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**Belgium
and
Bahamas**

Agreement between the Kingdom of Belgium and the Commonwealth of the Bahamas for the exchange of information relating to tax matters. Brussels, 7 December 2009

Entry into force: *11 February 2014 by notification, in accordance with article 14*

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**Belgique
et
Bahamas**

Accord entre le Royaume de Belgique et le Commonwealth des Bahamas en vue de l'échange de renseignements en matière fiscale. Bruxelles, 7 décembre 2009

Entrée en vigueur : *11 février 2014 par notification, conformément à l'article 14*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN
THE KINGDOM OF BELGIUM
AND
THE COMMONWEALTH OF THE BAHAMAS
FOR THE EXCHANGE OF INFORMATION RELATING TO TAX MATTERS**

THE KINGDOM OF BELGIUM

AND

THE COMMONWEALTH OF THE BAHAMAS,

WHEREAS the Government of the Kingdom of Belgium and the Government of the Commonwealth of The Bahamas ("the Parties") have long been active in international efforts to combat money laundering and other financial crimes, including the targeting of terrorist financing;

AND WHEREAS The Bahamas on 15th March 2002 entered into a political commitment to the OECD's principles of effective exchange of information;

AND WHEREAS the Parties, desiring to facilitate the exchange of information with respect to taxes;

HAVE AGREED as follows:

Article 1

Object and Scope of the Agreement

1. The Parties, through their competent authorities, shall provide assistance through exchange of information that is foreseeably relevant to the administration or enforcement of the domestic laws of the Parties concerning taxes covered by this Agreement, including information that is foreseeably relevant to the determination, assessment, enforcement or collection of tax with respect to persons subject to such taxes or to the investigation or prosecution of tax matters in relation to such persons. Information shall be exchanged in accordance with the provisions of this Agreement and shall be treated as confidential in the manner provided in Article 8.
2. The rights and safeguards secured to persons by the laws or administrative practice of the requested Party remain applicable. The requested Party shall use its best endeavours to ensure that any such rights and safeguards are not applied in a manner that unduly prevents or delays effective exchange of information.

Article 2

Jurisdiction

A requested Party is not obliged to provide information which is neither held by its authorities, nor in the possession of, nor obtainable by persons who are within its territorial jurisdiction.

Article 3

Taxes Covered

1. This Agreement shall apply to the existing taxes of every kind and description imposed by or on behalf of the Parties.
2. This Agreement shall apply also to any identical or substantially similar taxes imposed after the date of signature of this Agreement in addition to or in place of the existing taxes if the Parties, through their competent authorities, so agree. The competent authority of each Party shall notify the other of any substantial changes in laws which may affect the obligations of that Party pursuant to this Agreement.
3. This Agreement shall also apply to taxes imposed in Belgium by its political subdivisions or local authorities, from the date on which Belgium shall notify The Bahamas through diplomatic channels that Belgium agrees on such application.

Article 4

Definitions

1. In this Agreement:

- a) "The Bahamas" means the Commonwealth of The Bahamas, encompassing the land, the territorial waters, and in accordance with international law and the laws of The Bahamas any area outside the territorial waters inclusive of the exclusive economic zone and the seabed and subsoil over which The Bahamas exercises jurisdiction and sovereign rights for the purpose of exploration, exploitation and conservation of natural resources;
- b) "Belgium" means the Kingdom of Belgium; used in a geographical sense, it means the territory of the Kingdom of Belgium, including the territorial sea and any other area in the sea and in the air within which the Kingdom of Belgium, in accordance with international law, exercises sovereign rights or its jurisdiction;
- c) "collective investment fund or scheme" means any pooled investment vehicle, irrespective of legal form;
- d) "public collective investment fund or scheme" means any collective investment scheme or fund in which the purchase, sale or redemption of shares or other interests is not implicitly or explicitly restricted to a limited group of investors;
- e) "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;
- f) "competent authority" means,
 - (i) in the case of The Bahamas, the Minister of Finance or his duly authorised delegate; and
 - (ii) in the case of Belgium, the Minister of Finance or his authorised representative;
- g) "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;
- h) "criminal tax matters" means tax matters involving intentional conduct whether before or after the entry into force of this Agreement which is liable to prosecution under the criminal laws of the requesting Party;
- i) "information" means any fact, statement, document or record in whatever form;
- j) "information gathering measures" means laws and administrative or judicial procedures enabling a requested Party to obtain and provide the information requested;
- k) "national", in relation to a Party, means:
 - (i) any individual possessing the nationality or citizenship of that Party, and
 - (ii) any legal person, partnership, association or other entity deriving its status as such from the laws in force in that Party;
- l) "person" means an individual, a company or any other body or group of persons;

- m) "principal class of shares" means the class or classes of shares representing a majority of the voting power and value of the company;
 - n) "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;
 - o) "recognised stock exchange" means any stock exchange agreed upon by the competent authorities of the Parties;
 - p) "requested Party" means the Party to this Agreement which is requested to provide information or has provided information in response to a request;
 - q) "requesting Party" means the Party to this Agreement submitting a request for or having received information from the requested Party;
 - r) "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 herein shall, unless the context otherwise requires, have the meaning that it has at that time under the law 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.

Article 5

Exchange of Information Upon Request

1. The competent authority of the requested Party shall provide upon request by the requesting Party information for the purposes referred to in Article 1. Such information shall be exchanged without regard to whether the requested Party needs such information for its own tax purposes or the conduct being investigated would constitute a crime under the laws of the requested Party if it had occurred in the territory of the requested Party. The competent authority of the requesting Party shall only make a request for information pursuant to this Article when it is unable to obtain the requested information by other means, except where recourse to such means would give rise to disproportionate difficulty.
2. If the information in the possession of the competent authority of the requested Party is not sufficient to enable it to comply with the request for information, the requested Party shall use all appropriate information gathering measures to provide the requesting Party with the information requested, notwithstanding that the requested Party may not need such information for its own tax purposes.
3. If specifically requested by the competent authority of the requesting Party, the competent authority of the requested Party shall provide information under this Article, to the extent allowable under its domestic laws, in the form of depositions of witnesses and authenticated copies of original records.