

STATES OF JERSEY



DRAFT TAXATION (IMPLEMENTATION) (CONVENTION ON MUTUAL ADMINISTRATIVE ASSISTANCE IN TAX MATTERS) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 26th November 2013
by the Minister for External Relations**

STATES GREFFE



Jersey

**DRAFT TAXATION (IMPLEMENTATION)
(CONVENTION ON MUTUAL ADMINISTRATIVE
ASSISTANCE IN TAX MATTERS) (JERSEY)
REGULATIONS 201-**

REPORT

The Proposition and Report P.154/2013 – to agree that Jersey should join the Convention on Mutual Administrative Assistance in Tax Matters – provides the background and reasons for the making of these Regulations.

The draft Regulations will be presented for debate immediately after P.154/2013 has been debated, provided the Proposition is adopted.

Financial and manpower implications

The financial and manpower implications arising from the making of these draft Regulations are as stated in P.154/2013.

Explanatory Note

These Regulations would give effect to provisions in the Convention on Mutual Administrative Assistance in Tax Matters done in Strasbourg on 25th January 1988 as amended by the Protocol done in Paris on 27th May 2010 (“Convention”). Before the Convention can enter into force in respect of Jersey, the UK must request the Depository for the Convention for the United Kingdom’s ratification of the Convention to be extended to Jersey. Accordingly, these Regulations would not come into force until the Convention enters into force in respect of Jersey.

Regulation 1 is an interpretation provision. In particular, it defines “tax information” as being information that is foreseeably relevant to the administration or enforcement of the domestic laws of a Party to the Convention, such Party having requested the Jersey competent authority for information concerning one of its domestic taxes listed in Annex A to the Convention and referred to in Article 2(1)(a) of the Convention. “Jersey competent authority” is defined as the Minister for Treasury and Resources or his or her authorized representative.

Regulation 2 provides that when a competent authority of a Party to the Convention requests tax information from the Jersey competent authority, the provisions in the Taxation (Exchange of Information with Third Country) Regulations 2008 will apply to that request to the extent applicable and with any necessary modifications, including modification of references to the terminology in those Regulations, for example, references in those Regulations to a “tax information exchange agreement” are to be construed as references to the Convention.

Regulation 3 refers to the *Schedule* setting out the Parties to the Convention in respect of which the Convention is in force and the date the Convention entered into force with respect to each party.

Regulation 4 sets out the title of these Regulations and provides that they shall come into force on the date that the Convention enters into force in respect of Jersey.



Jersey

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Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Article 2 of the Taxation (Implementation) (Jersey) Law 2004¹ and following the decision of the States, taken on the day these Regulations are made, to adopt P.154 of 2013, have made the following Regulations –

1 Interpretation

(1) In this Law, unless the context otherwise requires –

“Convention” means the Convention on Mutual Administrative Assistance in Tax Matters done in Strasbourg on 25th January 1988 as amended by the Protocol done in Paris on 27th May 2010, signed on behalf of the United Kingdom and as extended to Jersey;

“Jersey competent authority” means the Minister for Treasury and Resources or his or her authorized representative;

“requesting Party” means a Party to the Convention who requests the Jersey competent authority for tax information concerning particular persons or transactions and “request” shall be construed accordingly;

“tax information” means information that is foreseeably relevant to the administration or enforcement of the domestic laws of the requesting Party concerning any tax described in Article 2(1)(a) of the Convention and listed in Annex A to the Convention as being a tax of the requesting Party, including information that is foreseeably relevant to –

- (a) the determination, assessment and collection of such a tax;
- (b) the recovery and enforcement of such a tax;
- (c) the recovery and enforcement of tax claims; or
- (d) the investigation or prosecution of tax matters.

(2) Tax information may be –

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- (a) information within an individual's knowledge or belief; or
 - (b) information recorded in a document or any other record in any format, that a person has in his or her possession, custody or control.

2 Exchange of information on request

Where the Jersey competent authority has received a request from a requesting party, Regulations 2 to 16 and Regulation 16B of the Taxation (Exchange of Information with Third Countries) (Jersey) Regulations 2008² shall, to the extent applicable and with any necessary modifications, apply in respect of the request as if references to –

- (a) “request” were to a request by a requesting Party;
- (b) “tax”, were to a tax described in Article 2(1) (a) of the Convention and listed in Annex A of the Convention in respect of the requesting Party and “tax information” were construed accordingly;
- (c) “taxpayer”, where applicable, were to a transaction;
- (d) “tax information exchange agreement” were to the Convention;
- (e) “third country” were to a requesting Party.

3 Parties to the Convention

- (1) The Schedule specifies –
 - (a) the Parties to the Convention in respect of whom the Convention is in force; and
 - (b) the date of entry into force of the Convention in respect of each such Party.
- (2) The Minister shall, by Order, amend the Schedule so as to add further Parties in respect of whom the Convention enters into force and the dates of such entering into force.

4 Citation and commencement

These Regulations may be cited as the Taxation (Implementation) (Convention on Mutual Administrative Assistance in Tax Matters) (Jersey) Regulations 201- and shall come into force on the date that the Convention enters into force in respect of Jersey.

SCHEDULE

(Regulation 3)

LIST OF PARTIES TO THE CONVENTION

PARTY TO THE CONVENTION	DATE OF ENTRY INTO FORCE OF CONVENTION IN RESPECT OF CONVENTION PARTY
Albania	1st December 2013
Argentina	1st January 2013
Australia	1st December 2012
Belize	1st September 2013
Costa Rica	1st August 2013
Czech Republic	1st February 2014
Denmark	1st June 2011
Finland	1st June 2011
France	1st April 2012
Georgia	1st June 2011
Ghana	1st September 2013
Greece	1st September 2013
Iceland	1st February 2012
India	1st June 2012
Ireland	1st September 2013
Italy	1st May 2012
Japan	1st October 2013
Korea	1st July 2012
Malta	1st September 2013
Mexico	1st September 2012
Moldova	1st March 2012
Netherlands	1st September 2013
Norway	1st June 2011
Poland	1st October 2011

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Slovenia	1st June 2011
Spain	1st January 2013
Sweden	1st September 2011
Ukraine	1st September 2013
United Kingdom	1st October 2011

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- ¹ *chapter 17.850*
² *chapter 17.850.30*