

Guernsey

Status of List of Reservations and Notifications upon the deposit of the Instrument of Ratification

This document contains the list of reservations and notifications made by Guernsey upon the deposit of the instrument of ratification pursuant to Articles 28(5) and 29(1) of the Convention.

28 January 2019

Article 2 – Interpretation of Terms

Notification - Agreements Covered by the Convention

Pursuant to Article 2(1)(a)(ii) of the Convention, Guernsey wishes the following agreement(s) to be covered by the Convention:

No	Title	Other Contracting Jurisdiction	Original/ Amending Instrument	Date of Signature	Date of Entry into Force
1	Agreement between the States of Guernsey and the Republic of Cyprus for the Avoidance of Double Taxation and Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital	Cyprus	Original	15-07-2014 (in Cyprus) and 29-07-2014 (in Guernsey)	04-03-2015
2	Agreement between the Government of Guernsey and the Government of the Hong Kong Special Administrative Region of the People's Republic of China for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income	Hong Kong	Original	28-03-2013 and 22-04-2013	05-12-2013
3	Agreement between the States of Guernsey and the Principality of Liechtenstein for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital	Liechtenstein	Original	05-06-2014 and 11-06-2014	30-04-2015
4	Agreement between Guernsey and the Grand Duchy of Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital	Luxembourg	Original	10-05-2013	08-08-2014
5	Agreement between the States of Guernsey and the Government of Malta for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	Malta	Original	12-03-2012	10-03-2013

6	Agreement between the States of Guernsey and the Government of the Republic of Mauritius for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income	Mauritius	Original	17-12-2013	30-06-2014
7	Agreement between the States of Guernsey and the Government of the Principality of Monaco for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income	Monaco	Original	07-04-2014	09-05-2015
8	Agreement between the States of Guernsey and the Government of the Republic of Seychelles for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income	Seychelles	Original	27-01-2014	06-10-2016
9	Agreement between the States of Guernsey and the Republic of Singapore for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income	Singapore	Original	06-02-2013	26-11-2013

Article 3 – Transparent Entities

Reservation

Pursuant to Article 3(5)(a) of the Convention, Guernsey reserves the right for the entirety of Article 3 not to apply to its Covered Tax Agreements.

Article 4 – Dual Resident Entities

Reservation

Pursuant to Article 4(3)(a) of the Convention, Guernsey reserves the right for the entirety of Article 4 not to apply to its Covered Tax Agreements.

Article 5 – Application of Methods for Elimination of Double Taxation

Reservation

Pursuant to Article 5(8) of the Convention, Guernsey reserves the right for the entirety of Article 5 not to apply with respect to all of its Covered Tax Agreements

Article 6 – Purpose of a Covered Tax Agreement

Notification of Existing Preamble Language in Listed Agreements

Pursuant to Article 6(5) of the Convention, Guernsey considers that the following agreements are not within the scope of a reservation under Article 6(4) and contain preamble language described in Article 6(2). The text of the relevant preambular paragraph is identified below.

Listed Agreement Number	Other Contracting Jurisdiction	Preamble text
1	Cyprus	“ desiring to conclude an Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to taxes on income and on capital,”
2	Hong Kong	“Desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,”
3	Liechtenstein	“Whereas the Contracting Parties wish to conclude an Agreement for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income and on capital”
4	Luxembourg	“desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital,”
5	Malta	“desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,”

6	Mauritius	“Desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,”
7	Monaco	“ DESIRING to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,”
8	Seychelles	“ DESIRING to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,”
9	Singapore	“Desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,”

Article 7 – Prevention of Treaty Abuse

Reservation

None

Notification of Choice of Optional Provisions

Pursuant to Article 7(17)(b) of the Convention, Guernsey hereby chooses to apply Article 7(4).

Article 8 – Dividend Transfer Transactions

Reservation

Pursuant to Article 8(3)(a) of the Convention, Guernsey reserves the right for the entirety of Article 8 not to apply to its Covered Tax Agreements.

Article 9 – Capital Gains from Alienation of Shares or Interests of Entities Deriving their Value Principally from Immovable Property

Reservation

Pursuant to Article 9(6)(a) of the Convention, Guernsey reserves the right for Article 9(1) not to apply to its Covered Tax Agreements.

Article 10 – Anti-abuse Rule for Permanent Establishments Situated in Third Jurisdictions

Reservation

Pursuant to Article 10(5)(a) of the Convention, Guernsey reserves the right for the entirety of Article 10 not to apply to its Covered Tax Agreements.

Article 11 – Application of Tax Agreements to Restrict a Party’s Right to Tax its Own Residents

Reservation

Pursuant to Article 11(3)(a) of the Convention, Guernsey reserves the right for the entirety of Article 11 not to apply to its Covered Tax Agreements.

Article 12 – Artificial Avoidance of Permanent Establishment Status through Commissionnaire Arrangements and Similar Strategies

Reservation

Pursuant to Article 12(4) of the Convention, Guernsey reserves the right for the entirety of Article 12 not to apply to its Covered Tax Agreements.

Article 13 – Artificial Avoidance of Permanent Establishment Status through the Specific Activity Exemptions

Reservation

Pursuant to Article 13(6)(a) of the Convention, Guernsey reserves the right for the entirety of Article 13 not to apply to its Covered Tax Agreements.

Article 14 – Splitting-up of Contracts

Reservation

Pursuant to Article 14(3)(a) of the Convention, Guernsey reserves the right for the entirety of Article 14 not to apply to its Covered Tax Agreements.

Article 15 – Definition of a Person Closely Related to an Enterprise

Reservation

Pursuant to Article 15(2) of the Convention, Guernsey reserves the right for the entirety of Article 15 not to apply to the Covered Tax Agreement to which the reservations described in Article 12(4), Article 13(6)(a) or (c), and Article 14(3)(a) apply.

Article 16 – Mutual Agreement Procedure***Notification of Existing Provisions in Listed Agreements***

Pursuant to Article 16(6)(a) of the Convention, Guernsey considers that the following agreements contain a provision described in Article 16(4)(a)(i). The article and paragraph number of each such provision is identified below.

Listed Agreement Number	Other Contracting Jurisdiction	Provision
1	Cyprus	Article 24(1), first sentence
2	Hong Kong	Article 23(1), first sentence
3	Liechtenstein	Article 24(1), first sentence
4	Luxembourg	Article 24(1), first sentence
5	Malta	Article 23(1), first sentence
6	Mauritius	Article 24(1), first sentence
7	Monaco	Article 24(1), first sentence
8	Seychelles	Article 24(1), first sentence
9	Singapore	Article 24(1), first sentence

Pursuant to Article 16(6)(b)(ii) of the Convention, Guernsey considers that the following agreement(s) contain(s) a provision that provides that a case referred to in the first sentence of Article 16(1) must be presented within a specific time period that is at least three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Covered Tax Agreement. The article and paragraph number of each such provision is identified below.

Listed Agreement Number	Other Contracting Jurisdiction	Provision
1	Cyprus	Article 24(1), second sentence
2	Hong Kong	Article 23(1), second sentence
3	Liechtenstein	Article 24(1), second sentence
4	Luxembourg	Article 24(1), second sentence
5	Malta	Article 23(1), second sentence
6	Mauritius	Article 24(1), second sentence
7	Monaco	Article 24(1), second sentence
8	Seychelles	Article 24(1), second sentence
9	Singapore	Article 24(1), second sentence

Article 17 – Corresponding Adjustments

Reservation

Pursuant to Article 17(3)(a) of the Convention, Guernsey reserves the right for the entirety of Article 17 not to apply to its Covered Tax Agreements that already contain a provision described in Article 17(2). The following agreement(s) contain(s) provisions that are within the scope of this reservation.

Listed Agreement Number	Other Contracting Jurisdiction	Provision
1	Cyprus	Article 9(2)
2	Hong Kong	Article 9(2)
3	Liechtenstein	Article 9(2)
4	Luxembourg	Article 9(2)
5	Malta	Article 9(2)
6	Mauritius	Article 9(2)
7	Monaco	Article 9(2)
8	Seychelles	Article 9(2)
9	Singapore	Article 9(2)

Article 35 – Entry into Effect

Reservation

Pursuant to Article 35(6) of the Convention, Guernsey reserves the right for Article 35(4) not to apply with respect to its Covered Tax Agreements.