

PROTOCOL

between

BARBADOS

and

THE KINGDOM OF NORWAY

**AMENDING THE CONVENTION BETWEEN BARBADOS AND
THE KINGDOM OF NORWAY FOR THE AVOIDANCE OF
DOUBLE TAXATION AND THE PREVENTION
OF FISCAL EVASION WITH RESPECT TO
TAXES ON INCOME AND ON CAPITAL
SIGNED AT LONDON ON
15 NOVEMBER 1990**

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The Government of the Barbados and the Government of the Kingdom of Norway,

Desiring to conclude a Protocol to amend the Convention between Barbados and the Kingdom of Norway for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital, signed at London on 15 November 1990 (hereinafter referred to as "the Convention");

Have agreed as follows:

Article 1

Article 28 of the Convention shall be deleted and replaced by the following:

"Article 28

Exchange of Information

1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Convention or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions or local authorities, insofar as the taxation thereunder is not contrary to the Convention. The exchange of information is not restricted by Article 1 or 22.
2. Any information received under paragraph 1 by a Contracting State shall be treated as confidential in the same manner as information obtained under the domestic laws of that Contracting State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or

collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions. Notwithstanding the foregoing, information received by a Contracting State may be used for other purposes where this is permitted under the laws of both Contracting States and the competent authority of the requested Contracting State authorises such use.

3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting State the obligation:

- (a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;
- (b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;
- (c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy (*ordre public*).

4. If information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information even though that other Contracting State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3, but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.

5. In no case shall the provisions of paragraph 3 be construed to permit a Contracting state to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person."

Article 2

Paragraph 1(a) of Article 29 of the Convention shall be deleted and replaced by the following:

- “(a) the person is a company entitled to any special benefit under
 - (i) the *Barbados Exempt Insurance Act*; or
 - (ii) the *Barbados International Financial Services Act*; or
 - (iii) *Barbados Societies with Restricted Liability Act*; or
 - (iv) the *Barbados International Business Companies) Act* if such company does not perform active business in Barbados. Finance and Holding companies are not considered to perform active business under this provision, as in effect on the date of signature of this Convention or any substantially similar law enacted by Barbados after such date, or”

Article 3

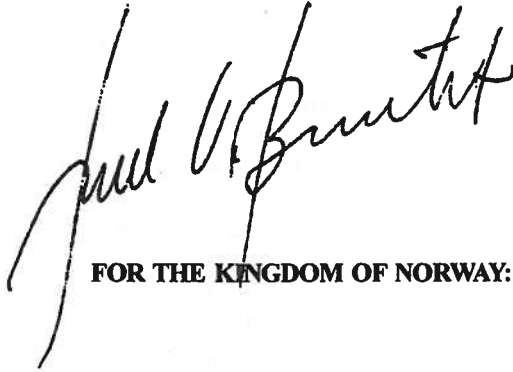
1. The Contracting States shall notify each other in writing that the internal procedures required by that Contracting Party for the entry into force of this Protocol have been complied with.
2. The Protocol shall enter into force on the first day of the third month following the date of the later of the notifications referred to above and shall thereupon have effect as from that date. The provisions of this Protocol shall also apply in their terms to information predating the coming into force of this Protocol.

IN WITNESS WHEREOF the undersigned, duly authorized thereto by their respective Governments, have signed this Protocol.

DONE in duplicate at Paris, this 3rd day of November, 2011 in the English language.



FOR BARBADOS:



FOR THE KINGDOM OF NORWAY: