af forretningsejendom);

Property release tax (frigørelsesafgift) – repealed as of 1 January 2004, enforceable and collectible until 1 January 2009.

Faroese taxes:

Article 2, paragraph 1.a.i:

Income taxes to the Faroese home rule Government (landsskattur);

Royalty taxes (skattur av nýtslugjaldi);

Taxes levied under the Hydrocarbon Tax Act (skattur eftir kolvetnissskattalógini);

Taxes levied under the Tonnage Tax Act (skattur eftir tonnsaskattalógini).

Article 2, paragraph 1.a.ii:

Taxes levied under the Act on Taxation of Capital Gains (kapitalvinningskattur).

Article 2, paragraph 1.b.i:

Income taxes to the municipalities (komunuskattur);

Church tax (kirkjuskattur).

Article 2, paragraph 1.b.ii:

Labour market contribution (ALS-gjald);

Special pension contribution (arbeiðsmarknareftirlønargjald).

Article 2, paragraph 1.b.iii.C:

Value added tax (meirvirðisgjald).

Article 2, paragraph 1.b.iii.D:

Import and excise duties (tollur).

Article 2, paragraph 1.b.iii.E:

Registration tax on motor vehicles (skrásetingargjald);

Weight tax on motor vehicles and other taxes on the ownership or use of motor vehicles (veggjald).

Article 2, paragraph 1.b.iii.G:

Tax on registration of rights in real property (tinglýsingargjald).

Greenlandic taxes:

Article 2, paragraph 1.a.i:

Income taxes to the Greenlandic home rule (landsskat, særlig landsskat);

Dividend tax (udbytteskat);

Royalty tax (royaltyskat);

Company tax (selskabsskat).

Article 2, paragraph 1.b.i:

Municipal tax (kommuneskat);

Common municipal tax (fælleskommunal skat);

Dividend tax (udbytteskat);

Royalty tax (royaltyskat);

Company tax (selskabsskat).

Article 2, paragraph 1.b.ii:

Labour market contribution (arbejdsmarkedsbidrag).

Article 2, paragraph 1.b.iii.A:

Tax on inheritance and gifts (afgift af arv og gave).

Article 2, paragraph 1.b.iii.C:

Import duty (indførselsafgift).

Article 2, paragraph 1.b.iii.D:

Tax on certain beverages (afgift af visse drikkevarer);

Tax on gambling machines (afgift af automatspil);

Harbour duty (havneafgift);

Tax on shrimps (afgift på rejer).

Article 2, paragraph 1.b.iii.E:

Tax on motor vehicles (afgift af motorkøretøjer).

Article 2, paragraph 1.b.iii.G:

Tax on lotteries (lotteriafgift);

Stamp duty (stempelafgift).

FINLAND

Article 2, paragraph 1.a.i:

The state income taxes (valtion tuloverot; de statliga inkomstskatterna);

The corporate income tax (yhteisöjen tulovero; inkomstskatten för samfund);

The tax withheld at source from non-residents' income (rajoitetusti verovelvollisen lähdevero; källskatten för begränsat skattskyldig);

The tax withheld at source from interest (korkotulon lähdevero; källskatten på ränteinkomst);

The withholding tax for foreign employees (ulkomailta tulevan palkansaajan lähdevero; källskatt för löntagare från utlandet).

Article 2, paragraph 1.a.iii:

The state capital tax (valtion varallisuusvero; den statliga förmögenhetsskatten).

Article 2, paragraph 1.b.i:

The communal tax (kunnallisvero; kommunalskatten);

The church tax (kirkollisvero; kyrkoskatten);

The forestry duty (metsänhoitomaksu; skogsvårdsavgiften).

Article 2, paragraph 1.b.ii:

The national pension insurance contribution (vakuutetun kansaneläkevakuutusmaksu; försäkrads folkpensionsförsäkringspremie);

The health insurance contribution (vakuutetun sairausvakuutusmaksu; försäkrads sjukförsäkringpremie);

The employer's social security contribution (työnantajan sosiaaliturvamaksu; arbetsgivares socialskyddsavgift).

Article 2, paragraph 1.b.iii.A:

The inheritance tax and the gift tax (perintövero ja lahjaverot; arvsskatten och gåvoskatten).

Article 2, paragraph 1.b.iii.C:

The value added tax (arvonlisävero; mervärdesskatten).

Article 2, paragraph 1.b.iii.D:

The excise duty on tobacco (tupakkavero; tobaksaccisen);

The excise duty on soft drinks (virvoitusjuomavero; läskedrycksaccisen);

The excise duty on certain beverage packages (eräiden juomapakkausten valmistevero; accis på vissa dryckesförpackningar);

The excise duty on liquid fuels (nestemäisten polttoaineiden valmistevero; accisen på flytande bränslen);

The excise duty on electricity and certain energy sources (sähkö ja eräiden polttoaineiden valmistevero; accis på elström och vissa bränslen);

The excise duty on alcohol and alcoholic beverages (alkoholi- ja alkoholijuomavero; accisen på alkohol och alkoholdrycker);

The tax on certain insurance premiums (eräistä vakuutusmaksuista suoritettava vero; skatten på vissa försäkringspremier);

The oil waste duty (öljyjättemaksu; oljeavfallsavgiften);

The motor-car tax (autovero; bilskatten).

Article 2, paragraph 1.b.iii.E:

The fuel fee (polttoainemaksu; bränsleavgift);

The vehicle tax (ajoneuvovero; fordonsskatt).

Article 2, paragraph 1.b.iii.G:

The tax on honorary titles (arvonimistä suoritettava vero; skatt för titlar);

The oil damage duty (öljysuojamaksu; oljeskyddsavgiften);

The transfer tax (varallisuudensiirtovero; överlåtelseskatt);

The tax on lottery prizes (arpajaisvero; lotteriskatt);

The tax on waste (jätevero; avfallsskatt).

Article 2, paragraph 1.b.iv:

The municipal tax on real property (kiinteistövero; fastighetsskatten).

FRANCE

Article 2, paragraph 1.a.i:

Income tax;

General social contribution;

Social debt repayment contribution;

Corporation tax;

Withholding tax on income from movable assets;

Annual flat-rate tax on companies;

Corporation tax contribution;

Payroll taxes and contributions.

Article 2, paragraph 1.a.iii:

Solidarity wealth tax;

Tax on the market value of immovable assets held in France by legal persons.

Article 2, paragraph 1.b.iii.A:

Duties on the free transfer of assets.

Article 2, paragraph 1.b.iii.C:

Value-added tax and similar taxes.

Article 2, paragraph 1.b.iii.D:

Indirect contribution.

Article 2, paragraph 1.b.iii.E:

Tax on company cars.

Article 2, paragraph 1.b.iii.F:

Various taxes provided for under the General Tax Code and paid to the Government.

Article 2, paragraph 1.b.iii.G:

Stamp duties, registration fees and cadastral taxes paid to the Government, stock exchange transaction tax, tax on income from accumulation or capital bonds, tax on sums paid by insurance and similar bodies and tax on insurance contracts.

Article 2, paragraph 1.b.iv:

Built-up property tax and land tax;

Occupancy tax;

Business tax;

Land motor-vehicle excise duty;

Stamp duty on registration certificates for land motor-vehicles;

Stamp duty and cadastral tax on transfers for consideration of immovable property not intended for use as dwellings;

Surcharge on registration fees and cadastral taxes payable on transfers of immovable property;

Departmental mining concession taxes;

Local infrastructure tax;

Special infrastructure tax of the Ile-de-France region and its supplementary tax;

Tax on driving licences;

Communal taxes assimilated to direct local taxes;

Indirect taxes for local communities and various bodies.

ICELAND

Article 2, paragraph 1.a:

The state income taxes (tekjuskattar til ríkisins),

Tonnage tax (skattur á kaupskipaútgerð)

Article 2, paragraph 1.b.i:

The income tax to the municipalities (útsvar til sveitarfélaga),

Article 2, paragraph 1.b.ii:

The social security contribution (tryggingagjald)

Article 2, paragraph 1.b.iii.A:

The inheritance tax (erfðafjárskattur),

Article 2, paragraph 1.b.iii.C:

Value added tax (virðisaukaskattur),

Article 2, paragraph 1.b.iii.D:

Taxes and excises on :

Alcoholic beverages (áfengi)

Tobacco (tóbak)

Petrol (bensín)

Petroleum (dísilolíu)

Other industrial products (almenn vörugjöld)

Article 2, paragraph 1.b.iii.E:

Annual tax on motor vehicles (bifreiðagjald)

Tax on motor vehicles, etc. (vörugjald á ökutæki)

Mileage tax on the use of diesel-powered vehicles (kílómetragjald)

Article 2, paragraph 1.b.iii.G:

Stamp duty (stimpilgjald)

Municipal tax on real property (fasteignagjöld)

ITALY

Article 2, paragraph 1.a.i:

Personal Income Tax (Imposta sul reddito delle persone fisiche - IRPEF);

Corporate Income Tax (Imposta sul reddito delle società - IRES and the former Imposta sul reddito delle persone giuridiche - IRPEG).

Article 2, paragraph 1.a.ii:

Substitute Income Taxes, irrespective of their denomination.

Article 2, paragraph 1.b.i:

Regional Tax on Productive Activities (Imposta regionale sulle attività produttive - IRAP).

Article 2, paragraph 1.b.iii.C:

Value Added Tax (Imposta sul valore aggiunto - IVA).

Article 2, paragraph 1.b.iii.G:

Registration Tax (Imposta di registro);

Mortgage and Cadastral Taxes (Imposte ipotecaria e catastale).

Article 2, paragraph 1.b.iv:

Local Property Tax (Imposta comunale sugli immobili - ICI).

NETHERLANDS

Netherlands taxes:

Article 2, paragraph 1.a.i:

Income Tax (Inkomstenbelasting);

Salaries Tax (Loonbelasting);

Corporation Tax (Vennootschapsbelasting);

Dividend Tax (Dividendbelasting).

Article 2, paragraph 1.a.iii :

Wealth Tax (Vermogensbelasting).

Article 2, paragraph 1.b.ii:

Social Security Contributions (Premies sociale verzekering).

Article 2, paragraph 1.b.iii.A:

Inheritance, Transfer or Gift Tax (Rechten van successie, overgang of schenking).

Article 2, paragraph 1.b.iii.C:

Value added tax (Omzetbelasting).

Netherlands Antilles taxes:

Article 2, paragraph 1.a.i:

Income Tax (Inkomstenbelasting);

Salaries Tax (Loonbelasting);

Corporation Tax (Winstbelasting).

Aruba taxes:

Article 2, paragraph 1.a.i:

Income Tax (Inkomstenbelasting);

Salaries Tax (Loonbelasting);

Corporation Tax (Winstbelasting);

Dividend Tax (Dividendbelasting).

Article 2, paragraph 1 b.iii.C:

Turnover tax (Omzetbelasting).

NORWAY

Article 2, paragraph 1.a.i:

The national tax on personal income (*skatt på personinntekt*);

The national tax on ordinary income (*skatt på alminnelig inntekt*);

The national equalization tax (*fellesskatt*);

The special tax on petroleum income (særlig skatt på petroleumsinntekt);

The resource rent tax on income from hydro-electric power (*grunnrenteskatt på inntekt fra produksjon av vannkraft*);

The withholding tax on dividends (*kildeskatt på utbytter*);

The tonnage tax (tonnasjeskatt);

The national tax on remuneration to non-resident artists (*skatt til staten på honorarer til utenlandske artistene mv.*).

Article 2, paragraph 1.a.iii:

The national tax on capital (*formuesskatt til staten*).

Article 2, paragraph 1.b.i:

The county municipal tax on ordinary income (skatt til fylkeskommunen på alminnelig inntekt);

The municipal tax on ordinary income (skatt til kommunen på alminnelig inntekt);

The county municipal and municipal natural resource tax (*naturressursskatt til fylkeskommune og kommune*);

The municipal tax on capital (formuesskatt til kommunen).

Article 2, paragraph 1.b.ii:

Employees' contributions to the National Insurance Scheme (*folketrygdavgift*);

Employers' contributions to the National Insurance Scheme (*arbeidsgiveravgift*).

Article 2, paragraph 1.b.iii.A:

Tax on inheritance and certain gifts (*avgift på arv og visse gaver*).

Article 2, paragraph 1.b.iii.C:

Value added tax (*merverdiavgift*);

Investment tax (*investeringsavgift*).

Article 2, paragraph 1.b.iii.D:

Taxes and excises on:

Alcohol (*alkohol*), alcoholic beverages (*brennevin og vin m.v.*) beer (*øl*) and alcohol in imported essences (*alkohol i essenser som innføres*);

Autodiesel (autodiesel);

Carbondioxide from mineral oils, petrol and gas (*CO2 avgift på mineralolje, bensin og gass*);

Sulphur (*svovel*);

Beverage packaging (*drikkevareemballasje*);

Final treatment of waste (*sluttbehandling av avfall*);

Tobacco (*tobakksvarer*);

Petrol (*bensin*);

Mineral oil, base tax on heating oil (*fyringsolje*);

Lubricants (*smøreolje*);

Marine engines (*båtmotorer*);

Electricity consumption (*forbruk av elektrisk kraft*);

Chocolates and sweets (*sjokolade*);

Sugar (*sukker*);

Non-alcoholic beverages (*alkoholfrie drikkevarer*);

Trichloreten and tetrachloreten (*TRI og PER*);

Hydrofluorocarbons (HFC) and perfluorocarbons (*PFC*) (*HFK og PFK*);

Emissions of NO_x (*utslipp av NO_x*).

Article 2, paragraph 1.b.iii.G:

Annual tax on motor vehicles (*årsavgift på motorvogner*);

Tax on motor vehicles etc. (*engangsavgift på motorvogner m.v.*);

Re-registration tax (*omregistreringsavgift*);

Annual tax on heavy goods vehicles (*årsavgift på tyngre kjøretøyer*);

Tax on documents transferring title to real property (*avgift på dokument som overfører hjemmel til fast eiendom*).

POLAND

For the Republic of Poland, the Convention shall apply to the taxes referred to in sub-paragraphs a. i. – ii. and b. i. –iii. of paragraph 1 of Article 2.

SWEDEN

The Convention applies to taxes and charges levied under the following acts:

Article 2 paragraph 1.a.i:

Act (1970:624) on withholding tax on dividends, Act (1990:659) on special payroll tax, Act (1991:586) on income tax on non-residents, Act (1991:591) on income tax on non-resident artistes and athletes, Act (1991:687) on special payroll tax on pension costs, Income tax act (1999:1229).

Article 2 paragraph 1.a.ii:

Act (1990:661) on yield tax on pension funds.

Article 2 paragraph 1.a.iii:

Wealth tax act (1947:577).

Article 2 paragraph 1.b.i:

Funeral act (1990:1144), Act (1999:291) on fees to registered religious communities.

Article 2 paragraph 1.b. ii:

Act (1994:1920) on general payroll fee, Act (1994:1744) on general pension contribution, Social security contribution act (2000:980).

Article 2 paragraph 1.b.iii.A:

Act (1941:416) on inheritance tax and on gift tax.

Article 2 paragraph 1.b.iii.B:

Real estate tax act (1984:1052), Act (1984:404) on land register stamp duties.

Article 2 paragraph 1.b.iii.C:

Value added tax act (1994:200).

Article 2 paragraph 1.b.iii.D:

Act (1972:266) on tax on advertisements and advertising, Act (1972:820) on tax on gambling, Vehicle scrapping act (1975:343), Act (1984:409) on tax on fertilizer, Act (1984:410) on tax on pesticides, Act (1990:613) on an environmental charge on emissions of nitrogen oxides in energy production, Act (1990:1427) on premium tax on group life insurance, Lottery tax act (1991:1482), Act (1991:1483) on prize savings' tax, Tobacco excise duty act (1994:1563), Alcohol excise duty act (1994:1564), Act (1994:1776) on excise duty on energy, Act (1995:1667) on natural gravel tax, Act (1998:506) on monitoring of transportations etc. of alcohol merchandise, tobacco merchandise and mineral oil products subject to excise duties, Waste tax act (1999:673), Act (2000:466) on tax on thermal capacity in nuclear power reactors.

Article 2 paragraph 1.b.iii.E:

Act (1976:339) on tax on cars for sale, Vehicle tax act (1988:327), Act (1997:1137) on road user charges for certain heavy vehicles.

Article 2 paragraph 1.b.iii G:

Act (1972:435) on overburden charge.

UNITED KINGDOM

For the United Kingdom of Great Britain and Northern Ireland, the Convention shall apply to those taxes in Article 2(1) which fall within -

- a) any of paragraphs i. to iii. of sub-paragraph a; or
- b) paragraph iii. of sub-paragraph b.

UNITED STATES

For the United States, this Convention shall apply to taxes imposed under Title 26 of the United States Code (the Internal Revenue Code of 1986), as amended, which correspond to the taxes in the categories referred to in paragraph 1. a. and 1. b. ii and iii of Article 2 of the Convention.

ANNEX B

COMPETENT AUTHORITIES

(Paragraph. 1.d of Article 3 of the Convention)

AZERBAIJAN

Ministry of taxes, State Customs Committee, Ministry of Labour and Social Protection of Population, Ministry of Finance.

BELGIUM

Minister of Finance or an Authorised Representative.

DENMARK

Denmark (except for Greenland):

The Minister for Taxation of his authorised representative;

Faroe Islands:

The Faroe Islands Customs and Tax Administration (Toll- og Skattstova Føroya);

Greenland:

The Local Government or its authorised representative.

FINLAND

The National Board of Taxes.

FRANCE

In the case of France, the competent authorities within the meaning of Article 3.1.d of the Convention are:

1. - for the contributions referred to in Chapter VI of Title III of Book I of the Social Security Code and in Chapter II of Ordinance No. 96-50 of 24 January 1996 on the social debt repayment:
2. - concerning those recovered by social security bodies: as appropriate, the Chairman of the Administrative Council of the Central Agency for Social Security Bodies (*Agence centrale des organismes de sécurité sociale – ACOSS*) or the Chairman of the Administrative Council of the Agricultural Social Insurance Mutual Benefit Fund (*Caisse centrale de mutualité sociale agricole – CCMSA*);

3. - concerning those recovered by the Treasury: the Minister responsible for the Budget or his authorised representative.

For all the other taxes referred to in Annex A: the Minister responsible for the Budget or his authorised representative.

ICELAND

The Minister of Finance or his authorised representative.

ITALY

The Ministry of Economy and Finance - Tax Policy Department.

NETHERLANDS

Netherlands:

For tax purposes: the Minister of Finance or his authorised representative;

For Social security purposes: the State Secretary for Social Affairs and Employment or his authorised Representative.

Netherlands Antilles:

The Minister of Finance or his authorised representative.

Aruba:

The Minister of Finance or his authorised representative.

NORWAY

The Minister of Finance or the minister's authorised representative.

POLAND

For the Republic of Poland, the term 'competent authority' means the Minister of Finance or his authorized representative.

SWEDEN

The Minister of Finance or the National Tax Board.

UNITED KINGDOM

In relation to the United Kingdom, the term 'competent authority' means the Commissioners for Her Majesty's Revenue and Customs or their authorised representative.

UNITED STATES

For the United States, the term "competent authority" means the Secretary of the Treasury or his designee.

ANNEX C

**DEFINITION OF THE WORD "NATIONAL" FOR THE PURPOSE OF
THE CONVENTION**

(Paragraph 1.e of Article 3 of the Convention)

AZERBAIJAN

The term "national" means:

1. all individuals possessing the nationality of the Republic of Azerbaijan;
2. all legal persons (including partnership and joint venture), companies, associations and other organisations deriving their status as such from the legislation of the Republic of Azerbaijan.

BELGIUM

None provided.

DENMARK

None provided.

FINLAND

None provided.

FRANCE

None provided.

ICELAND

The term "national" means for Iceland:

1. any individual possessing the nationality or citizenship of Iceland;
2. any legal person, partnership and associations deriving its status as such from the laws in force in Iceland.

ITALY

None provided.

NETHERLANDS

The term "national" means for the Netherlands:

1. all individuals possessing the Dutch nationality;
2. all legal persons, companies and associations deriving their status as such from the laws in force in the Netherlands.

The term "national" means for the Netherlands Antilles:

1. all individuals possessing the Dutch nationality;
2. all legal persons, companies and associations deriving their status as such from the laws in force in the Netherlands Antilles.

The term "national" means for Aruba:

1. all individuals possessing the Dutch nationality and having a legally valid title of residence for Aruba;
2. all legal persons, companies and associations deriving their status as such from the laws in force in Aruba.

NORWAY

None provided.

POLAND

None provided.

SWEDEN

None provided.

UNITED KINGDOM

In relation to the United Kingdom, the term 'national' means any British citizen, or any British subject not possessing the citizenship of any other Commonwealth country or territory, provided he has the right of abode in the United Kingdom; and any legal person, partnership, association or other entity deriving its status as such from the laws in force in the United Kingdom.

UNITED STATES

None provided.



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