

NETHERLANDS, BELGIUM and LUXEMBOURG

Convention of mutual assistance in respect of the collection of the turnover tax, the purchase tax and other similar taxes. Signed at Brussels, on 25 May 1964

Exchange of letters constituting an agreement concerning the implementation of article 7 of the above-mentioned Convention. Brussels, 20 July 1967

Official texts of the Convention: Dutch and French.

Official texts of letters I and II: Dutch.

Official texts of letters III to VI: French.

Registered by the Netherlands on 30 January 1968.

PAYS-BAS, BELGIQUE et LUXEMBOURG

Convention d'assistance mutuelle en matière de perception des impôts sur le chiffre d'affaires, de la taxe de transmission et des impôts analogues. Signée à Bruxelles, le 25 mai 1964

Échange de lettres constituant un accord relatif à l'application de l'article 7 de la Convention susmentionnée. Bruxelles, 20 juillet 1967

Textes officiels de la Convention: néerlandais et français.

Textes officiels des lettres I et II: néerlandais.

Textes officiels des lettres III à VI: français.

Enregistrés par les Pays-Bas le 30 janvier 1968.

[TRANSLATION — TRADUCTION]

No. 8953. CONVENTION¹ OF MUTUAL ASSISTANCE BETWEEN BELGIUM, THE GRAND DUCHY OF LUXEMBOURG AND THE NETHERLANDS IN RESPECT OF THE COLLECTION OF THE TURNOVER TAX, THE PURCHASE TAX AND OTHER SIMILAR TAXES. SIGNED AT BRUSSELS, ON 25 MAY 1964

His Majesty the King of the Belgians,

Her Royal Highness the Grand Duchess of Luxembourg,

Her Majesty the Queen of the Netherlands,

In view of the Treaty instituting the Benelux Economic Union, signed at The Hague, on 3 February 1958,² particularly articles 3, 79 and 83, and the Convention containing the Transitional Provisions annexed thereto, also signed at The Hague, on 3 February 1958,² particularly article 32;

Considering that, by virtue of article 83 of the aforesaid Treaty, the High Contracting Parties are to assist one another in everything concerning the collection of the turnover tax, the purchase tax and other similar taxes;

Have decided to conclude a convention for that purpose and have designated as their Plenipotentiaries:

Mr. H. Fayat, Deputy Minister for Foreign Affairs

Mr. Eugène Schaus, Minister for Foreign Affairs

Mr. L. de Block, Secretary of State

who, having exchanged their full powers, found in good and due form, have agreed to the following provisions:

Article 1

In this Convention, the term "competent administrations" means the administrations which, in the countries of the High Contracting Parties, are responsible for collecting the turnover tax, the purchase tax and other similar taxes.

¹ Came into force on 1 December 1966, the first day of the second month following the deposit of the third instrument of ratification, in accordance with article 14. The instruments of ratification were deposited with the Netherlands Government on the following dates:

| | |
|-----------------------|-----------------|
| Belgium | 2 March 1966 |
| Netherlands | 9 June 1966 |
| Luxembourg | 27 October 1966 |

² United Nations, *Treaty Series*, Vol. 381, p. 165.

The term "competent agents" means the officials and agents who, in the countries of the High Contracting Parties, are competent to collect one of the taxes mentioned in the first paragraph of this article.

Article 2

The competent administrations of the countries of the High Contracting Parties shall assist one another, in accordance with the provisions of this Convention, with a view to ensuring the enforcement of the laws and regulations concerning the turnover tax, the purchase tax and other similar taxes, so that the taxes may be collected accurately.

Article 3

The competent administration of each country shall spontaneously communicate to the competent administration of the country concerned the information duly brought to its knowledge which will help the latter administration to ensure the accurate collection of the turnover tax, the purchase tax or other similar taxes.

The administrations concerned shall agree on the information to be exchanged spontaneously in accordance with the first paragraph of this article.

Article 4

The competent administration of each country shall undertake the necessary investigations to obtain the information applied for by the competent administration of another country with a view to ensuring the accurate collection of the turnover tax, the purchase tax or other similar taxes.

The administration applied to shall to that end use the powers conferred upon it by the legislation of its own country; it shall not be required to undertake investigations permitted by that legislation unless similar investigations are authorized by the legislation of the applicant country.

Article 5

The competent agents of one country may help the competent agents of another country to inspect the premises of persons liable for tax in the latter country, provided that the administration of that country consents. They shall act in the same conditions, with the same powers and with the same effects as the agents whom they assist.

Article 6

The information which, in implementation of this Convention, is exchanged by competent administrations or is obtained in one country by a competent agent of another country may be used, in the countries of the High Contracting Parties, to

ensure the accurate collection of any tax payable to the State by the persons whom that information concerns. The information may not be transmitted to administrations or third parties for any other purpose, except to the *ministère public* (*openbaar ministerie*) for the purpose of criminal proceedings.

Article 7

A person established in one of the countries who delivers goods to a person in one of the other countries is, in the conditions and within the limits to be defined in an exchange of letters between the Governments of the High Contracting Parties, jointly liable for the turnover tax, the purchase tax or other similar taxes payable by the latter person in respect of that transaction.

Article 8

The competent agents of one country may, when duly authorized by their administration, give evidence concerning information obtained in the performance of their duties in the courts of another country which deal with cases relating to the turnover tax, the purchase tax and other similar taxes.

Article 9

The reports and other written statements by competent agents who record, in the form and conditions prescribed in the legislation of their country, facts which establish the existence of petty or other offences with respect to the turnover tax, the purchase tax or other similar taxes which are punishable in another country shall have the same probative force in the latter country as reports duly prepared by competent agents of that country.

Article 10

The competent agents of one country, who, in implementation of this Convention, perform services in another country shall enjoy in that country the protection and assistance accorded to the competent agents of the latter country. They shall be treated in the same way as the latter agents with regard to the offences of which they are the victims and the offences which they commit.

They must be able to prove their official status at any time by producing the warrant or other identification document issued to them by their administration.

Article 11

With a view to facilitating the implementation of this Convention, the Ministers of Finance of the High Contracting Parties may establish joint services, composed of competent agents of the three countries, and decide upon the conditions for the organization and operation of these services.

Article 12

Motor vehicles, bicycles and other means of transport used by the agents of one country for their service in another country shall be exempt from all taxes payable in connexion with such use in the latter country.

Article 13

Each country shall bear the costs which it incurs in complying with an application or demand from another country.

FINAL PROVISIONS

Article 14

This Convention shall be ratified and the instruments of ratification shall be deposited with the Secretariat of the Benelux Economic Union.

It shall enter into force on the first day of the second month following the deposit of the third instrument of ratification.

Article 15

This Convention may be denounced at any time by any of the High Contracting Parties, by written notice of at least twelve months communicated to the two other High Contracting Parties through the diplomatic channel; if such notice is given, the Convention shall cease to have effect with regard to the first High Contracting Party upon the expiration of the period of notice, except with regard to applications for assistance submitted or received by that High Contracting Party before that date.

IN WITNESS WHEREOF the aforementioned Plenipotentiaries have signed this Convention and have thereto affixed their seals.

DONE at Brussels, on 25 May 1964, in triplicate, in the French and Dutch languages, the two texts being equally authentic.

H. FAYAT
E. SCHAUS
L. DE BLOCK

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN BELGIUM, THE GRAND DUCHY OF LUXEMBOURG AND THE NETHERLANDS CONCERNING THE IMPLEMENTATION OF ARTICLE 7 OF THE CONVENTION OF 25 MAY 1964. BRUSSELS, 20 JULY 1967

I

MINISTRY FOR FOREIGN AFFAIRS AND FOREIGN TRADE

Brussels, 20 July 1967

Sir,

With reference to the Convention of mutual assistance between Belgium, the Grand Duchy of Luxembourg and the Netherlands in respect of the collection of the turnover tax, the purchase tax and other similar taxes, concluded at Brussels on 25 May 1964, I have the honour to propose that we should agree on the following with regard to the joint liability provided for in Article 7 of the Convention.

In accordance with the considerations on which article 7 of the Convention is based, a person who resides or is established in one of the countries who delivers goods to a person in one of the other countries is jointly liable for the turnover tax, the purchase tax or other similar taxes payable in connexion with the importation of the goods into the latter country if in any way, for example, by failing to issue the required invoice, by issuing an invoice with a false indication or no indication of the consignee's name, or by failing to enter or making a false entry on the delivery in the accounts of his enterprise, he has facilitated or made possible inaccurate collection of the tax payable, and it can be shown that he knew or could reasonably assume that the tax would not be paid or would be paid only partially.

I should be grateful if you would inform me whether your Government endorses the foregoing and agrees that the aforementioned system should enter into force on 1 August 1967.

I take this opportunity to renew to you the assurances of my highest consideration.

Pierre HARMEL
Minister for Foreign Affairs

His Excellency J.A. Baron de Vos van Steenwijk
Ambassador of the Netherlands
Brussels

¹ Came into force on 1 August 1967, in accordance with the terms of the said letters.

II

EMBASSY OF THE KINGDOM OF THE NETHERLANDS

No. 7051

Brussels, 20 July 1967

Sir,

With reference to your letter of 20 July 1967 concerning the Convention of mutual assistance between Belgium, the Grand Duchy of Luxembourg and the Netherlands in respect of the collection of the turnover tax, the purchase tax and other similar taxes, concluded at Brussels on 25 May 1964, I have the honour to inform you that the Government of the Netherlands agrees with the contents of your letter as follows:

[See letter I]

The Government of the Netherlands also agrees that the system should enter into force on 1 August 1967.

I take this opportunity to renew to you the assurances of my highest consideration.

C. B. ARRIËNS
Chargé d'Affaires a.i.

His Excellency Mr. Pierre Harmel
Minister for Foreign Affairs
Brussels

III

EMBASSY OF THE KINGDOM OF THE NETHERLANDS

No. 7051

Brussels, 20 July 1967

Sir,

[See letter I]

C. B. ARRIËNS
Chargé d'Affaires a.i. of the Netherlands

His Excellency Mr. C. Dumont
Ambassador of the Grand Duchy of Luxembourg
Brussels

IV

EMBASSY OF LUXEMBOURG IN BELGIUM

Brussels, 20 July 1967

10.1.937/8/67

Sir,

I have the honour to acknowledge receipt of your letter dated 20 July 1967 concerning the Convention of mutual assistance between Belgium, the Grand Duchy of Luxembourg and the Netherlands in respect of the collection of the turnover tax, the purchase tax and other similar taxes, concluded at Brussels on 25 May 1964, which reads as follows:

[See first and second paragraph of letter I]

I have the honour to inform you that the Luxembourg Government endorses the foregoing and agrees that the aforementioned system should enter into force on 1 August 1967.

I take this opportunity to renew to you the assurances of my highest consideration.

C. DUMONT
Ambassador of Luxembourg

Mr. C. B. Arriëns, Chargé d'Affaires a.i.
Embassy of the Netherlands
Brussels

V

MINISTRY OF FOREIGN AFFAIRS AND FOREIGN TRADE

Brussels, 20 July 1967

Sir,

[See letter I]

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Pierre HARMEL
Minister for Foreign Affairs

His Excellency Mr. C. Dumont
Ambassador of the Grand Duchy of Luxembourg
Brussels

VI

EMBASSY OF LUXEMBOURG IN BELGIUM

Brussels, 20 July 1967

Sir,

I have the honour to acknowledge receipt of your letter of 20 July 1967 concerning the Convention of mutual assistance between Belgium, the Grand Duchy of Luxembourg and the Netherlands in respect of the collection of the turnover tax, the purchase tax and other similar taxes, concluded at Brussels on 25 May 1964, which reads as follows:

“I have the honour to propose that we should agree on the following with regard to the joint liability provided for in article 7 of the Convention.

[See second paragraph of letter I]”

I have the honour to inform you that the Luxembourg Government endorses the foregoing and agrees that the aforementioned system should enter into force on 1 August 1967.

I take this opportunity to renew to you the assurances of my highest consideration.

C. DUMONT
Ambassador of Luxembourg

His Excellency Mr. Pierre Harmel
Minister for Foreign Affairs
Brussels