PROTOCOL
Amending the Agreement between the States of Guernsey and the Republic of Finland for the Avoidance of Double Taxation with Respect to Enterprises Operating Ships or Aircraft in International Traffic, signed on 28th October, 2008

The States of Guernsey and the Government of the Republic of Finland ("the Parties"),

Desiring to amend the Agreement between the States of Guernsey and the Republic of Finland for the Avoidance of Double Taxation with Respect to Enterprises Operating Ships or Aircraft in International Traffic ("the Agreement), signed on 28th October, 2008

Have agreed as follows:

ARTICLE I

The Preamble to the Agreement shall be modified to include the following text immediately after the existing first paragraph:

"Intending to eliminate double taxation with respect to the taxes covered by this Agreement without creating opportunities for non-taxation or reduced taxation through tax evasion or avoidance (including through treaty-shopping arrangements aimed at obtaining reliefs provided in this Agreement for the indirect benefit of residents of third jurisdictions),"

ARTICLE 2

In Article 1 (Definitions):

(i) sub-paragraph b) of paragraph 1 shall be deleted and replaced by the following:

"b) the term "Guernsey" means the States of Guernsey and, when used in the geographical sense, means the islands of Guernsey, Alderney and Herm, and the territorial sea adjacent thereto, in accordance with international law, save that any reference to the law of Guernsey is to the law of the island of Guernsey as it applies there and in the islands of Alderney and Herm;"

(ii) point ii) of sub-paragraph i) of paragraph 1 shall be deleted and replaced by the following:

"ii) in the case of Guernsey, the Director of the Revenue Service or her delegate;"

ARTICLE 3

The first sentence of the first paragraph of Article 3 of the Agreement (Mutual Agreement Procedure) shall be modified as follows:

" Where a person considers that the actions of one or both of the Parties result or will result for him in taxation not in accordance with the provisions of this Agreement, he may, irrespective of the remedies provided by the domestic law of those Parties, present his case to the competent authority of either Party."

ARTICLE 4

Immediately after Article 3 of the Agreement (Mutual Agreement Procedure) the following shall be added, as Article 3A:

"Entitlement to Benefits

Notwithstanding any provisions of this Agreement, a benefit under this Agreement shall not be granted in respect of an item of income if it is reasonable to conclude, having regard to all relevant facts and circumstances, that obtaining that benefit was one of the principal purposes of any arrangement or transaction that resulted directly or indirectly in that benefit, unless it is established that granting that benefit in these circumstances would be in accordance with the object and purpose of the relevant provisions of this Agreement."

ARTICLE 5

This Protocol shall enter into force on the thirtieth day after the later of the dates on which each of the Parties has notified the other in writing that the procedures required by its law have been complied with. The Protocol shall have effect on taxes chargeable for any tax year beginning on or after the first day of January of the calendar year next following that in which this Protocol enters into force.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Protocol.

DONE at Helsinki, on the 3rd day of April, 2020, and at Guernsey, on the 21st day of April, 2020, in duplicate in the English language.

FOR THE STATES OF GUERNSEY:

FOR THE GOVERNMENT OF THE REPUBLIC OF FINLAND: