

No. 48978

**United Kingdom of Great Britain and Northern Ireland
(in respect of Bermuda)
and
Mexico**

Agreement between the Government of Bermuda and the Government of the United Mexican States on the exchange of tax information. Mexico City, 15 October 2009

Entry into force: *9 September 2010 by notification, in accordance with article 12*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *United Kingdom of Great Britain and Northern Ireland, 15 September 2011*

**Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
(à l'égard des Bermudes)
et
Mexique**

Accord entre le Gouvernement des Bermudes et Gouvernement des États-Unis du Mexique sur à l'échange de renseignements en matière fiscale. Mexico, 15 octobre 2009

Entrée en vigueur : *9 septembre 2010 par notification, conformément à l'article 12*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat des Nations Unies : *Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, 15 septembre 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN THE GOVERNMENT OF BERMUDA AND THE
GOVERNMENT OF THE UNITED MEXICAN STATES ON THE
EXCHANGE OF TAX INFORMATION**

The Government of Bermuda and the Government of the United Mexican
States

DESIRING to facilitate the exchange of information with respect to taxes,

Have agreed as follows:

ARTICLE 1
Object and Scope of the Agreement

1. The competent authorities of the Contracting Parties shall provide assistance through exchange of information that is relevant to the administration or enforcement of the domestic laws of the Contracting Parties concerning taxes covered by this Agreement.

2. Such information shall include information that is relevant to the determination, assessment and collection of such taxes, the recovery and enforcement of tax claims, or the investigation or prosecution of tax matters.

3. Information shall be exchanged in accordance with the provisions of this Agreement and shall be treated as confidential in the manner provided in Article 8

ARTICLE 2

Jurisdiction

A requested Party is not obligated to provide information which is neither held by its authorities nor in the possession or control of persons who are within its territorial jurisdiction.

ARTICLE 3

Interpretation

The competent authorities may take into consideration the commentaries pertaining to the 2002 Agreement on Exchange of Information on Tax Matters of the Organization for Economic Cooperation and Development (OECD Model Agreement) when interpreting provisions of this Agreement that are identical to the provisions in that OECD Model Agreement.

ARTICLE 4

Taxes Covered

1. The existing taxes which are the subject of this Agreement are taxes of every kind and description in both Contracting Parties.

2. This Agreement shall also apply to taxes imposed after the date of signature of this Agreement in addition to, or in place of, the existing taxes. The competent authorities of the Contracting Parties shall notify each other of any substantial changes to the taxation and related information gathering measures covered by this Agreement within a reasonable time.

3. The Agreement shall not apply to taxes imposed by any states, municipalities, or other political sub-divisions of a Contracting Party.

ARTICLE 5

Definitions

1. For the purposes of this Agreement, unless otherwise defined:

- (a) "Mexico" means the United Mexican States, used in a geographical sense includes the territory of the United Mexican States, as well as the integrated parts of the Federation, the islands, including the reefs and Cays in the adjacent waters, the islands of Guadalupe and Revillagigedo, the continental shelf and the seabed and sub-soil of the islands, cays and reefs, the waters of the territorial seas and the inland waters and beyond them the areas over which, in accordance with the international law, Mexico may exercise its sovereign rights of exploration and exploitation of the natural resources of the seabed, sub-soil and the supra-jacent waters and the air space of the national territory to the extent and under conditions established by international law;
- (b) "Bermuda" means the Islands of Bermuda;

- (c) “Applicant Party” means the Contracting Party requesting information;
- (d) “collective investment fund or scheme” means any pooled investment vehicle, irrespective of legal form. The term “public collective investment fund or scheme” means any collective investment fund or scheme provided the units, shares or other interests in the fund or scheme can be readily purchased, sold or redeemed by the public. Units, shares or other interests in the fund or scheme can be readily purchased, sold or redeemed “by the public” if the purchase, sale or redemption is not implicitly or explicitly restricted to a limited group of investors;
- (e) “company” means any body corporate or any entity that is treated as a body corporate for tax purposes;
- (f) “competent authority” means, in the case of Bermuda, the Minister of Finance or an authorised representative of the Minister and, in the case of Mexico, the Ministry of Finance and Public Credit ;
- (g) “Contracting Party” means Bermuda or Mexico as the context requires;
- (h) “information” means any fact, statement or record in any form whatever;
- (i) “information-gathering measures” means laws and administrative or judicial procedures that enable a Contracting Party to obtain and provide the requested information;
- (j) “national” means: