

**No. 50136**

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**Mexico  
and  
United Kingdom of Great Britain and Northern Ireland  
(in respect of Jersey)**

**Agreement between the Government of the United Mexican States and the Government of Jersey on the exchange of information relating to tax matters (with protocol). Mexico City, 8 November 2010, and St. Helier, 12 November 2010**

**Entry into force:** *22 March 2012, in accordance with article 11*

**Authentic texts:** *English and Spanish*

**Registration with the Secretariat of the United Nations:** *Mexico, 1 October 2012*

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**Mexique  
et  
Royaume-Uni de Grande Bretagne et d'Irlande du Nord  
(à l'égard de Jersey)**

**Accord entre le Gouvernement des États-Unis du Mexique et le Gouvernement de Jersey sur l'échange de renseignements en matière fiscale (avec protocole). Mexico, 8 novembre 2010, et Saint-Hélier, 12 novembre 2010**

**Entrée en vigueur :** *22 mars 2012, conformément à l'article 11*

**Textes authentiques :** *anglais et espagnol*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Mexique, 1<sup>er</sup> octobre 2012*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED MEXICAN STATES AND THE GOVERNMENT OF JERSEY ON THE EXCHANGE OF INFORMATION RELATING TO TAX MATTERS**

**WHEREAS** the Government of the United Mexican States and the Government of Jersey (the Parties) wish to enhance and facilitate the exchange of information relating to taxes;

**WHEREAS** it is acknowledged that the Government of Jersey has the right under the terms of its Entrustment from the United Kingdom of Great Britain and Northern Ireland to negotiate, conclude, perform and subject to the terms of this Agreement terminate a tax information exchange agreement with the Government of the United Mexican States;

**NOW, THEREFORE,** the Parties have agreed to conclude the following Agreement which contains obligations on the part of the Parties only:

**ARTICLE 1**

**Object and Scope of the Agreement**

The competent authorities of the Parties shall provide assistance through exchange of information that is foreseeably relevant to the administration and enforcement of the domestic laws of the Parties concerning taxes covered by this Agreement. Such information shall include information that is foreseeably relevant to the determination, assessment, enforcement, collection or recovery of such taxes, with respect to persons subject to such taxes, or to the investigation of tax matters or the prosecution of criminal tax matters in relation to such persons. The rights and safeguards secured to persons by the laws or administrative practice of the requested Party remain applicable to the extent that they do not unduly prevent or delay effective exchange of information.

## **ARTICLE 2**

### **Jurisdiction**

To enable the scope of this Agreement to be implemented, information shall be provided in accordance with this Agreement by the competent authority of the requested Party without regard to whether the person to whom the information relates is, or whether the information is held by, a resident or national of a Party. A requested Party is not obligated to provide information which is neither held by its authorities nor in the possession of or in the control of or obtainable by persons who are within its territorial jurisdiction.

## **ARTICLE 3**

### **Taxes Covered**

1. The taxes which are the subject of this Agreement are:

a) in Mexico:

- federal income tax;
- business flat rate tax; and
- value added tax.

b) in Jersey:

- the income tax;
- the goods and services tax.

2. This Agreement shall apply also to any identical or any substantially similar taxes imposed after the date of signature of the Agreement in addition to or in place of the existing taxes. The Agreement shall also apply to other taxes as may be agreed in an exchange of letters between the Parties. The competent authority of each Party shall notify the other of substantial changes in laws or measures which may affect the obligations of that Party pursuant to this Agreement.

## **ARTICLE 4**

### **Definitions**

1. For the purposes of this Agreement the term:
  - a) "Mexico" means the United Mexican States, when used in a geographical sense it includes the territory of the United Mexican States, as well as the integrated parts of the Federation, the islands, including the reefs and cays in the adjacent waters, the islands of Guadalupe and Revillagigedo, the continental shelf and the seabed and sub-soil of the islands, cays and reefs, the waters of the territorial seas and the inland waters and beyond them the areas over which, in accordance with the international law, Mexico may exercise its sovereign rights of exploration and exploitation of the natural resources of the seabed, sub-soil and the suprajacent waters, and the air space of the national territory to the extent and under conditions established by international law;
  - b) "Jersey" means the Bailiwick of Jersey, including the territorial sea;
  - c) "competent authority" means
    - i) in the case of Mexico, the Ministry of Finance and Public Credit;
    - ii) in the case of Jersey, the Treasury and Resources Minister or his authorized representative;
  - d) "person" means an individual, a company or any body or group of persons;
  - e) "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;
  - f) "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 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;
  - g) "principal class of shares" means the class or classes of shares representing a majority of the voting power and value of the company;

- h) "recognised stock exchange" means any stock exchange agreed upon by the competent authorities of the Parties;
- i) "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;
- j) "tax" means any tax to which the Agreement applies;
- k) "requesting Party" means the Party requesting information;
- l) "requested Party" means the Party requested to provide information;
- m) "information gathering measures" means laws and administrative or judicial procedures that enable a Party to obtain and provide the requested information;
- n) "information" means any fact, statement, document or record in any form whatever;
- o) "criminal tax matters" means tax matters involving intentional conduct which is liable to prosecution under the criminal laws of the requesting Party;
- p) "criminal laws" means all criminal laws designated as such under domestic law irrespective of whether contained in the tax laws, the criminal code or other statutes.

2. As regards the application of this Agreement at any time by a 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 Party, any meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.