

No. 43050. United Kingdom of Great Britain and Northern Ireland and Georgia

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF GEORGIA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME AND ON CAPITAL. LONDON, 13 JULY 2004 [*United Nations, Treaty Series, vol. 2385, I-43050.*]

PROTOCOL BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF GEORGIA TO AMEND THE AGREEMENT FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME AND ON CAPITAL, SIGNED AT LONDON ON 13 JULY 2004. LONDON, 3 FEBRUARY 2010*

Entry into force: 17 December 2010 by notification, in accordance with article IV

Authentic texts: English and Georgian

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N° 43050. Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et Géorgie

ACCORD TENDANT À ÉVITER LA DOUBLE IMPOSITION ET À PRÉVENIR L'ÉVASION FISCALE EN MATIÈRE D'IMPÔTS SUR LE REVENU ET SUR LA FORTUNE ENTRE LE GOUVERNEMENT DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD ET LE GOUVERNEMENT DE LA GÉORGIE. LONDRES, 13 JUILLET 2004 [*Nations Unies, Recueil des Traités, vol. 2385, I-43050.*]

PROTOCOLE ENTRE LE GOUVERNEMENT DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD ET LE GOUVERNEMENT DE LA GÉORGIE MODIFIANT L'ACCORD TENDANT À ÉVITER LA DOUBLE IMPOSITION ET À PRÉVENIR L'ÉVASION FISCALE EN MATIÈRE D'IMPÔTS SUR LE REVENU ET SUR LA FORTUNE, SIGNÉ À LONDRES LE 13 JUILLET 2004. LONDRES, 3 FÉVRIER 2010*

Entrée en vigueur : 17 décembre 2010 par notification, conformément à l'article IV

Textes authentiques : anglais et géorgien

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[ENGLISH TEXT – TEXTE ANGLAIS]

**PROTOCOL BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF GEORGIA TO AMEND THE AGREEMENT FOR
THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION
OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME AND
ON CAPITAL, SIGNED AT LONDON ON 13 JULY 2004**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Georgia, desiring to conclude a Protocol to amend the Agreement between the Contracting Governments for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital, signed at London on 13 July 2004,¹ (hereinafter referred to as “the Agreement”), have agreed as follows:

ARTICLE I

In paragraph 1 of Article 3 of the Agreement, after sub-paragraph l) the following shall be inserted:

- “m) the term “pension scheme” means any plan, scheme, fund, trust or other arrangement established in a Contracting State which:
 - (i) is generally exempt from income taxation in that State; and
 - (ii) operates principally to administer or provide pension or retirement benefits or to earn income for the benefit of one or more such arrangements.”

ARTICLE II

In paragraph 3 of Article 5 of the Agreement, the words “six months” shall be replaced by the words “twelve months”.

ARTICLE III

Paragraph 2 of Article 10 of the Agreement shall be deleted and replaced by the following:

“2. However, such dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident and according to the laws of that State, but if the beneficial owner of the dividends is a resident of the other Contracting State:

¹ Treaty Series No. 041(2005) Cm 6714

- a) except as provided in sub-paragraph b), such dividends shall be exempt from tax in the Contracting State of which the company paying the dividends is a resident;
- b) other than where the beneficial owner of the dividends is a pension scheme, where dividends are paid out of income derived directly or indirectly from immovable property within the meaning of Article 6 by an investment vehicle which distributes most of this income annually and whose income from such immovable property is exempted from tax, the tax charged by the Contracting State of which the company paying the dividends is a resident shall not exceed 15 per cent of the gross amount of the dividends.

This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.”

ARTICLE IV

Each of the Contracting States shall notify the other, through diplomatic channels, of the completion of the procedures required by its law for the bringing into force of this Protocol. This Protocol shall enter into force on the date of the later of these notifications and shall thereupon have effect:

- (a) in Georgia, in respect of taxes chargeable, for any fiscal year beginning on or after 1st January in the calendar year next following that in which this Protocol enters into force;
- (b) in the United Kingdom:
 - (i) in respect of income tax and capital gains tax, for any year of assessment beginning on or after 6th April in the calendar year next following that in which this Protocol enters into force;
 - (ii) in respect of corporation tax, for any financial year beginning on or after 1st April in the calendar year next following that in which this Protocol enters into force.

In witness whereof, the undersigned, being duly authorised thereto, have signed this Protocol.

Done in duplicate, at Tbilisi this third day of February 2010, in the Georgian and English languages, both texts being equally authoritative.

**For the Government of the United
Kingdom of Great Britain and
Northern Ireland:**

For the Government of Georgia:

DENIS KEEFE

KAKHA BAINDURASHVILI

ოქმი

საქართველოს მთავრობასა და დიდი ბრიტანეთის და ჩრდილოეთ ირლანდიის გაერთიანებული სამეფოს მთავრობას შორის ღონდონში ხელმოწერილი 2004 წლის 13 ივლისის შემოსავლებსა და კაპიტალზე ორმაგი დაბეგვრის თავიდან აცილებისა და გადასახადების გადაუხდელობის აღკვეთის შესახებ შეთანხმებაში ცვლილებების შეტანის თაობაზე

საქართველოს მთავრობასა და დიდი ბრიტანეთის და ჩრდილოეთ ირლანდიის გაერთიანებული სამეფოს მთავრობას სურთ რა გააფორმონ ოქმი საქართველოს მთავრობასა და დიდი ბრიტანეთის და ჩრდილოეთ ირლანდიის გაერთიანებული სამეფოს მთავრობას შორის ღონდონში ხელმოწერილი 2004 წლის 13 ივლისის შემოსავლებსა და კაპიტალზე ორმაგი დაბეგვრის თავიდან აცილებისა და გადასახადების გადაუხდელობის აღკვეთის შესახებ შეთანხმებაში (შემდგომში „შეთანხმება“) ცვლილების შეტანის თაობაზე შეთანხმდნენ შემდეგზე:

მუხლი 1

შეთანხმების მე-3 მუხლის პირველ პუნქტს 1) ქვეპუნქტის შემდეგ დაემატოს შემდეგი:

„მ) ტერმინი „საპენსიო სქემა“ ნიშნავს ხელშემკრელ სახელმწიფოში დაფუძნებულ ნებისმიერ გეგმას, სქემას, ფონდს, ტრასტს ან სხვა მექანიზმს, რომელიც:

- (i) ჩვეულებისამებრ გათავისუფლებულია საშემოსავლო დაბეგვრისაგან იმ სახელმწიფოში; და
- (ii) ძირითადად არსებობს საპენსიო სარგებლის ადმინისტრირებისათვის ან უზრუნველყოფისათვის ან შემოსავლის გამოქუშავებისათვის ერთი ან მეტი ასეთი მექანიზმისათვის.“