

**No. 53577\***

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**Canada  
and  
San Marino**

**Agreement between Canada and the Republic of San Marino for the exchange of information on tax matters. San Marino, 27 October 2010**

**Entry into force:** *20 October 2011 by notification, in accordance with article 13*

**Authentic texts:** *English, French and Italian*

**Registration with the Secretariat of the United Nations:** *Canada, 25 April 2016*

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**Canada  
et  
Saint-Marin**

**Accord entre le Canada et la République de Saint-Marin sur l'échange de renseignements en matière fiscale. Saint-Marin, 27 octobre 2010**

**Entrée en vigueur :** *20 octobre 2011 par notification, conformément à l'article 13*

**Textes authentiques :** *anglais, français et italien*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Canada, 25 avril 2016*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT**

**BETWEEN**

**CANADA**

**AND**

**THE REPUBLIC OF SAN MARINO**

**FOR THE EXCHANGE OF INFORMATION ON TAX MATTERS**

**CANADA and THE REPUBLIC OF SAN MARINO**, desiring to facilitate the exchange of information with respect to taxes, have agreed as follows:

## **ARTICLE 1**

### **Object and Scope of this 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 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. The rights and safeguards secured to persons by the laws or administrative practice of the requested Party remain applicable.

## **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**

The taxes which are the subject of this Agreement are, in the case of Canada, all taxes imposed or administered by the Government of Canada and in the case of the Republic of San Marino, all taxes imposed or administered by the Republic of San Marino, including any taxes imposed or administered after the date of signature of this Agreement.

### **ARTICLE 4**

#### **Definitions**

1. For the purposes of this Agreement, unless otherwise defined:
  - (a) the term “Contracting Party” means the Republic of San Marino or Canada as the context requires;
  - (b) the term “competent authority” means:
    - (i) in the case of the Republic of San Marino, the Minister of Finance or the Minister’s authorised representative,
    - (ii) in the case of Canada, the Minister of National Revenue or the Minister’s authorised representative;
  - (c) the term “person” includes an individual, a company, a trust, a partnership and any other body of persons;
  - (d) the term “company” means any body corporate or any entity that is treated as a body corporate for tax purposes;

- (e) the term “publicly traded company” means any company whose principal class of shares is listed on a recognized stock exchange provided that its listed shares can be readily purchased or sold by the public. Shares can be purchased and sold “by the public” if the purchase or sale of shares is not implicitly or explicitly restricted to a limited group of investors;
- (f) 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;
- (g) the term “recognized stock exchange” means any stock exchange agreed upon by the competent authorities of the Contracting Parties;
- (h) 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 and sold, or readily purchased and 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;
- (i) the term “tax” means any tax to which this Agreement applies;
- (j) the term “applicant Party” means the Contracting Party requesting information;
- (k) the term “requested Party” means the Contracting Party requested to provide information;