

No. 50531

**Germany
and
United Kingdom of Great Britain and Northern Ireland**

Convention between the Federal Republic of Germany and the United Kingdom of Great Britain and Northern Ireland for the Avoidance of Double Charging of Bank Levies (with protocol). London, 7 December 2011

Entry into force: *21 February 2013 by the exchange of the instruments of ratification, in accordance with article 11*

Authentic texts: *English and German*

Registration with the Secretariat of the United Nations: *Germany, 21 March 2013*

**Allemagne
et
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord**

Convention entre la République fédérale d'Allemagne et le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord tendant à éviter la double imposition du prélèvement sur les banques (avec protocole). Londres, 7 décembre 2011

Entrée en vigueur : *21 février 2013 par l'échange des instruments de ratification, conformément à l'article 11*

Textes authentiques : *anglais et allemand*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Allemagne, 21 mars 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

Convention
between
the Federal Republic of Germany
and
the United Kingdom of Great Britain and Northern Ireland
for the Avoidance of Double Charging of Bank Levies

The Federal Republic of Germany
and
the United Kingdom of Great Britain and Northern Ireland,

Having regard to the introduction of bank levies in both Contracting States, such levies being for the enhancement of financial stability; and

Desiring to conclude a Convention for the avoidance of double charging of bank levies, mutual agreement in relation to cases of difficulty involving bank levies, and the exchange of information relating to bank levies;

Have agreed as follows:

Article 1
Banks covered

This Convention shall apply to banks which are chargeable to bank levy in one or both of the Contracting States.

Article 2
Bank levies covered

(1) This Convention shall apply to bank levies imposed on behalf of a Contracting State, irrespective of the nature of the levies and of the manner in which they are levied.

(2) The bank levies which are the subject of this Convention are in particular:

a) in the Federal Republic of Germany:

contributions ("*Beiträge*") to the Restructuring Fund (*Restrukturierungsfonds*) according to the Restructuring Fund Act (*Restrukturierungsfondsgesetz*) (Federal Law Gazette (*Bundesgesetzblatt*) 2010 Part I, page 1921 et seq.)

(hereinafter referred to as "German bank levy");

b) in the United Kingdom:

the bank levy set out in Schedule 19 of the Finance Act 2011

(hereinafter referred to as "United Kingdom bank levy").

(3) This Convention shall also apply to any identical or substantially similar levies that are imposed after the date of signature of the Convention in addition to, or in place of, the existing bank levies. The competent authorities of the Contracting States shall notify each other of any significant changes which have been made in their laws relating to bank levies.

Article 3

General definitions

(1) For the purposes of this Convention, unless the context otherwise requires:

a) the terms "a Contracting State" and "the other Contracting State" mean the Federal Republic of Germany or the United Kingdom, as the context requires;

b) the term "Federal Republic of Germany" means when used in a geographical sense the territory of the Federal Republic of Germany, as well as the area of the sea-bed, its subsoil and the superjacent water column adjacent to the territorial sea, wherein the Federal Republic of Germany exercises sovereign

rights and jurisdiction in conformity with international law and its national legislation for the purpose of exploring, exploiting, conserving and managing the living and non-living natural resources;

- c) the term “United Kingdom” means Great Britain and Northern Ireland, including any area outside the territorial sea of the United Kingdom designated under its laws concerning the Continental Shelf and in accordance with international law as an area within which the rights of the United Kingdom with respect to the sea-bed and subsoil and their natural resources may be exercised;
- d) the term “bank” means:
 - aa) in the case of the Federal Republic of Germany any institution subject to the German bank levy according to the Restructuring Fund Act;
 - bb) in the case of the United Kingdom the “relevant group” under paragraph 4(1)(b) or the “relevant entity” under paragraph 5(1) of Schedule 19 of the Finance Act 2011;
- e) the term “entity” means any member of a relevant group;
- f) the term “competent authority” means:
 - aa) in the case of the Federal Republic of Germany the Federal Ministry of Finance (*Bundesministerium der Finanzen*) or the agency to which it has delegated its powers;
 - bb) in the case of the United Kingdom the Commissioners for Her Majesty’s Revenue and Customs or their authorised representative.

(2) As regards the application of the Convention at any time by a Contracting State any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that Contracting State for the purposes of the bank levies to