

No. 13696

**SWEDEN, DENMARK, FINLAND,
ICELAND and NORWAY**

**Agreement concerning reciprocal administrative assistance
in matters of taxation. Signed at Stockholm on 9 No-
vember 1972**

*Authentic texts: Danish, Finnish, Swedish (for Finland), Icelandic,
Norwegian and Swedish (for Sweden).*

Registered by Sweden on 17 December 1974.

**SUÈDE, DANEMARK, FINLANDE,
ISLANDE et NORVÈGE**

**Convention relative à l'assistance administrative récipro-
que en matière fiscale. Signée à Stockholm le 9 no-
vembre 1972**

*Textes authentiques : danois, finnois, suédois (pour la Finlande), islan-
dais, norvégien et suédois (pour la Suède).*

Enregistrée par la Suède le 17 décembre 1974.

[TRANSLATION — TRADUCTION]

**AGREEMENT¹ BETWEEN SWEDEN, DENMARK, FINLAND,
ICELAND AND NORWAY CONCERNING RECIPROCAL
ADMINISTRATIVE ASSISTANCE IN MATTERS OF TAXATION**

The Governments of Sweden, Denmark, Finland, Iceland and Norway, wishing to conclude an agreement concerning reciprocal administrative assistance in matters of taxation, have agreed on the following provisions:

GENERAL PROVISIONS

Article 1. The Contracting States undertake to render assistance to one another in matters of taxation in the manner specified hereinafter.

For the purposes of this Agreement, the term "assistance" shall mean:

- (a) the service of documents;
- (b) the procurement of information in matters of taxation, such as income tax returns and other statements, and the exchange of information spontaneously or upon application in particular cases;
- (c) the procurement of income tax forms and other tax forms; and
- (d) the collection and recovery of tax.

Article 2. For the purposes of this Agreement, the term "tax" shall mean:

- (a) taxes governed by the agreements between the Contracting States for the avoidance of double taxation with respect to taxes on income and fortune and with respect to death duties;
- (b) gift taxes;
- (c) motor vehicle taxes, to the extent provided for in article 20 of this Agreement;
- (d) value added taxes and other ordinary turnover taxes, to the extent provided for in article 20 of this Agreement;
- (e) social security and other public contributions, to the extent provided for in article 20 of this Agreement.

The term "tax" shall also include advance payments of the taxes and contributions referred to in the first paragraph.

Article 3. The Contracting States shall be obliged to furnish the assistance referred to in article 1 in all tax matters and in respect of all tax claims which

¹ Came into force on 1 January 1973, i.e., on the first day of the calendar year following the year in which all the Contracting States notified the Swedish Ministry of Foreign Affairs that the constitutional procedures required had been completed, in accordance with article 22:

| <i>State</i> | <i>Date of notification</i> |
|---------------|-----------------------------|
| Denmark | 21 November 1972 |
| Sweden | 7 December 1972 |
| Norway | 27 December 1972 |
| Iceland | 28 December 1972 |
| Finland | 29 December 1972 |

arise in another Contracting State under its law and which relate to the taxes and contributions referred to in article 2. In matters relating to the taxes referred to in article 2 (a), the said obligation shall, however, exist only if the tax is covered by an agreement for the avoidance of double taxation with the Contracting State requesting assistance.

Assistance may include measures not only against taxpayers but also against employers and other persons required to withhold tax at the source from wages or other remuneration and against other persons who under the law of the State requesting assistance are liable for tax.

Article 4. Applications for assistance and correspondence between the Contracting States under this Agreement shall be dealt with by the competent authorities of the said States.

The term "competent authorities" shall mean:

- in the case of Sweden: the Ministry of Finance;
- in the case of Denmark: the Ministry of Finance, Tax Department;
- in the case of Finland: the Ministry of Finance and the Tax Administration;
- in the case of Iceland: the Ministry of Finance;
- and in the case of Norway: the Ministry of Finance and Customs;
- or such authorities of each of the said States as are authorized to deal with the matters covered by this Agreement in place of the above-mentioned authorities.

Article 5. Applications and other documents relating to assistance shall be drawn up in the Danish, Norwegian or Swedish language or accompanied by a translation into one of those languages. As regards the service of documents, the preceding shall apply only to applications for service.

An application for assistance shall indicate the authority initiating the request for such assistance and the name, occupation or title, address, date of birth and home commune, and, if possible, place of work and place of residence of the person concerned. The application should also include any other information which might be of assistance in identifying the said person.

Article 6. An application for assistance may be refused if the State from which assistance is requested considers that such assistance would be contrary to its general interests.

Article 7. If an application for assistance is not granted, the State requesting assistance shall be promptly notified of the decision to that effect and of the reason therefor.

If assistance is rendered, the State from which assistance is requested shall notify the other State as soon as possible of the customs of the matter.

When notice as provided in this article is given, information shall also be furnished concerning circumstances which may be of relevance in the further treatment of the matter.

Article 8. Documents issued or certified by a court or administrative authority in one of the Contracting States may be used in taxation matters in another Contracting State without further legalization. This shall apply, *mutatis*

mutandis, to documents signed by an official of the court or authority if such signature is sufficient under the law of the State to which the court or authority belongs.

SERVICE OF DOCUMENTS

Article 9. Service under this Agreement shall be effected according to the procedure prescribed for similar service by the law or administrative practice of the State from which service is requested. The request for service of documents shall briefly indicate the contents of the document.

If the State requesting service so desires, the document may be served according to a special procedure provided that the procedure requested is in accordance with the law of the State in which service is to take place.

Article 10. Proof of service of a document shall be furnished either by a dated and attested receipt from the recipient party or by a certificate from the competent authority of the State from which service is requested, indicating the manner and date of service.

PROCUREMENT OF INFORMATION, ETC.

Article 11. The procurement of information shall be effected in conformity with the law of the State to which the application is made.

An application for the procurement of information may be made only if the State making the application is able under its own law to procure information of the same kind at the request of the State to which the application is made.

An application for the procurement of information may be refused if to grant it would result in the disclosure of a business, manufacturing or professional secret.

Article 12. As soon as possible after the end of each calendar year, and without being specifically requested to do so, the competent authorities of the Contracting States shall exchange information conveniently procurable from available audits and other data and relating to individuals or bodies corporate domiciled in their States with regard to:

- (a) dividends paid by stock companies and similar bodies corporate;
- (b) interest on bonds and similar securities;
- (c) credit balances in banks and similar institutions and interest on such balances;
- (d) royalties and other periodic payments for the use of copyright, patents, designs, trademarks and similar rights or property;
- (e) wages, salaries, fees, pensions and annuities;
- (f) sums received as compensation for injury, under insurance policies or as other forms of work-related compensation; and
- (g) other income or assets insofar as they are covered by article 20 of this Agreement.

If the information received by a State is found to be incorrect, the competent authority of that State shall in an appropriate manner communicate the correct facts to the competent authority of the State which furnished the information.

If a resident of one Contracting State dies and leaves immovable property in another Contracting State or assets invested in an enterprise there, the competent authority of the first-mentioned State shall so inform the competent authority of the other State as soon as it learns of the occurrence.

RECOVERY OF TAX

Article 13. Tax claims which are enforceable in one Contracting State under its law shall be recognized as enforceable in the other Contracting States. Assistance in recovering tax on the basis of such claims shall be rendered in the other Contracting States in accordance with the procedures and subject to the statutory limitations applicable to the recovery of taxes of a similar kind under the law of those States.

The authority initiating a request for assistance in recovering tax shall certify in its application that the claim is enforceable in the said authority's own State and shall indicate the date when the right to recover the tax expires wholly or in part by reason of statutory limitations under the law of that State; the competence of the said authority shall be certified by one of the authorities referred to in article 4.

Article 14. An application for assistance in recovering tax may be made only if the tax cannot be recovered in the applicant State without significant difficulties.

If a taxpayer or other person referred to in the second paragraph of article 3 has died, the sum recovered may not exceed the value of the estate. If the estate has been divided, a sum exceeding the value of the property when it was acquired *mortis causa* may not be recovered from the heirs or from any other person who acquired the property *mortis causa*.

Article 15. Tax to be recovered under this Agreement shall not be entitled to any special preference prescribed for taxes in the State from which assistance is requested.

In connexion with the recovery of tax under this Agreement, no judicial proceedings in a court other than an administrative court and no bankruptcy proceedings shall be instituted in the State from which assistance in recovering tax is requested unless the competent authority of that State, at the request of the competent authority of the State making the application, has given its express consent thereto.

Article 16. If, by reason of payment, the reduction or cancellation of the assessment, relief or other circumstances, the right to recover tax expires wholly or in part under the law of the applicant State before recovery proceedings under this Agreement have been completed, the competent authority of that State shall so notify the competent authority of the other State as soon as possible.

The provisions of the first paragraph shall apply, *mutatis mutandis*, where a deferment of the payment of tax has been granted.

Article 17. Where tax is recovered under this Agreement in one of the Contracting States and the amount recovered is in the hands of the authority of that State responsible for recovery, the said State shall be liable to the State requesting recovery for the amount recovered.

SPECIAL PROVISIONS

Article 18. All inquiries, information, statements and other communications received by one of the States under this Agreement shall be subject to the statutory regulations of that State regarding professional secrecy and the confidential custody of documents.

Article 19. Where assistance is rendered under this Agreement, the State requesting assistance shall be liable only for the cost of judicial proceedings in a court other than an administrative court or for the cost of bankruptcy proceedings in the other State if such proceedings are occasional by the provision of assistance.

Article 20. The competent authorities of the Contracting States may conclude further agreements in order to give effect to the provisions of this Agreement. They may, in particular, conclude agreements concerning the exchange of information under article 12 (*g*), concerning the minimum amount for which an application for the recovery of tax may be made, concerning assistance in connexion with the taxes and contributions referred to in article 2 (*c*), (*d*) and (*e*), concerning the collection of taxes in certain cases, e.g., those involving persons habitually crossing the frontier in the exercise of an occupation as well as interest, legal costs, fines and other similar payments made in connexion with the imposition or recovery of tax concerning the fixing of the rate of exchange for the conversion of sums to be recovered, and concerning accounting in respect of sums recovered.

Where difficulties or doubts arise between two or more of the Contracting States with regard to the interpretation or application of this Agreement, the competent authorities of the said States shall consult with a view to resolving the matter through a special agreement. The result of such consultations shall be communicated to the competent authorities of the other Contracting States as soon as possible.

If the competent authority of one of the Contracting States thinks it advisable that such consultations with regard to the interpretation or application of this Agreement should be held among the competent authorities of all the Contracting States, the said consultations shall take place at the request of that State.

Article 21. This Agreement shall not apply:

- in the case of Denmark: to the Faroe Islands or Greenland;
- in the case of Norway: to Spitsbergen or Jan Mayen or to the Norwegian dependencies outside Europe.

Article 22. This agreement shall enter into force at the beginning of the calendar year next following the year in which all the Contracting States notify the Swedish Ministry of Foreign Affairs that the constitutional procedures required for the entry into force of the Agreement have been completed. The Swedish Ministry of Foreign Affairs shall inform the other Contracting States of the receipt of such notifications.

Article 23. After the entry into force of this Agreement, its provisions shall be applied to matters submitted after its entry into force to the competent authority of the State to which an application for assistance has been made.

The Agreements listed below shall cease to have effect and shall be applied for the last time with reference to matters submitted before the entry into force of this Agreement to the competent authority of the State to which an application for assistance has been made:

- the Agreement of 10 March 1943 between Sweden and Finland concerning reciprocal administrative assistance in matters of taxation;¹
- the Agreement of 17 December 1949 between Sweden and Norway concerning reciprocal administrative assistance in matters of taxation;²
- the Agreement of 27 October 1953 between Sweden and Denmark concerning reciprocal administrative assistance in matters of taxation;³
- the Agreement of 29 March 1954 between Finland and Norway concerning reciprocal administrative assistance in matters of taxation;
- the Agreement of 18 July 1955 between Denmark and Finland on reciprocal administrative assistance in matters of taxation;⁴ and
- the Agreement of 23 May 1956 between Denmark and Norway concerning reciprocal administrative assistance in matters of taxation.⁵

Article 24. This Agreement shall remain in force for an indefinite period of time, but any Contracting State may denounce the Agreement through the diplomatic channel by giving notice to that effect to each of the other Contracting States not later than six months before the end of the calendar year. If the period of notice has been observed, the Agreement shall cease to have effect as between the State which denounced it and the other Contracting States at the end of the calendar year.

An application for assistance received before this Agreement has ceased to have effect by the competent authority of the State to which the application is made shall be granted in accordance with the provisions of the Agreement.

The Agreement shall be deposited with the Swedish Ministry of Foreign Affairs, and certified copies shall be transmitted by the Swedish Ministry of Foreign Affairs to the Government of each of the Contracting States.

¹ United Nations, *Treaty Series*, vol. 198, p. 333.

² *Ibid.*, vol. 197, p. 215.

³ *Ibid.*, vol. 198, p. 129.

⁴ *Ibid.*, vol. 250, p. 167.

⁵ *Ibid.*, vol. 271, p. 49.

IN WITNESS WHEREOF the undersigned, being duly authorized for the purpose, have signed this Agreement and have thereto affixed their seals.

DONE at Stockholm on 9 November 1972 in one copy in the Danish, Finnish, Swedish, Icelandic and Norwegian languages, and in the case of Swedish in two texts, one for Sweden and one for Finland, all the texts being equally authentic.

E. SCHRAM-NIELSEN

MAX JAKOBSON

SVEINN BJÖRNSSON

HENR. A. BROCH

SVEN-ERIC NILSSON
