

No. 52626*

**Austria
and
United Kingdom of Great Britain and Northern Ireland (in
respect of Guernsey)**

**Agreement between the Republic of Austria and the States of Guernsey for the exchange of
information relating to tax matters. London, 14 May 2014**

Entry into force: *23 November 2014, in accordance with article 12*

Authentic texts: *English and German*

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**Autriche
et
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord (à
l'égard de Guernesey)**

**Accord entre la République d'Autriche et les États de Guernesey relatif à l'échange
d'informations en matière fiscale. Londres, 14 mai 2014**

Entrée en vigueur : *23 novembre 2014, conformément à l'article 12*

Textes authentiques : *anglais et allemand*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Autriche,
1^{er} avril 2015*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN
THE REPUBLIC OF AUSTRIA AND
THE STATES OF GUERNSEY
FOR THE EXCHANGE OF INFORMATION RELATING TO TAX
MATTERS**

WHEREAS the 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 States of Guernsey has the right, under the terms of the Entrustment from the United Kingdom of Great Britain and Northern Ireland, to negotiate, conclude, perform and subject to the terms of this Agreement terminate a tax information exchange agreement with Austria;

WHEREAS the Parties have entered into a political commitment to the OECD's principles of effective exchange of information;

WHEREAS the Parties wish to enhance and facilitate the terms and conditions governing the exchange of information relating to taxes;

NOW, therefore, the Parties have agreed to conclude the following Agreement which contains obligations on the part of the Parties only:

Article 1

Object and Scope of the Agreement

The competent authorities of the Parties shall provide assistance through exchange of information that is foreseeably relevant to the administration and enforcement of the domestic laws of the Parties concerning the 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 of tax matters or the prosecution of criminal 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. The rights and safeguards secured to persons by the laws or administrative practice of the requested Party remain applicable. The requested Party shall use its best endeavours to ensure that the effective exchange of information is not unduly prevented or delayed.

Article 2

Jurisdiction

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

Article 3

Taxes Covered

- (1) The taxes which are the subject of this Agreement are:
- a) in Austria:
 - (i) the income tax (die Einkommensteuer);
 - (ii) the corporation tax (die Körperschaftsteuer);
 - b) in Guernsey:
 - (i) income tax;
 - (ii) dwellings profits tax.

(2) This Agreement shall also apply to any identical taxes imposed after the date of signature of the Agreement in addition to or in place of the existing taxes, or any substantially similar taxes if the Parties so agree. The competent authority of each Party shall notify the 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 "Austria" means the Republic of Austria;
 - b) the term "Guernsey" means the States of Guernsey and, when used in a geographical sense, means Guernsey, Alderney and Herm, including the territorial sea adjacent to those islands, in accordance with international law;
 - c) 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;
 - d) the term "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;
 - e) the term "competent authority" means:
 - (i) in Austria: the Federal Minister of Finance or his authorised representative;
 - (ii) in Guernsey: the Director of Income Tax or his delegate;

- f) the term "information" means any fact, statement, document or record in any form whatever;
- g) the term "information gathering measures" means laws and administrative or judicial procedures that enable a Party to obtain and provide the information requested;
- h) the term "Parties" means Austria or Guernsey as the context requires;
- i) the term "person" includes an individual, a company and any other body or group of persons;
- j) 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;
- k) 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;
- l) the term "recognised stock exchange" means the Channel Islands Stock Exchange, the Wiener Börse AG or any other stock exchange agreed upon by the competent authorities of the Parties;
- m) the term "requested Party" means the Party to this Agreement which is requested to provide or has provided information in response to a request;
- n) the term "requesting Party" means the Party to this Agreement submitting a request for or having received information from a requested Party;