

AGREEMENT
BETWEEN
THE COMPETENT AUTHORITIES OF
THE KINGDOM OF BELGIUM
AND
GUERNSEY

On 24th April and 7th May 2014, an Agreement for the Exchange of Information Relating to Tax Matters (the “Agreement”) was entered into between the States of Guernsey and Belgium. In order to ensure the appropriate implementation of the Agreement, the competent authorities of Guernsey and Belgium (the “Competent Authorities”) agree to the following.

1. The term “direct costs” in Article 9 of the Agreement shall be interpreted as follows:
 - (a) examples of “direct costs” include, but are not limited to, the following:
 - (i) reasonable costs charged by third parties for reproducing and transporting documents or records to the Competent Authority of the requested Party, and costs incurred by the Competent Authority of the requested Party in copying and transporting documents to the Competent authority of the requesting Party where the volume of information to be sent is exceptional;
 - (ii) reasonable fees imposed by a financial institution or other third party record keeper for copying records and research related to a specific request for information;
 - (iii) reasonable costs charged by third parties for stenographic reports of interviews, depositions or testimony;
 - (iv) reasonable fees and expenses, determined in accordance with amounts allowed under applicable law, of a person who voluntarily appears in Guernsey or Belgium for an interview, deposition or testimony relating to a particular information request; and
 - (v) reasonable legal fees for non-government counsel appointed or retained, with approval of the Competent Authority of the requesting Party, for litigation in the courts of the requested Party related to a specific request for information;
 - (b) “direct costs” do not include ordinary administrative and overhead expenses incurred by the requested Party in reviewing and responding to information requests submitted by the requesting Party.
2. If the “direct costs” pertaining to a specific request are expected to exceed 500 EUR or the sterling equivalent, the Competent Authority of the requested Party shall contact the Competent Authority of the requesting Party to determine whether the requesting Party wants to pursue the request and bear the costs.

3. The Competent Authorities of the Parties shall consult not later than twelve months after the date the Agreement enters into force, and upon request of either Competent Authority thereafter, with respect to costs incurred or potentially to be incurred under the Agreement and with a view to minimising such costs.

FOR BELGIUM :

FOR GUERNSEY:

By: _____

By: _____

Claudine Devillet
Advisor
International Income Taxes Division
Federal Public Service Finance

Robert R Gray
Director of Income Tax

Date: 11 June 2014_____

Date: 8 May 2014_____