

No. 45575. Belgium and Singapore **N° 45575. Belgique et Singapour**

AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF BELGIUM AND THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME. SINGAPORE, 6 NOVEMBER 2006 [*United Nations, Treaty Series, vol. 2554, I-45575.*]

CONVENTION ENTRE LE GOUVERNEMENT DU ROYAUME DE BELGIQUE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DE SINGAPOUR TENDANT À ÉVITER LA DOUBLE IMPOSITION ET À PRÉVENIR L'ÉVASION FISCALE EN MATIÈRE D'IMPÔTS SUR LE REVENU. SINGAPOUR, 6 NOVEMBRE 2006 [*Nations Unies, Recueil des Traités, vol. 2554, I-45575.*]

PROTOCOL AMENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF BELGIUM AND THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME SIGNED AT SINGAPORE ON 6 NOVEMBER 2006. BRUSSELS, 16 JULY 2009*

PROTOCOLE MODIFIANT LA CONVENTION ENTRE LE GOUVERNEMENT DU ROYAUME DE BELGIQUE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DE SINGAPOUR TENDANT À ÉVITER LA DOUBLE IMPOSITION ET À PRÉVENIR L'ÉVASION FISCALE EN MATIÈRE D'IMPÔTS SUR LE REVENU, SIGNÉE À SINGAPOUR LE 6 NOVEMBRE 2006. BRUXELLES, 16 JUILLET 2009*

Entry into force: 20 September 2013, in accordance with article II

Authentic text: English

Registration with the Secretariat of the United Nations: Belgium, 2 October 2013

Entrée en vigueur : 20 septembre 2013, conformément à l'article II

Texte authentique : anglais

Enregistrement auprès du Secrétariat des Nations Unies : Belgique, 2 octobre 2013

*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.

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[ENGLISH TEXT – TEXTE ANGLAIS]

**PROTOCOL
AMENDING THE AGREEMENT
BETWEEN
THE GOVERNMENT OF THE KINGDOM OF BELGIUM
AND
THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE
FOR THE AVOIDANCE OF DOUBLE TAXATION
AND THE PREVENTION OF FISCAL EVASION
WITH RESPECT TO TAXES ON INCOME
SIGNED AT SINGAPORE ON 6 NOVEMBER 2006**

THE GOVERNMENT OF THE KINGDOM OF BELGIUM,

and

THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE,

DESIRING to amend the Agreement between the Government of the Kingdom of Belgium and the Government of the Republic of Singapore for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income signed at Singapore on 6 November 2006 (hereinafter referred to as “the Agreement”),

HAVE AGREED as follows:

ARTICLE I

The text of Article 25 of the Agreement is deleted and replaced by the following:

- “1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Agreement or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed by or on behalf of the Contracting States, insofar as the taxation thereunder is not contrary to the Agreement. The exchange of information is not restricted by Articles 1 and 2.
2. Any information received under paragraph 1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.
3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting State the obligation:
 - a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;
 - b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;
 - c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy (ordre public).
4. If information is requested by a Contracting State in accordance with the provisions of this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 of this Article but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.

5. In no case shall the provisions of paragraph 3 of this Article be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person. In the case of Belgium, its tax administration shall have the power to ask for the disclosure of information and to conduct investigations and hearings notwithstanding any contrary provisions in its domestic tax laws.”

ARTICLE II

Belgium will notify Singapore, through diplomatic channels, of the completion of the procedures required by its law for the bringing into force of this Protocol. Upon such notification, when the necessary requirements for entry into force of this Protocol in Singapore have been complied with, Singapore shall notify Belgium through diplomatic channels. The Protocol shall enter into force 30 days after the date of notification made by Singapore to Belgium.

The provisions of this Protocol shall have effect:

- a) in Belgium:
 - (i) with respect to taxes due at source on income credited or payable on or after January 1 of the year next following the year in which the Protocol entered into force;
 - (ii) with respect to other taxes charged on income of taxable periods beginning on or after January 1 of the year next following the year in which the Protocol entered into force;
 - (iii) with respect to any other taxes imposed by or on behalf of Belgium due on or after January 1 of the year next following the year in which the Protocol entered into force;
- b) in Singapore:
 - (i) in respect of tax chargeable on income for any year of assessment beginning on or after 1 January in the second calendar year following the year in which the Protocol enters into force;
 - (ii) in respect of any other taxes imposed by or on behalf of Singapore due on or after 1 January of the year next following the year in which the Protocol entered into force.