

No. 44354. Belgium and San Marino N° 44354. Belgique et Saint-Marin

CONVENTION BETWEEN THE KINGDOM OF BELGIUM AND THE REPUBLIC OF SAN MARINO FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF TAX FRAUD WITH RESPECT TO TAXES ON INCOME. SAN MARINO, 21 DECEMBER 2005 [*United Nations, Treaty Series, vol. 2470, I-44354.*]

CONVENTION ENTRE LE ROYAUME DE BELGIQUE ET LA RÉPUBLIQUE DE SAINT-MARIN TENDANT À ÉVITER LA DOUBLE IMPOSITION ET À PRÉVENIR LA FRAUDE FISCALE EN MATIÈRE D'IMPÔTS SUR LE REVENU. SAINT-MARIN, 21 DÉCEMBRE 2005 [*Nations Unies, Recueil des Traités, vol. 2470, I-44354.*]

PROTOCOL AMENDING THE CONVENTION BETWEEN THE KINGDOM OF BELGIUM AND THE REPUBLIC OF SAN MARINO FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF TAX FRAUD WITH RESPECT TO TAXES ON INCOME SIGNED AT SAN MARINO ON 21 DECEMBER 2005. BRUSSELS, 14 JULY 2009*

PROTOCOLE MODIFIANT LA CONVENTION ENTRE LE ROYAUME DE BELGIQUE ET LA RÉPUBLIQUE DE SAINT-MARIN TENDANT À ÉVITER LA DOUBLE IMPOSITION ET À PRÉVENIR LA FRAUDE FISCALE EN MATIÈRE D'IMPÔTS SUR LE REVENU, SIGNÉE À SAINT-MARIN LE 21 DÉCEMBRE 2005. BRUXELLES, 14 JUILLET 2009*

Entry into force: 18 July 2013 by notification, in accordance with article II

Authentic text: English

Registration with the Secretariat of the United Nations: Belgium, 17 October 2013

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

Entrée en vigueur : 18 juillet 2013 par notification, conformément à l'article II

Texte authentique : anglais

Enregistrement auprès du Secrétariat des Nations Unies : Belgique, 17 octobre 2013

**Le numéro de volume RTNU n'a pas encore été établi pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]

**PROTOCOL
AMENDING THE CONVENTION
BETWEEN
THE KINGDOM OF BELGIUM
AND
THE REPUBLIC OF SAN MARINO
FOR THE AVOIDANCE OF DOUBLE TAXATION
AND THE PREVENTION OF TAX FRAUD
WITH RESPECT TO TAXES ON INCOME
SIGNED AT SAN MARINO ON 21 DECEMBER 2005**

THE GOVERNMENT OF THE KINGDOM OF BELGIUM,

and

THE GOVERNMENT OF THE REPUBLIC OF SAN MARINO,

DESIRING to amend the Convention between the Republic of San Marino and the Kingdom of Belgium for the avoidance of double taxation and the prevention of tax fraud with respect to taxes on income signed at San Marino on 21 December 2005 (hereinafter referred to as "the Convention"),

HAVE AGREED as follows:

ARTICLE I

The text of Article 27 of the Convention is deleted and replaced by the following:

- “1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Convention or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed by or on behalf of the Contracting States, insofar as the taxation thereunder is not contrary to the Convention. The exchange of information is not restricted by Articles 1 and 2.
2. Any information received under paragraph 1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions. Notwithstanding the foregoing, information received by a Contracting State may be used for other purposes when such information may be used for such other purposes under the laws of both States and the competent authority of the supplying State authorises such use.
3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting State the obligation:
 - (a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;
 - (b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;
 - (c) 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).
4. If information is requested by a Contracting State in accordance with the provisions of this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 of this Article but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.

5. In no case shall the provisions of paragraph 3 of this Article be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, trust, foundation, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person. In order to obtain such information the tax administration of the requested Contracting State shall have the power to ask for the disclosure of information and to conduct investigations and hearings notwithstanding any contrary provisions in its domestic tax laws.”

ARTICLE II

Each of the Contracting States shall notify the other Contracting State, through diplomatic channels, of the completion of the procedures required by its law for the bringing into force of this Protocol. The Protocol shall enter into force on the date of the later of these notifications and its provisions shall have effect :

- a) with respect to taxes due at source on income credited or payable on or after January 1 of the year next following the year in which the Protocol entered into force;
- b) with respect to other taxes charged on income of taxable periods beginning on or after January 1 of the year next following the year in which the Protocol entered into force;
- c) with respect to any other taxes imposed by or on behalf of the Contracting States, on any other tax due in respect of taxable events taking place on or after January 1 of the year next following the year in which the Protocol entered into force.

ARTICLE III

This Protocol, which shall form an integral part of the Convention, shall remain in force as long as the Convention remains in force and shall apply as long as the Convention itself is applicable.