

No. 52338*

**Netherlands (in respect of Sint Maarten)
and
Croatia**

Convention between the Kingdom of the Netherlands, in respect of Sint Maarten, and the Republic of Croatia concerning the automatic exchange of information regarding savings income in the form of interest payments (with annex and exchanges of letters). The Hague, 29 July 2013

Entry into force: *provisionally on 1 July 2013 in accordance with the exchange of letters and definitively on 30 June 2014, in accordance with article 12*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Netherlands, 24 November 2014*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Pays-Bas (à l'égard de Saint-Martin)
et
Croatie**

Convention entre le Royaume des Pays-Bas, à l'égard de Saint-Martin, et la République de Croatie relatif à l'échange automatique d'informations concernant les revenus de l'épargne sous forme de paiements d'intérêts (avec annexe et échanges de lettres). La Haye, 29 juillet 2013

Entrée en vigueur : *provisoirement le 1^{er} juillet 2013 conformément à l'échange de lettres et définitivement le 30 juin 2014, conformément à l'article 12*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Pays-Bas, 24 novembre 2014*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

I

Agreement in the form of an exchange of letters on the taxation of savings income and the provisional application thereof

A. Letter from the Republic of Croatia

Madam/Sir,

I have the honour to refer to the texts of respectively the “Convention between the Kingdom of the Netherlands in respect of the Netherlands Antilles and (Belgium, Austria and Luxembourg) concerning the automatic exchange of information regarding savings income in the form of interest payments”, the “Convention between the Kingdom of the Netherlands in respect of the Netherlands Antilles and (the EU Member State, other than Belgium, Austria and Luxembourg) concerning the automatic exchange of information regarding savings income in the form of interest payments”, the “Convention between the Kingdom of the Netherlands in respect of Aruba and (the EU Member State, other than Belgium, Austria and Luxembourg) concerning the automatic exchange of information regarding savings income in the form of interest payments” and the “Convention between the Kingdom of the Netherlands in respect of Aruba and (Belgium, Austria and Luxembourg) concerning the automatic exchange of information regarding savings income in the form of

interest payments”, that resulted from the negotiations with the Netherlands Antilles and Aruba on a Savings Tax Agreement, and that were annexed, respectively as Annex I, II, III and IV, to the Outcome of Proceedings of the High Level Working Party of the Council of Ministers of the European Union of 12 March 2004 (doc. 7660/1/04 REV 1 FISC 68 + COR 1).

In view of the above mentioned texts I have the honour to propose to you the “Convention concerning the automatic exchange of information regarding savings income in the form of interest payments” as contained in Appendix 1 to this letter, and our mutual undertaking to comply at the earliest possible date with our internal constitutional formalities for the entry into force of this Convention and to notify each other without delay when such formalities are completed.

Pending the completion of these internal procedures and the entry into force of this “Convention concerning the automatic exchange of information regarding savings income in the form of interest payments”, I have the honour to propose to you that the Republic of Croatia and the Kingdom of the Netherlands, in respect of Sint Maarten, apply this Convention provisionally, within the framework of our respective domestic constitutional requirements, as from the date of accession of the Republic of Croatia to the European Union.

I have the honour to propose that, if the above is acceptable to your Government, this letter and your confirmation shall together constitute an Agreement between the Republic of Croatia and the Kingdom of the Netherlands, in respect of Sint Maarten.

Please accept, Madam/Sir, the assurance of our highest consideration,

For the Republic of Croatia,

S. LINIĆ
Minister of Finance

DONE at Zagreb, on 3.6.2013, in the English language in three copies.

II

B. Letter from the Kingdom of the Netherlands, in respect of Sint Maarten

Sir,

I have the honour to acknowledge receipt of your letter of 3 June 2013, which reads as follows:

[See letter I]

I am able to confirm that Sint Maarten is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration,

*For the Kingdom of the Netherlands,
in respect of Sint Maarten,*

M.S. VOGES

DONE at The Hague, on 29th of July 2013, in the English language in three copies.

Appendix 1

Convention between the Kingdom of the Netherlands, in respect of Sint Maarten, and the Republic of Croatia concerning the automatic exchange of information regarding savings income in the form of interest payments

Whereas:

1. Article 17(2) of Directive 2003/48/EEC (“the Directive”) of the Council of the European Union (“the Council”) on taxation of savings income provides that Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with the Directive from January 1, 2005, provided that:

– the Swiss Confederation, the Principality of Liechtenstein, the Republic of San Marino, the Principality of Monaco and the Principality of Andorra from that same date apply measures equivalent to

those contained in the Directive, in accordance with agreements entered into by them with the European Community, following unanimous decisions of the Council;

– all agreements or other arrangements are in place, which provide that all the relevant dependent or associated territories apply from that date automatic exchange of information in the same manner as is provided for in Chapter II of the Directive, or, during the transitional period defined in Article 10, apply a withholding tax on the same terms as are contained in Articles 11 and 12;

2. On 19 July 2004 (Council Decision 2004/587/EC) the Council amended the date of application of the Directive from 1 January 2005 to 1 July 2005;

3. On 24 June 2005, the Council:

– took note that the 25 Member States, 5 European countries (Andorra, Liechtenstein, Monaco, San Marino, Switzerland), 3 Crown Dependencies (Guernsey, Isle of Man, and Jersey), and 7 dependent or associated territories in the Caribbean (Netherlands Antilles, Aruba, Anguilla, British Virgin Islands, Cayman Islands, Montserrat, Turks & Caicos Islands) have confirmed that they apply the agreed savings tax measures from 1 July 2005 (green light);

– adopted the “Green light note” (Doc. 10038/05 FISC 69) which triggered the application, by all 40 treaty partners concerned, of the agreed savings tax measures from 1 July 2005;

– authorised the Council Secretariat to share the “Green light note” and the information concerning the bilateral savings tax agreements and the Savings Tax Directive with the relevant third countries and territories and the public.”;

4. Sint Maarten is not within the EU fiscal territory but is, for purposes of the Directive, an EU associated territory and as such is not bound by the terms of the Directive. However, the Kingdom of the Netherlands, in respect of Sint Maarten, on the basis of an arrangement between Sint Maarten and the Netherlands, is willing to enter into agreements with the Member States of the EU to apply a withholding tax on the same terms as are contained in Articles 11 and 12 of the Directive during the transitional period defined in Article 10 thereof, and, after expiration of the transitional period, to apply automatic exchange of information in the same manner as is provided for in Chapter II of the Directive;

5. The arrangement between Sint Maarten and the Netherlands, as stated in the previous paragraph, is contingent on the adoption by all the Member States of the laws, regulations and administrative provisions necessary to comply with the Directive, and on the requirements of Article 17 of the Directive being met;

6. Through this Convention, Sint Maarten agrees to apply the provisions of the Directive, subject to what is otherwise agreed herein, in regard of Beneficial Owners that are residents of the Republic of Croa-