

No. 48979

**United Kingdom of Great Britain and Northern Ireland (in re-
spect of Turks and Caicos Islands)
and
Denmark**

Agreement between the Government of Denmark and the Government of the Turks and Caicos Islands for the exchange of information relating to taxes. Mexico City, 2 September 2009, and Grand Turk, 7 September 2009

Entry into force: *31 December 2010 by notification, in accordance with article 15*

Authentic text: *English*

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 Îles Turques et Caïques)
et
Danemark**

Accord entre le Gouvernement du Danemark et le Gouvernement des Îles Turques et Caïques relatif à l'échange de renseignements en matière fiscale. Mexico, 2 septembre 2009, et Grand Turk, 7 septembre 2009

Entrée en vigueur : *31 décembre 2010 par notification, conformément à l'article 15*

Texte authentique : *anglais*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN THE GOVERNMENT
OF DENMARK AND THE GOVERNMENT OF THE TURKS AND
CAICOS ISLANDS FOR THE EXCHANGE OF INFORMATION
RELATING TO TAXES**

Whereas the contracting parties have long been active in international efforts in the fight against financial and other crimes, including the targeting of terrorist financing;

Whereas it is acknowledged that the contracting parties are competent to negotiate and conclude a tax information exchange agreement;

Whereas the Turks and Caicos Islands on 8 March 2002 entered into a formal written commitment to the OECD's principles of transparency and exchange of information and subsequently have participated actively in the OECD Global Forum on Taxation;

Whereas the contracting parties wish to enhance and facilitate the terms and conditions governing the exchange of information relating to taxes;

Now, therefore, the contracting parties have agreed to conclude the following Agreement which contains obligations on the part of the contracting parties only:

ARTICLE 1

SCOPE OF AGREEMENT

The competent authorities of the contracting parties shall provide assistance through exchange of information that is foreseeably relevant to the administration and enforcement of the domestic laws of the contracting parties concerning the taxes and the tax matters covered by this Agreement, including information that is foreseeably relevant to the determination, assessment, verification, enforcement, recovery or collection of tax claims with respect to persons subject to such taxes, or the investigation or prosecution of tax matters in relation to such persons. 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

To enable the appropriate implementation of this Agreement, information shall be provided in accordance with this Agreement by the competent authority of the requested party:

- (a) without regard to whether the person to whom the information relates is a resident, national or citizen of a party, or whether the person by whom the information is held is a resident, national or citizen of a party; and
- (b) provided that the information is present within the territory, or in the possession or control of a person subject to the jurisdiction, of the requested party.

ARTICLE 3

TAXES COVERED

1. The taxes covered by this Agreement are:
 - (a) in the case of Denmark
 - (i) the income tax to the State (indkomstskatten til staten);
 - (ii) the income tax to the municipalities (den kommunale indkomstskat); and
 - (iii) value added tax (merværdiafgift).
 - (b) in the case of the Turks and Caicos Islands
 - (i) stamp duty;
 - (ii) accommodation tax; and
 - (iii) passenger tax.
2. (a) Subject to sub-paragraph (b) of this paragraph, this Agreement shall also apply to any identical or substantially similar taxes imposed by either territory after the date of signature of this Agreement in addition to, or in place of, any of the taxes listed in paragraph 1.

(b) The competent authorities of the contracting parties shall notify each other of any relevant changes to the taxation and related information gathering measures covered by this Agreement.
3. The Contracting Parties may, by mutual agreement, add other taxes to the taxes covered by this Agreement.

ARTICLE 4

DEFINITIONS

1. In this Agreement-

- (a) "Turks and Caicos Islands" means the territory of the Turks and Caicos Islands
- (b) "Denmark" means the Kingdom of Denmark including any area outside the territorial sea of Denmark which in accordance with international law has been or may hereafter be designated under Danish laws as an area within which Denmark may exercise sovereign rights with respect to the exploration and exploitation of the natural resources of the sea-bed or its subsoil and the superjacent waters and with respect to other activities for the exploration and economic exploitation of the area; the term does not comprise the Faroe Islands and Greenland;
- (c) "collective investment scheme" means any pooled investment scheme, fund or vehicle irrespective of legal form;
- (d) "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;
- (e) "competent authority" means:
 - (i) in the case of Denmark, the Minister for Taxation or his authorized representative;
 - (ii) and in the case of the Turks and Caicos Islands the Permanent Secretary in the Ministry of Finance or a person or authority designated by him in writing;
- (f) "contracting party" means Denmark or the Turks and Caicos Islands as the context requires;
- (g) "criminal laws" means all criminal laws designated as such under domestic law irrespective of whether contained in the tax laws, the criminal code or other statutes;
- (h) "criminal tax matters" means tax matters involving intentional conduct which is liable to prosecution under the criminal laws of the requesting contracting party;
- (i) "information" means any fact, statement, document or record in whatever form;

- (j) “information gathering measures” means judicial, regulatory or administrative laws and procedures enabling a contracting party to obtain and provide the information requested;
 - (k) “person” means an individual (“natural person”), a company, or any other body or group of persons;
 - (l) “public collective investment scheme” means any collective investment scheme in which the purchase, sale or redemption of shares or other interests is not implicitly or explicitly restricted to a limited group of investors,
 - (m) “requested party” means the party to this Agreement which is requested to provide or has provided information in response to a request;
 - (n) “requesting party” means the party to this Agreement submitting a request for or having received information from the requested party;
 - (o) “tax” means any tax covered by this Agreement.
2. As regards the application of this Agreement at any time by a contracting party, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that contracting party, any meaning under the applicable tax laws of that contracting party prevailing over a meaning given to the term under other laws of that contracting party.

ARTICLE 5

EXCHANGE OF INFORMATION UPON REQUEST

1. The competent authority of a requested party shall provide upon request in writing by the requesting party information for the purposes referred to in Article 1. Such information shall be exchanged without regard to whether the conduct being investigated would constitute a crime under the laws of the requested party if it occurred in the territory of the requested party. If the information received by the competent authority of the requested party is not sufficient to enable it to comply with the request for information, it shall, in accordance with the terms provided in paragraph 7 (a), advise the competent authority of the requesting party of that fact and request such additional information as may be required to enable the effective processing of the request.
2. If the information in possession of the competent authority of the requested party is not sufficient to enable it to comply with the request for the information, the requested party shall use all relevant information gathering measures to provide the requesting party with the information requested, notwithstanding that the requested party may not need such information for its own tax purposes.