
DRAFT STATUTORY INSTRUMENTS

2005 No.

INCOME TAX

**The Tax Information Exchange Agreement (Taxes
on Income) (Netherlands Antilles) Order 2005**

Made - - - - 2005

**THE TAX INFORMATION EXCHANGE AGREEMENT (TAXES
ON INCOME) (NETHERLANDS ANTILLES) ORDER 2005**

1. Citation
2. Declaration about exchange of information
Signature

SCHEDULE — CONVENTION BETWEEN THE KINGDOM OF THE
NETHERLANDS IN RESPECT OF THE NETHERLANDS
ANTILLES AND THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND CONCERNING THE AUTOMATIC
EXCHANGE OF INFORMATION REGARDING SAVINGS
INCOME IN THE FORM OF INTEREST PAYMENTS

WHEREAS:

1. Article 17(2) of Directive 2003/48/EEC (“the Directive”) of the Council...
2. The Netherlands Antilles are not within the EU fiscal territory...
3. The agreement between the Netherlands Antilles and the Netherlands, as...
4. Through this Convention, the Netherlands Antilles agrees to apply the...

Article 1

General Scope

1. This Convention shall apply to interest paid by a Paying...
2. The scope of this Convention shall be limited to taxation...
3. As regards the Kingdom of the Netherlands, this Agreement shall...

Article 2

Definitions

1. For the purposes of this Convention, unless the context otherwise...
2. For the purposes of this Convention, in the provisions of...

Article 3

Identity and residence of beneficial owners

Each Contracting State shall, within its territory, adopt and ensure...

Article 4

Automatic exchange of information

1. The Competent Authority of the Contracting State where the Paying...
2. The communication of information shall be automatic and shall take...
3. Information exchange under this Convention shall be treated by the...

Article 5

Transitional provisions

1. During the transitional period referred to in Article 10 of...
2. The Paying Agent shall levy the withholding tax in the...
3. The imposition of withholding tax by the Netherlands Antilles shall...
4. During the transitional period, the Netherlands Antilles may provide that...
5. At the end of the transitional period, the Netherlands Antilles...

Article 6

Revenue sharing

1. The Netherlands Antilles shall retain 25% of the revenue of...
2. If the Netherlands Antilles levies withholding tax in accordance with...
3. Such transfers shall take place at the latest within a...
4. The Netherlands Antilles shall take the necessary measures to ensure...

Article 7

Exceptions to the withholding procedure

1. The Netherlands Antilles shall provide for one or both of...
2. At the request of the Beneficial Owner, the Competent Authority...

Article 8

Elimination of double taxation

The United Kingdom of Great Britain and Northern Ireland shall...

Article 9

Other withholding taxes

The Convention shall not preclude the Contracting States from levying...

Article 10

Transposition

Before 1 January 2005 the Contracting States shall adopt and...

Article 11

Annex

The texts of the Directive and of Article 7 of...

Article 12

Entry Into Force

This Convention shall enter into force on the thirtieth day...

Article 13

Termination

This Convention shall remain in force until terminated by one...
Done in, English and Dutch languages all texts being equally...

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Annex

Text of Article 7 of Directive 77/799/EEC of the Council of the European Union of 19th December, 1977 concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation, certain excise duties and taxation of insurance premiums

“Provisions relating to secrecy

1. All information made known to a Member State under this...
2. Paragraph 1 shall not oblige a Member State whose legislation...
3. Notwithstanding paragraph 1, the competent authorities of the Member State...
4. Where a competent authority of a Member State considers that...
“PART II — Exchange of Notes

Note from the United Kingdom

United Kingdom Permanent Representation To the European Union
The Permanent Representative
Sir John Grant KCMG
15 February 2005
Your Excellency,
I have the honour to refer to the texts of...
In view of the above mentioned texts I have the...

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

Pending the completion of these internal procedures and the entry...
I have the honour to propose that, if the above...
Please accept, Your Excellency, the assurance of my highest
consideration,...

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Note from the Kingdom of the Netherlands in respects of the Netherlands Antilles

Sir,
I have the honour to acknowledge receipt of your letter...
In reply, I am able to confirm that foregoing proposal...
Please accept, Sir, the assurance of my highest consideration,

Explanatory Note