

No. 48992

**United Kingdom of Great Britain and Northern Ireland
(in respect of Anguilla)
and
Denmark (in respect of the Faroe Islands)**

Agreement between the Government of Anguilla and the Government of the Faroes concerning information on tax matters. Paris, 14 December 2009

Entry into force: *20 August 2011 by notification, in accordance with article 12*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *United Kingdom of Great Britain and Northern Ireland, 30 September 2011*

**Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
(à l'égard d'Anguilla)
et
Danemark (à l'égard des îles Féroé)**

Accord entre le Gouvernement d'Anguilla et le Gouvernement des Îles Féroé concernant les renseignements en matière fiscale. Paris, 14 décembre 2009

Entrée en vigueur : *20 août 2011 par notification, conformément à l'article 12*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, 30 septembre 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN
THE GOVERNMENT OF
ANGUILLA
AND
THE GOVERNMENT OF THE FAROES
CONCERNING INFORMATION ON TAX MATTERS**

The Government of Anguilla and the Government of the Faroes,

- desiring to conclude an Agreement concerning information on tax matters;
- considering that the Government of the Faroes concludes this agreement on behalf of the Kingdom of Denmark pursuant to the Act on the Conclusion of Agreements under International Law by the Government of the Faroes,

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 foreseeably relevant to the administration and enforcement of the domestic laws of the Contracting Parties concerning taxes covered by this Agreement. Such information shall include information that is foreseeably 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. 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.

2. The rights and safeguards secured to persons by the laws or administrative practice of the requested Party remain applicable to the extent that they do not unduly prevent or delay effective exchange of information.

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
Taxes covered

1. This Agreement shall apply to the following taxes imposed by the Contracting Parties:

a) in the case of the Faroes:

(i) taxes on income or profit; and

(ii) value added tax (meirvirðisgjald).

b) in the case of Anguilla:

(i) property tax;

(ii) stamp duty;

(iii) accommodation tax; and

(iv) vacation residential asset levy.

2. This Agreement shall also apply to any identical or any substantially similar taxes imposed after the date of signature of the 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 the Agreement.

Article 4

Definitions

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

a) the term "Contracting Party" means Anguilla or the Faroes as the context requires;

b) the term "Anguilla" means the territory of Anguilla;

c) the term "the Faroes" means the landmass of the Faroes and their territorial waters and any area outside the territorial waters where the Faroes according to Faroese legislation and in accordance with international law, may exercise rights with respect to the seabed and subsoil and their natural resources;

d) the term "competent authority" means:

(i) in Anguilla, the Permanent Secretary on the Ministry of Finance or a person or authority designated by him in writing;

(ii) in the Faroes, the Minister of Finance or his authorised representative or the authority which is designated as a competent authority for the purpose of this Agreement;

e) the term "person" includes an individual, a company and any other body of persons;

f) the term "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;

g) the term "publicly traded company" means any company whose principal class of shares is listed on a recognised stock exchange provided its listed shares can be readily purchased or sold by the public. Shares can be purchased or sold "by the public" if the purchase or sale of shares is not implicitly or explicitly restricted to a limited group of investors;

h) the term "principal class of shares" means the class or classes of shares representing a majority of the voting power and value of the company;

i) the term "recognised stock exchange" means any stock exchange agreed upon by the competent authorities of the Contracting Parties;

j) the term “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;

k) the term “tax” means any tax to which the Agreement applies;

l) the term “applicant Party” means the Contracting Party requesting information;

m) the term “requested Party” means the Contracting Party requested to provide information;

n) the term “information gathering measures” means laws and administrative or judicial procedures that enable a Contracting Party to obtain and provide the requested information;

o) the term “information” means any fact, statement or record in any form whatever;

p) the term “criminal tax matters” means tax matters involving intentional conduct which is liable to prosecution under the criminal laws of the applicant party;

q) the term “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.

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 Party, any meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.

Article 5

Exchange of Information Upon Request