

## Guernsey

### Status of List of Reservations and Notifications at the Time of Signature

#### *For jurisdictions providing a provisional list:*

This document contains a provisional list of expected reservations and notifications to be made by Guernsey pursuant to Articles 28(7) and 29(4) of the Convention.

## 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 agreements 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 Government of Guernsey and the Government of the State of Qatar for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income	Qatar	Original	22-02-2013	11-07-2013
9	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
10	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; and”
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	“ <b>DESIRING</b> to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,”
8	Qatar	“Desiring to conclude an Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income,”
9	Seychelles	“ <b>DESIRING</b> to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,”
10	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 Agreements 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	Qatar	Article 25(1), first sentence
9	Seychelles	Article 24(1), first sentence
10	Singapore	Article 24(1), first sentence

Pursuant to Article 16(6)(b)(i) of the Convention, Guernsey considers that the following agreement contains 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 shorter than 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
8	Qatar	Article 25(1), second sentence

Pursuant to Article 16(6)(b)(ii) of the Convention, Guernsey considers that the following agreements contain 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
9	Seychelles	Article 24(1), second sentence
10	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 agreements contain 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	Qatar	Article 9(2)
9	Seychelles	Article 9(2)
10	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.