

**No. 50655**

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

**Agreement between the United Mexican States and the States of Guernsey for the exchange of information relating to tax matters (with protocol). Mexico City, 10 June 2011, and St. Peter Port, 27 June 2011**

**Entry into force:** *24 March 2012, in accordance with article 13*

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

**Registration with the Secretariat of the United Nations:** *Mexico, 15 April 2013*

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

**Accord entre les États-Unis du Mexique et les États de Guernesey relatif à l'échange de renseignements en matière fiscale (avec protocole). Mexico, 10 juin 2011, et Saint-Pierre-Port, 27 juin 2011**

**Entrée en vigueur :** *24 mars 2012, conformément à l'article 13*

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

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Mexique,  
15 avril 2013*

[ ENGLISH TEXT – TEXTE ANGLAIS ]\*

**AGREEMENT BETWEEN THE UNITED MEXICAN STATES AND THE  
STATES OF GUERNSEY FOR THE EXCHANGE OF INFORMATION  
RELATING TO TAX MATTERS**

**WHEREAS** the United Mexican States and the States of Guernsey ("the Parties") recognise that present legislation already provides for cooperation and the exchange of information in criminal tax matters;

**WHEREAS** it is acknowledged that the States of Guernsey has the right, under the terms of the 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 United Mexican States;

**WHEREAS** the States of Guernsey on the 21st February 2002 entered into a political commitment to the OECD's principles of effective exchange of information;

**WHEREAS** the Parties wish to enhance and facilitate the terms and conditions governing the exchange of information relating to taxes;

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

**ARTICLE 1**

**Scope of the Agreement**

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. ~~On 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. ~~A requested Party is not~~

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\* Published as submitted – Publié tel que soumis.

obliged to provide information which is neither held by its authorities, nor in the possession of or obtainable by persons who are within its territorial jurisdiction. 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

### Taxes Covered

1. This Agreement shall apply to the following taxes imposed by the Parties:

a) in the case of Mexico:

- (i) federal income tax;
- (ii) business flat rate tax; and
- (iii) value added tax.

b) in the case of Guernsey:

- (i) income tax; and
- (ii) dwellings profits 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 3

#### Definitions

1. For the purposes of this Agreement, unless otherwise defined:
  - 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) "Guernsey" means Guernsey, Alderney and Herm, including the territorial sea adjacent to those islands, in accordance with international law;
  - c) "collective investment fund or scheme" means any pooled investment vehicle, irrespective of legal form, "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;
  - d) "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;
  - e) "competent authority" means,
    - (i) in the case of Mexico, the Ministry of Finance and Public Credit;
    - (ii) in the case of Guernsey, the Director of Income Tax or his delegate;
  - f) "criminal laws" means all criminal laws designated as such under domestic law, irrespective of whether such are contained in the tax laws, the criminal code or other statutes;

- g) "criminal tax matters" means tax matters involving intentional conduct which is liable to prosecution under the criminal laws of the requesting Party;
- h) "information" means any fact, statement, document or record in whatever form;
- i) "information gathering measures" means laws and administrative or judicial procedures enabling a requested Party to obtain and provide the information requested;
- j) "person" means an individual, a company or any other body of persons;
- k) "principal class of shares" means the class or classes of shares representing a majority of the voting power and value of the company;
- l) "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;
- m) "recognised stock exchange" means any stock exchange agreed upon by the competent authorities of the Parties;
- n) "requested Party" means the Party to this Agreement which is requested to provide or has provided information in response to a request;
- o) "requesting Party" means the Party to this Agreement submitting a request for or having received information from the requested Party;
- p) "tax" means any tax covered by this Agreement.

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, and a meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.