



THE

JAMAICA GAZETTE

EXTRAORDINARY

564R³¹

Vol. CXXXV

TUESDAY, DECEMBER 4, 2012

No. 4817

The following Notification is, by command of His Excellency the Governor-General, published for general information.

DIONNE TRACEY DANIEL, (MRS.)
Governor-General's Secretary.

GOVERNMENT NOTICE

MISCELLANEOUS

No. 1761

AGREEMENT BETWEEN THE GOVERNMENT OF JAMAICA
AND
THE GOVERNMENT OF GREENLAND
CONCERNING INFORMATION ON TAX MATTERS

The Government of Jamaica and the Government of Greenland, desiring to conclude an Agreement concerning information on tax matters, considering that the Government of Greenland concludes this agreement on behalf of the Kingdom of Denmark pursuant to the Act on Greenland Self Government, have agreed as follows:

ARTICLE 1

Object and scope of the agreement

The competent authorities of the Contracting Parties shall provide assistance through exchange of information that is foreseeably relevant to the administration and enforcement of the domestic laws of the Contracting Parties concerning taxes covered by this Agreement. 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. 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. 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

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

ARTICLE 3

Taxes Covered

1. The taxes which are the subject of this Agreement are taxes of every kind and description imposed in the Contracting Parties.

2. This Agreement shall also apply 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 competent authorities of the Contracting Parties shall notify each other of any substantial changes to the taxation and related information gathering measures covered by the Agreement.

ARTICLE 4

Definitions

1. For the purposes of this Agreement, unless otherwise defined:

- (a) the term "Contracting Party" means Greenland or Jamaica as the context requires;
- (b) the term "Jamaica" means the island of Jamaica, the Morant Cays, the Pedro Cays and their dependencies and includes the air space, the territorial waters of Jamaica and any area outside such territorial waters which in accordance with international law has been or may hereafter be designated under Jamaican law as an area within which Jamaica may exercise sovereign rights for the purpose of exploring and exploiting the natural resources of the seabed or its subsoil and the superjacent waters and with regard to other activities for the economic exploration and exploitation of the area;
- (c) the term "Greenland" means the landmass of Greenland and their territorial waters and any area outside the territorial waters where Denmark or Greenland according to domestic legislation and in accordance with international law, may exercise its rights with respect to the seabed and subsoil and their natural resources;
- (d) the term "competent authority" means:
 - (i) in Jamaica, the Minister responsible for Finance or his authorised representative;
 - (ii) in Greenland, the Minister of Finance or his delegate;
- (e) the term "person" includes an individual, a company and any other body of persons;
- (f) the term "company" means any body corporate or any entity that is treated, as a body corporate for tax purposes;
- (g) the term "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;
- (h) the term "principal class of shares" means the class or classes of shares representing a majority of the voting power and value of the company;
- (i) the term "recognised stock exchange" means any stock exchange agreed upon by the competent authorities of the Contracting Parties;
- (j) the term "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;
- (k) the term "tax" means any tax to which the Agreement applies;
- (l) the term "applicant Party" means the Contracting Party requesting information;
- (m) the term "requested Party" means the Contracting Party requested to provide information;
- (n) the term "information gathering measures" means laws and administrative or judicial procedures that enable a Contracting Party to obtain and provide the requested information;
- (o) the term "information" means any fact, statement or record in any form whatever;
- (p) the term "criminal tax matters" means tax matters involving intentional conduct which is liable to prosecution under the criminal laws of the applicant party;
- (q) the term "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.

