

INSTRUMENT OF RATIFICATION

WHEREAS the *MULTILATERAL CONVENTION TO IMPLEMENT TAX TREATY MEASURES TO PREVENT BASE EROSION AND PROFIT SHIFTING* (hereafter the "Convention") was done at Paris on 24 November 2016,

AND WHEREAS the said Convention has been signed at Paris on behalf of the Government of Jersey on 7 June 2017,

NOW THEREFORE I, SENATOR SIR PHILIP MARTIN BAILHACHE, Minister for External Relations, declares that the Government of JERSEY ratifies the Convention and undertakes faithfully to perform and carry out its provisions.

IN WITNESS WHEREOF, I have signed this instrument of ratification at St Helier, Jersey, on 24 November 2017.



Signed



Jersey

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

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

11 December 2018

Article 2 – Interpretation of Terms***Notification - Agreements Covered by the Convention***

Pursuant to Article 2(1)(a)(ii) of the Convention, Jersey 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 Jersey and the Republic of Cyprus for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	The Republic of Cyprus	Original	11-07-2016	17-02-2017
2	Agreement between Jersey and the Republic of Estonia for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	Republic of Estonia	Original	21-12-2010	30-12-2011
3	Agreement between the Government of Hong Kong Special Administrative Region of the People's Republic of China and the Government of Jersey for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	The Government of Hong Kong Special Administrative Region of the People's Republic of China	Original	15-02-2012 (Jersey) 22-02-2012 (Hong Kong)	03-07-2013
4	Convention between Jersey 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 capital	The Grand Duchy of Luxembourg	Original	17-04-2013	05-08-2014
5	Agreement between Jersey and Malta for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	Malta	Original	25-01-2010	19-07-2010
6	Agreement between the Government of Jersey 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	The Government of the State of Qatar	Original	20-03-2012	22-11-2012

7	Agreement between Jersey and the Republic of Rwanda for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	The Republic of Rwanda	Original	26-06-2015	27-06-2016
8	Agreement between Jersey and the Republic of Seychelles for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	The Republic of Seychelles	Original	28-07-2015	05-01-2017
9	Agreement between the Government of the Republic of Singapore and the Government of Jersey for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	The Government of the Republic of Singapore	Original	17-10-2012	02-05-2013
10	Agreement between Jersey and the United Arab Emirates for the Avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	The United Arab Emirates	Original	20-04-2016	N/A

Article 3 – Transparent Entities

Reservation

Pursuant to Article 3(5)(a) of the Convention, Jersey 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, Jersey 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, Jersey 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, Jersey 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,
3	Hong Kong Special Administrative Region of the People's Republic of China	desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income;
4	The Grand Duchy of Luxembourg	desiring to conclude a Convention 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	State of Qatar	desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income;
7	Republic of Rwanda	desiring to conclude an agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
8	Republic of 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	Republic of Singapore	desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
10	United Arab Emirates	desiring to promote their mutual economic relations through the conclusion between them of 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

Notification of Choice of Optional Provisions

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

Article 8 – Dividend Transfer Transactions

Reservation

Pursuant to Article 8(3)(a) of the Convention, Jersey 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

Jersey Pursuant to Article 9(6)(a) of the Convention, Jersey 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, Jersey 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, Jersey 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, Jersey 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, Jersey 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, Jersey 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, Jersey 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, Jersey considers that the following agreement(s) contain(s) 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	Estonia	Article 23(1), first sentence
3	Hong Kong Special Administrative Region of the People's Republic of China	Article 23(1), first sentence
4	The Grand Duchy of Luxembourg	Article 24(1), first sentence
5	Malta	Article 24(1), first sentence
6	State of Qatar	Article 24(1), first sentence
7	Republic of Rwanda	Article 24(1), first sentence
8	Republic of Seychelles	Article 23(1), first sentence
9	Republic of Singapore	Article 24(1), first sentence
10	United Arab Emirates	Article 25(1), first sentence

Pursuant to Article 16(6)(b)(i) of the Convention, Jersey 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 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
6	State of Qatar	Article 24(1), second sentence

Pursuant to Article 16(6)(b)(ii) of the Convention, Jersey 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	Estonia	Article 23(1), second sentence
3	Hong Kong Special Administrative Region of the People's Republic of China	Article 23(1), second sentence
4	The Grand Duchy of Luxembourg	Article 24(1), second sentence
5	Malta	Article 24(1), second sentence
7	Republic of Rwanda	Article 24(1), second sentence
8	Republic of Seychelles	Article 23(1), second sentence
9	Republic of Singapore	Article 24(1), second sentence
10	United Arab Emirates	Article 25(1), second sentence

Article 17 – Corresponding Adjustments***Reservation***

Pursuant to Article 17(3)(a) of the Convention, Jersey 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	Estonia	Article 9(2)
3	Hong Kong Special Administrative Region of the People's Republic of China	Article 9(2)
4	The Grand Duchy of Luxembourg	Article 9(2)
5	Malta	Article 9(2)
7	Republic of Rwanda	Article 9(2)
9	Republic of Singapore	Article 9(2)
10	United Arab Emirates	Article 10(2)

Article 35 – Entry into Effect***Notification of Choice of Optional Provisions***

Pursuant to Article 35(3) of the Convention, solely for the purpose of its own application of Article 35(1)(b) and 5(b), Jersey hereby chooses to replace the reference to “taxable periods beginning on or after the expiration of a period” with a reference to “taxable periods beginning on or after 1 January of the next year beginning on or after the expiration of a period”.

Reservation

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