

No. 50014

**Japan
and
Bahamas**

Agreement between the Government of Japan and the Government of the Commonwealth of the Bahamas for the exchange of information for the purpose of the prevention of fiscal evasion and the allocation of rights of taxation with respect to income of individuals. Nassau, 27 January 2011

Entry into force: *25 August 2011, in accordance with article 18*

Authentic texts: *English and Japanese*

Registration with the Secretariat of the United Nations: *Japan, 9 August 2012*

**Japon
et
Bahamas**

Accord entre le Gouvernement du Japon et le Gouvernement du Commonwealth des Bahamas relatif à l'échange de renseignements aux fins de prévenir l'évasion fiscale et à l'attribution des droits d'imposition à l'égard des revenus des personnes physiques. Nassau, 27 janvier 2011

Entrée en vigueur : *25 août 2011, conformément à l'article 18*

Textes authentiques : *anglais et japonais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Japon, 9 août 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN
THE GOVERNMENT OF JAPAN AND
THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS FOR
THE EXCHANGE OF INFORMATION FOR THE PURPOSE OF
THE PREVENTION OF FISCAL EVASION AND
THE ALLOCATION OF RIGHTS OF TAXATION WITH
RESPECT TO INCOME OF INDIVIDUALS

The Government of Japan and the Government of the
Commonwealth of The Bahamas,

Desiring to conclude an Agreement for the exchange of
information for the purpose of the prevention of fiscal
evasion and the allocation of rights of taxation with
respect to income of individuals,

Have agreed as follows:

Chapter 1
GENERAL PROVISIONS

Article 1
GENERAL DEFINITIONS

1. For the purposes of this Agreement, unless the context
otherwise requires:

- (a) the term "Japan", when used in a geographical
sense, means all the territory of Japan,
including its territorial sea, in which the laws
relating to Japanese tax are in force, and all
the area beyond its territorial sea, including
the seabed and subsoil thereof, over which Japan
has sovereign rights in accordance with
international law and in which the laws relating
to Japanese tax are in force;
- (b) the term "The Bahamas" means the Commonwealth of
The Bahamas, and when used in a geographical
sense, means all the territory of the
Commonwealth of The Bahamas, which encompasses
its land and territorial waters subject to the
laws of the Commonwealth of The Bahamas, and any
area outside its territorial waters inclusive of
the exclusive economic zone and the seabed and
subsoil thereof, over which the Commonwealth of
The Bahamas exercises sovereign rights for the
purpose of exploration, exploitation and
conservation of natural resources in accordance
with international law;

- (c) the term "Contracting Party" means Japan or The Bahamas as the context requires;
- (d) the term "competent authority" means:
 - (i) in the case of Japan, the Minister of Finance or an authorised representative of the Minister; and
 - (ii) in the case of The Bahamas, the Minister of Finance or an authorised representative of the Minister;
- (e) the term "person" includes an individual, a company and any other body of persons;
- (f) the term "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;
- (g) the term "national" means:
 - (i) in the case of Japan, any individual possessing the nationality of Japan, any juridical person created or organised under the laws of Japan and any organisation without juridical personality treated for the purposes of Japanese tax as a juridical person created or organised under the laws of Japan; and
 - (ii) in the case of The Bahamas, any individual possessing the nationality or citizenship of The Bahamas, or any legal person, partnership, association or other entity deriving its status as such from the laws in force in The Bahamas;
- (h) the term "publicly traded company" means any company whose principal class of shares is listed on a recognised stock exchange provided its listed shares can be readily purchased or sold by the public. Shares can be readily purchased or sold "by the public" if the purchase or sale of shares is not implicitly or explicitly restricted to a limited group of investors;
- (i) the term "principal class of shares" means the class or classes of shares representing a majority of the voting power and value of a company;

- (j) the term "recognised stock exchange" means:
 - (i) any stock exchange established by a Financial Instruments Exchange or an approved-type financial instruments firms association under the Financial Instruments and Exchange Law (Law No. 25 of 1948) of Japan;
 - (ii) the Bahamas International Securities Exchange; and
 - (iii) any other stock exchange agreed upon by the competent authorities of the Contracting Parties;
- (k) the term "collective investment fund or scheme" means any pooled investment vehicle, irrespective of legal form. The term "public collective investment fund or scheme" means any collective investment fund or scheme provided the units, shares or other interests in the fund or scheme can be readily purchased, sold or redeemed by the public. Units, shares or other interests in the fund or scheme can be readily purchased, sold or redeemed "by the public" if the purchase, sale or redemption is not implicitly or explicitly restricted to a limited group of investors;
- (l) the term "Applicant Party" means the Contracting Party requesting information;
- (m) the term "Requested Party" means the Contracting Party requested to provide information;
- (n) the term "information gathering measures" means laws and administrative or judicial procedures that enable a Contracting Party to obtain and provide the information requested; and
- (o) the term "information" means any fact, statement or record in any form whatever.

2. As regards the application of this Agreement at any time by a Contracting Party, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the laws of that Contracting Party, any meaning under the applicable tax laws of that Contracting Party prevailing over a meaning given to the term under other laws of that Contracting Party.

Chapter 2
EXCHANGE OF INFORMATION

Article 2
OBJECT AND SCOPE

The competent authorities of the Contracting Parties shall provide assistance through exchange of information that is foreseeably relevant for the carrying out of this Agreement or to the administration or enforcement of the laws of the Contracting Parties concerning taxes referred to in Article 4. Such information shall include information that is foreseeably relevant to the determination, assessment and collection of such taxes, the recovery and enforcement of tax claims, or the investigation or prosecution of tax matters. Information shall be exchanged in accordance with the Agreement and shall be treated as confidential in the manner provided in Article 8. When the Requested Party obtains and provides information under the Agreement, the procedural rights and safeguards secured to persons by the laws or administrative practices of the Requested Party remain applicable, to the extent that they do not unduly prevent or delay effective exchange of information.

Article 3
JURISDICTION

The Requested Party is not obligated to provide information which is neither held by its authorities nor in the possession or control of persons who are within its territorial jurisdiction.

Article 4
TAXES COVERED

1. This Chapter shall apply to taxes of every kind and description imposed on behalf of a Contracting Party or of its local authorities.
2. The competent authorities of the Contracting Parties shall notify each other of any significant changes that have been made in their respective tax laws.