

## **Directe belastingen, Internationale inlichtingenuitwisseling; IJsland**

### **Directoraat-generaal Belastingdienst, Cluster Fiscaliteit**

**Besluit van 13 February 2017, nr. 2017-21453,**

**De staatssecretaris van Financiën maakt het volgende bekend.**

*Dit besluit bevat een bekendmaking van het in februari 2017 tussen het Ministerie van Financiën en Economische Zaken van IJsland en het Ministerie van Financiën van Nederland gesloten Memorandum van Overeenstemming inzake inlichtingenuitwisseling in belastingaangelegenheden. Het Memorandum geeft o.a. categorieën weer voor de automatische uitwisseling van fiscale inlichtingen en voor zover deze beschikbaar zijn, zoals informatie over onroerende zaken, bedrijfswinsten, dividend, rente, inkomsten uit zelfstandige arbeid, salarissen, lonen en andere soortgelijke beloningen, directeursbeloningen, inkomsten verkregen door artiesten en sportbeoefenaars, pensioenen, lijfrenten, sociale zekerheidsuitkeringen en andere soortgelijke betalingen, betalingen aan studenten voor opleidingen en overige inkomsten. Het Memorandum is op 13 februari 2017 in werking getreden en de eerste uitwisseling heeft betrekking op het jaar 2016.*

### **Memorandum of Understanding between the Ministry of Finance and Economic Affairs in Iceland and the Ministry of Finance in the Netherlands regarding the exchange of information in tax matters**

#### *Preamble*

The Ministry of Finance and Economic Affairs in Iceland and the Ministry of Finance in the Netherlands, hereinafter: the “Participants”, considering the desire to intensify mutual cooperation in tax matters, have agreed the following.

#### *General provisions*

##### **1. Legal basis**

Pursuant to the provisions with regard to the exchange of information of the Convention on mutual administrative assistance in tax matters, closed in Strasbourg on 25 January 1988, as amended in 2010, and article 28 of the Convention between

the Republic of Iceland and the Kingdom of the Netherlands for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed in Reykjavik on 25 September 1997, the competent authorities referred to under 2 of this Memorandum will exchange information automatically.

## **2. Competent authorities**

1. For the application of this Memorandum of Understanding the competent authorities are:

in Iceland:

Minister of Finance and Economic Affairs or his authorized representative

in the Netherlands:

the Minister of Finance or his authorized representative.

2. The Participants will inform each other by exchange of letters about the names and addresses of the authorized representatives concerned and about any subsequent changes in these representatives.

## *Exchange of information*

### **3. Automatic exchange of information**

1. The competent authorities of Iceland and the Netherlands will automatically provide each other with information - if available - about:

- a) Immovable property (OECD code 6);  
as far as the Netherlands is concerned: ownership and value of immovable property;  
as far as Iceland is concerned: income from immovable property;
- b) Business profits (OECD code 7);
- c) Dividends (OECD code 10);
- d) Interest (OECD code 11);
- e) Income from independent personal services (OECD code 14);
- f) Income consisting of salaries, wages and other similar remunerations (OECD codes 15);
- g) Directors' fees (OECD code 16);
- h) Income of artists and sportsmen (OECD code 17);
- i) Income from pensions, annuities, social security benefits and other similar remunerations (OECD codes 18 and 19);
- j) Payments to students for education and training (OECD code 20);
- k) Other income (OECD code 21).

2. The information referred to in paragraph 1 will be provided periodically and at least once per calendar year. Information with regard to a certain calendar year is provided instantly -if possible- and at any rate within six months after the end of the calendar year it relates to.

3. If it should appear that the information - provided within the scope of the automatic exchange - is incorrect or incomplete, the competent authorities are obliged to

contact each other about this as soon as possible. The same will apply to technical problems or difficulties in converting the data provided.

4. The Participants will endeavour to send each other the above mentioned categories of data spontaneously if the automatic exchange is not (yet) possible.

#### **4. Incidental target group campaigns**

The competent authorities can agree by exchange of letters to exchange categories of information, other than the above mentioned categories, automatically or intensified spontaneously for a certain period.

#### **5. The presence of tax officials of one State on the territory of the other State**

1. At the request of the competent authority of one of the States, the competent authority of the other State can allow tax officials of the former State to be present at the execution of those parts of a tax examination in the requested State, that are important to them.

2. Requests to allow the presence of tax officials of one State at the execution of an examination on the territory of the other State should be made in special cases. It especially concerns:

- a) cases in which there are indications for crossborder irregularities or the avoidance of taxes;
- b) complex cases that make the presence of the tax officials desirable;
- c) cases in which a limitation period threatens to expire and in which the presence of the tax officials may expedite the examination;
- d) examinations within the scope of an agreed bilateral or multilateral examination, including simultaneous tax examinations.

3. A request for the presence of tax officials will be submitted in writing by the competent authority of the requesting State. The request substantiates the desirability of the presence of tax officials and provides a short description of the case. The competent authority of the requested State decides on the request as soon as possible, *however* within two months (at the most) after receipt of the request.

4. All decisions regarding the execution of the tax examination are taken by the competent authority of the requested State. The competent authority of the requested State informs the competent authority of the requesting State about the details of an examination.

5. The competent authority of the requested State can refuse the request, giving the grounds for this decision.

#### *Various provisions*

#### **6. Various provisions**

1. If necessary, the competent authorities confer on the way in which the obligations resulting from this Memorandum are executed.
2. The information referred to under 3 of this Memorandum is provided - if possible - electronically in the standard OECD format (most recent version).
3. The information to be exchanged includes - if available - the tax identification numbers and/or information for personal identification. This relates to the information from both States.

### *Final provisions*

#### **7. Coming into effect. Amendments. Termination.**

1. This Memorandum is concluded for an indefinite term and will come into effect on the day following the last date of its signature by the Director General of the Department of Taxation at the Ministry of Finance and Economic Affairs in Iceland and the Director General of the Tax and Customs Administration at the Ministry of Finance in the Netherlands.
2. The Memorandum will be applicable for the first time to information regarding the calendar year 2016.
3. The Memorandum may be terminated at any time by written notification by either Participant and will remain operative for six months from the date of receiving such notification by the other Participant.

#### **8. Short title**

This Memorandum may be referred to as “Memorandum of Understanding between Iceland and the Netherlands on the exchange of information in tax matters.”

#### **9. Evaluation**

This Memorandum will be evaluated five years after the date of commencement. However, questions with regard to this Memorandum can be taken up at any time at the request of one of the competent authorities.

Done in duplicate in the English language.

Reykjavik, 13 February 2017

On behalf of the Ministry of Finance and Economic Affairs in Iceland,

Marianna Jónasdóttir

Director General of the Department of Taxation

The Hague, 7 February 2017

On behalf of the Ministry of Finance in the Netherlands,

Jaap Uijlenbroek

Director General of the Tax and Customs Administration