

FIFTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
Third Regular Session }

Office of the Secretary

2012 DEC 17 05:19

SENATE

COMMITTEE REPORT NO. 552

Submitted by the Committee on Foreign Relations on DEC 17 2012.

Re: P.S. Res. No: 919, prepared by the Committee

Recommending its approval without amendment.

Sponsor: Senator Loren Legarda.

MR. PRESIDENT:

The Committee on Foreign Relations, to which was referred the Agreement, entitled:

**“PROTOCOL
AMENDING THE AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND
THE GOVERNMENT OF THE FRENCH REPUBLIC
FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION
OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME”**

has considered the same and has the honor to report it back to the Senate with the recommendation that Proposed Senate Resolution No. 919, prepared by the Committee, entitled:

**“RESOLUTION
CONCURRING IN THE RATIFICATION OF THE
PROTOCOL
AMENDING THE AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND
THE GOVERNMENT OF THE FRENCH REPUBLIC
FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION
OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME”**

be approved without amendment.

Respectfully submitted:

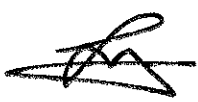

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PROTOCOL
AMENDING THE AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES
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FOR THE AVOIDANCE OF DOUBLE TAXATION AND
THE PREVENTION OF FISCAL EVASION WITH RESPECT TO
TAXES ON INCOME

The Government of the Republic of the Philippines and the Government of the French Republic,

Desiring to amend the Agreement between the Government of the Republic of the Philippines and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income signed in Kingston on 9 January 1976 and modified by the Protocol signed in Paris on 26 June 1995 (hereinafter referred to as "the Agreement"),

Have agreed as follows:

ARTICLE 1

Article 26 of the Agreement shall be deleted and replaced by the following:

"ARTICLE 26

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 Agreement 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 local authorities, insofar as the taxation thereunder is not contrary to the Agreement. The exchange of information is not restricted by Articles 1 and 2.

2. Any information received under paragraph 1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that 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.


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3. Each Contracting State shall take the necessary measures to ensure the availability of information as well as the ability of its competent authority to access information and to transmit it to its counterpart.

The provisions of paragraphs 1 and 2 shall not 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 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."


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ARTICLE 2

1. Chacun des Etats contractants notifie à l'autre l'accomplissement des procédures requises, en ce qui le concerne, pour la mise en vigueur du présent Avenant. Le présent Avenant entre en vigueur le premier jour du mois suivant la date de réception de la dernière de ces notifications.
2. Les dispositions du présent Avenant s'appliquent à toute année civile ou période comptable commençant à compter du 1^{er} janvier de l'année civile qui suit immédiatement la date de signature du présent Avenant.
3. Le présent Avenant demeurera en vigueur aussi longtemps que la Convention demeurera en vigueur.

EN FOI DE QUOI, les soussignés, dûment autorisés à cet effet, ont signé le présent Avenant.


FAIT à _____, le _____, en double exemplaire en langues anglaise et française, les deux textes faisant également foi.


POUR LE GOUVERNEMENT
DE LA REPUBLIQUE DES PHILIPPINES


POUR LE GOUVERNEMENT
DE LA RÉPUBLIQUE FRANÇAISE



Certified True Copy


MR. FAJARD
7 DEC 2011

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