

**AGREEMENT BETWEEN**

**BERMUDA**

**AND**

**GREENLAND**

KOPI

**FOR THE AVOIDANCE OF DOUBLE TAXATION WITH RESPECT TO  
ENTERPRISES OPERATING SHIPS OR AIRCRAFT IN INTERNATIONAL  
TRAFFIC**

The Government of Bermuda and the Government of Greenland,

- desiring to conclude an agreement for the avoidance of double taxation with respect to enterprises operating ships or aircraft in international traffic,
- considering that Greenland, under the terms of the legislation on Greenland Home Rule and on the conclusion of agreements under international law by the Greenland Government, has the jurisdiction to negotiate, conclude and enter into agreements on tax matters,

have agreed as follows:

**ARTICLE 1**

**Definitions**

1. For the purposes of this Agreement, unless the context otherwise requires:
  - (a) the terms "a Party" means Greenland or Bermuda, as the context requires; the term " Parties" means Greenland and Bermuda;
  - (b) the term "Greenland" means the landmass of Greenland and its territorial waters and any area outside the territorial waters where Denmark or Greenland according to domestic legislation and in accordance with international law, may exercise its rights with

- respect to the seabed and subsoil and their natural resources;
- (c) the term "Bermuda" means the Islands of Bermuda;
  - (d) the term "person" includes an individual, a company and any other body of persons;
  - (e) the term "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;
  - (f) the term "resident of a Party" means
    - (i) in Greenland any person, who under the law of that Party is liable to tax therein by reason of his domicile, residence, place of management, place of incorporation or any other criterion of a similar nature; this term, however, does not include an individual who is liable to tax in that Party in respect only of income from sources in that Party;
    - (ii) in Bermuda, an individual ordinarily resident in Bermuda, and a company, partnership or other entity created under the laws of Bermuda; provided that an entity created under the laws of Bermuda shall not be deemed to be resident in Bermuda unless its effective management is carried on in Bermuda;
  - (g) the term "enterprise" applies to the carrying on of any business;
  - (h) the term "enterprise of a Party" means an enterprise, carried on by a resident of a Party;
  - (i) the term "international traffic" means any transport by a ship or aircraft operated by an enterprise of a Party, except when the ship or aircraft is operated solely between places in the other Party;
  - (j) the term "income derived from the operation of ships or aircraft in international traffic" means revenues, gross receipts and profits derived from:
    - (i) such operation of ships or aircraft for the transport of passengers or cargo;
    - (ii) the rental on a charter basis of ships or aircraft where the rental is ancillary to the operation of ships or aircraft in international traffic;

- (iii) the sale of tickets or similar documents and the provision of services connected with such operation, either for the enterprise itself or for any other enterprise, where such sale of tickets or similar documents or provision of services is directly connected with or ancillary to the operation of ships or aircraft in international traffic;
  - (iv) the use, maintenance or rental of containers (including trailers and related equipment for the transport of containers) used for the transport of goods or merchandise, where the use, maintenance or rental is directly connected with or ancillary to the operation of ships or aircraft in international traffic;
  - (v) interest on funds deposited directly in connection with the operation of ships or aircraft in international traffic.
- (k) the term "competent authority" means:
- i) in the case of Greenland, the Minister of Finance or his authorised representative;
  - ii) in the case of Bermuda, the Minister of Finance, or an authorised representative.

2. As regards the application of the Agreement at any time by a Party, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that Party for the purposes of the taxes to which the Agreement applies, any meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.

## **ARTICLE 2**

### **Avoidance of double taxation**

1. Income derived from the operation of ships or aircraft in international traffic by an enterprise of a Party shall be taxable only in that Party.

2. Gains derived from the alienation of ships or aircraft or movable property

pertaining to the operation of ships and aircraft in international traffic by an enterprise of a Party shall be taxable only in that Party.

3. The provisions of paragraphs 1 and 2 shall also apply to income and gains derived by an enterprise of a Party from the participation in a pool, a joint business or an international operating agency.

### **ARTICLE 3**

#### **Mutual agreement procedure**

1. 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 the Party of which he is a resident. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Agreement.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Party, with a view to the avoidance of taxation which is not in accordance with the Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Parties.

3. The competent authorities of the Parties shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Agreement.

4. The competent authorities of the Parties may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs.

## **ARTICLE 4**

### **Entry into force**

1. This Agreement shall enter into force on the thirtieth day after the latter 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 Agreement shall have effect on taxes chargeable for any tax year beginning on or after the first day of January of the year next following that in which this Agreement enters into force.

2. Notwithstanding paragraph 1 of this Article, the Agreement shall only be applicable when the Agreement signed on [...] between Bermuda and Greenland for the exchange of information relating to tax matters shall have effect.

## **Article 5**

### **Termination**

1. This Agreement shall remain in force until terminated by a Party. Either Party may terminate the Agreement by giving written notice of termination at least six months before the end of any calendar year. In such event, the Agreement shall cease to have effect on taxes chargeable for any tax year beginning on or after the first day of January of the year next following the end of the six months period.

2. Notwithstanding paragraph 1 of this Article, this Agreement will be terminated, without giving notice of termination, on the date of termination of the Agreement signed on [...] between Bermuda and Greenland for the exchange of information relating to tax matters.

In witness whereof the undersigned being duly authorised thereto have signed this Agreement.

Done at ....., this 16. of April 2009 in duplicate in the English language.



**FOR THE GOVERNMENT  
OF BERMUDA:**



**FOR THE GOVERNMENT  
OF GREENLAND:**

AGREEMENT BETWEEN

BERMUDA

AND

GREENLAND

KOPI

FOR THE AVOIDANCE OF DOUBLE TAXATION ON INDIVIDUALS

The Government of Bermuda and the Government of Greenland,

- desiring to supplement the Agreement for the exchange of information relating to tax matters concluded on [...] by concluding an Agreement for the avoidance of double taxation on individuals with respect to taxes on income,
- considering that Greenland, under the terms of the legislation on Greenland Home Rule and the conclusion of agreements under international law by the Greenland Government, has the jurisdiction to negotiate, conclude and enter into agreements on tax matters,

have agreed as follows:

**Article 1**

**Individuals covered**

This Agreement shall apply to individuals who are residents of one or both of the Parties.

**Article 2**

**Taxes covered**

1. The existing taxes to which the Agreement shall apply are:
  - a) in the case of Bermuda: any tax imposed by Bermuda which is substantially similar to the existing taxes of Greenland to which this Agreement applies, but does not include payroll tax; (hereinafter referred to as "Bermudian tax");
  - b) in the case of Greenland:
    - (i) the homerule tax;
    - (ii) the special homerule tax;
    - (iii) the municipal tax and
    - (iv) the intermunicipal tax.(hereinafter referred to as "Greenlandic tax").

2. The Agreement shall apply also to any identical or substantially similar taxes that are imposed after the date of signature of the Agreement in addition to, or in place of, the existing taxes. The competent authorities of the Parties shall notify each other of any significant changes that have been made in their taxation laws concerning individuals.

### **Article 3**

#### **General definitions**

1. For the purposes of this Agreement, unless the context otherwise requires:
  - (a) the term “a Party” means Bermuda or Greenland, as the context requires; the term “Parties” means Bermuda and Greenland;
  - (b) the term “Bermuda” means the Islands of Bermuda;
  - (c) the term “Greenland” means the landmass of Greenland and its territorial waters and any area outside the territorial waters where Denmark or Greenland according to domestic legislation and in accordance with international law, may exercise its rights with respect to the seabed and subsoil and their natural resources;
  - (d) the term “competent authority” means;
    - (i) in the case of Bermuda, the Minister of Finance or an authorised representative of the Minister;
    - (ii) in Greenland, the Minister of Finance or his authorised representative or the authority which is designated as a competent authority for the purpose of this Agreement;
  - (e) the term “enterprise” applies to the carrying on of any business;
  - (f) the term “international traffic” means any transport by a ship or aircraft operated by an enterprise of a Party, except when the ship or aircraft is operated solely between places in the other Party.
2. As regards the application of the Agreement at any time by a Party, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that Party for the purposes of the taxes to which the Agreement applies, any meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.

### **Article 4**

#### **Resident**

1. For the purposes of this Agreement, the term “resident of a Party” means:
  - a) in Greenland in respect of an individual any individual who, under the laws of Greenland, is liable to tax therein by reason of his domicile, residence or any other criterion of a similar nature. This term, however, does not include an individual who is liable to tax in Greenland in respect only of income from sources in Greenland;
  - b) in Bermuda in respect of an individual who, under the laws of Bermuda is ordinarily resident.



2. Where by reason of the provisions of paragraph 1 an individual is a resident in both Parties, then his status shall be determined as follows:

- a) he shall be deemed to be a resident only of the Party in which he has a permanent home available to him; if he has a permanent home available to him in both Parties, he shall be deemed to be a resident only of the Party with which his personal and economic relations are closer (centre of vital interests);
- b) if the Party in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either Party, he shall be deemed to be a resident only of the Party in which he has an habitual abode;
- c) if he has a habitual abode in both Parties or in neither of them, the competent authorities of the Parties shall settle the question by mutual agreement.

## Article 5

### Income from employment

1. Subject to the provisions of Articles 6, 7, 8 and 9, salaries, wages and other similar remuneration derived by a resident of a Party in respect of an employment shall be taxable only in that Party unless the employment is exercised in the other Party. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other Party.
2. Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Party in respect of an employment exercised in the other Party shall be taxable only in the first-mentioned Party if:
  - a) the recipient is present in the other Party for a period or periods not exceeding in the aggregate 183 days in any twelve months period commencing or ending in the fiscal year concerned; and
  - b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other Party; and
  - c) the remuneration is not borne by a fixed place of business through which the business is wholly or partly carried on which the employer has in the other Party.
3. Paragraph 2 of this Article shall not apply to remuneration derived by a resident of a Party in respect of an employment exercised in the other Party and paid by, or on behalf of, an employer who is not a resident of that other Party if:
  - a) the recipient renders services in the course of that employment to a person other than the employer and that person, directly or indirectly, supervises, directs or controls the manner in which those services are performed, and;

- b) those services constitute an integral part of the business activities carried on by that person.
4. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Party, may be taxed in that Party. Where a resident of Greenland derives remuneration in respect of an employment exercised aboard an aircraft operated in international traffic by Air Greenland, such remuneration shall be taxable only in Greenland.

## **Article 6**

### **Directors' fees**

Directors' fees and other similar payments derived by a resident of a Party in his capacity as a member of the board of directors or any other similar organ of a company which is resident of the other Party may be taxed in that other Party.

## **Article 7**

### **Artistes and sportsmen**

1. Income derived by a resident of a Party as an entertainer, such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsman, from his personal activities as such exercised in the other Party, may be taxed in that other Party.
2. Where income in respect of personal activities exercised by an entertainer or a sportsman in his capacity as such accrues not to the entertainer or sportsman himself but to another individual or legal entity, that income may be taxed in the Party in which the activities of the entertainer or sportsman are exercised.

## **Article 8**

### **Pensions**

Pensions and other similar remuneration arising in a Party, payments under the social security legislation of a Party and payments under any other scheme out of funds created by a Party, may be taxed in that Party.

## **Article 9**

### **Government service**

1. a) Salaries, wages and other similar remuneration, other than a pension, paid by a Party or a political subdivision or a statutory body or a local

authority thereof to an individual in respect of services rendered to that Party or subdivision or body or authority shall be taxable only in that Party.

- b) However, such salaries, wages and other similar remuneration shall be taxable only in the other Party if the services are rendered in that Party and the individual is a resident of that Party who did not become a resident of that Party solely for the purpose of rendering the services.
2. The provisions of Articles 5, 6 and 7 shall apply to salaries, wages, and other similar remuneration in respect of services rendered in connection with a business carried on by a Party or a political subdivision or a statutory body or a local authority thereof.

## **Article 10**

### **Students**

Payments which a student or business apprentice who is or was immediately before visiting a Party a resident of the other Party and who is present in the first-mentioned Party solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed in that Party, provided that such payments arise from sources outside that Party.

## **Article 11**

### **Elimination of double taxation**

1. In Bermuda double taxation shall be avoided in accordance with the laws of Bermuda.
2. In Greenland double taxation shall be avoided as follows:
  - i) subject to the provisions of sub-paragraph iii), where a resident of Greenland derives income which, in accordance with the provisions of this Agreement, may be taxed in Bermuda, Greenland shall allow as a deduction from the tax on the income of that resident, an amount equal to the income tax paid in Bermuda;
  - ii) such deduction shall not, however, exceed that part of the income tax, as computed before the deduction is given, which is attributable to the income which may be taxed in Bermuda;
  - iii) where a resident of Greenland derives income which, in accordance with the provisions of this Agreement shall be taxable only in Bermuda, Greenland may include this income in the tax base, but shall allow as a deduction from the income tax that part of the income tax which is attributable to the income derived from Bermuda.

## **Article 12**

### **Mutual agreement procedure**

1. Where an individual 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 the Party of which he is a resident. The case must be represented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Agreement.
2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Party, with a view to the avoidance of taxation which is not in accordance with the Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Parties.
3. The competent authorities of the Parties shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Agreement.
4. The competent authorities of the Parties may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs.

### **Article 13**

#### **Entry into force**

1. This Agreement 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.
2. The Agreement shall have effect:
  - a) in Bermuda:

in respect of Bermuda tax, on tax chargeable for any fiscal year of any April beginning on or after the first day of January of the year next following that in which this Agreement enters in force;
  - b) in Greenland:

in respect of Greenlandic tax, on tax chargeable for any tax year beginning on or after the first day of January of the year next following that in which this Agreement enters into force.

3. Notwithstanding paragraph 2 of this Article, the Agreement shall only be applicable when the Agreement signed on [...] between Bermuda and Greenland for the exchange of information relating to tax matters shall have effect.

## Article 14

### Termination

1. This Agreement shall remain in force until terminated by a Party. Either Party may terminate the Agreement by giving written notice of termination at least six months before the end of any calendar year. In such case, the Agreement shall cease to have effect on taxes chargeable for any tax year beginning on or after the first day of January of the year next following the end of the six months period.

2. Notwithstanding paragraph 1 of this Article, this Agreement will be terminated, without giving notice of termination, on the date of termination of the Agreement signed on [...] between Bermuda and Greenland for the exchange of information relating to tax matters.

In witness whereof the undersigned being duly authorised thereto have signed this Agreement.

Done at ....., this 16. of April 2009, in duplicate in the English language.



**FOR THE GOVERNMENT  
OF BERMUDA:**



**FOR THE GOVERNMENT  
OF GREENLAND**

**AGREEMENT BETWEEN**

**GREENLAND**

**AND**

**BERMUDA**

**ON THE ACCESS TO MUTUAL AGREEMENT PROCEDURES IN CONNECTION  
WITH THE ADJUSTMENT OF PROFITS OF ASSOCIATED ENTERPRISES**

The Government of Greenland and the Government of Bermuda, desiring to conclude an agreement on the access to mutual agreement procedures in connection with the adjustment of profits of associated enterprises, have agreed as follows:

**Article 1**

**Taxes covered**

This Agreement shall apply to taxes on income and profits.

**Article 2**

**Definitions**

1. For the purposes of this Agreement, unless the context otherwise requires:

(a) the term “Party” means Bermuda or Greenland as the context requires;

(b) the term “Greenland” means the landmass of Greenland and its territorial waters and any area outside the territorial waters where Denmark or Greenland according to domestic legislation and in accordance with international law, may exercise its rights with respect to the seabed and subsoil and their natural resources;

(c) the term “Bermuda” means the Islands of Bermuda;

(d) the term “resident of a Party” means

(i) in Greenland any person, who under the law of that Party is liable to tax therein by reason of his domicile, residence, place of management, place of incorporation or any other criterion of a similar nature; this term, however, does not include an individual who is liable to tax in that Party in respect only of income from sources in that Party;

(ii) in Bermuda, an individual ordinarily resident in Bermuda, and a company, partnership or other entity created under the laws of Bermuda; provided that an entity created under the laws of Bermuda shall not be deemed to be resident in Bermuda unless its effective management is carried on in Bermuda;

(e) the term “enterprise” applies to the carrying on of any business;

(f) the term “enterprise of a Party” means an enterprise carried on by a resident of a Party;

(g) the term “competent authority” means

(i) in the case of Bermuda, the Minister of Finance, or an authorized representative;

(ii) in the case of Greenland, the Minister of Finance or his authorised representative;

2. As regards the application of this Agreement at any time by a Party, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that Party for the purposes of the taxes to which the Agreement applies, any meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.

### **Article 3**

#### **Principles applying to the adjustment of profits of associated enterprises**

Where:

(a) an enterprise of a Party participates directly or indirectly in the management, control or capital of an enterprise of the other Party, or

(b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Party and an enterprise of the other Party,

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

#### **Article 4**

##### **Mutual agreement procedures**

1. Where an enterprise considers that, in any case to which this Agreement applies, the principles set out in Article 3 have not been observed, it may, irrespective of the remedies provided by the domestic law of the Party concerned, present its case to the competent authority of the Party of which it is a resident. The case must be presented within three years of the first notification of the action which is contrary or is likely to be contrary to the principles set out in Article 3. The competent authority shall then without delay notify the competent authority of the other Party.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Party, with a view to the avoidance of taxation which is not in accordance with the Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Parties.

3. The competent authorities of the Parties shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Agreement.

4. The competent authorities of the Parties may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs.

#### **Article 5**

##### **Entry into force**



1. This Agreement 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 Agreement shall have effect on taxes chargeable for any tax year beginning on or after the first day of January of the year next following that in which this Agreement enters into force.

2. Notwithstanding paragraph 1, this Agreement shall only have effect when the Agreement signed on [...] between Greenland and Bermuda for the exchange of information relating to tax matters shall have effect.

## **Article 6**

### **Termination**

1. This Agreement shall remain in force until terminated by a Party. Either Party may terminate the Agreement by giving written notice of termination at least six months before the end of any calendar year. In such event, the Agreement shall cease to have effect on taxes chargeable for any tax year beginning on or after the first day of January of the year next following the end of the six month period.

2. Notwithstanding paragraph 1, this Agreement will be terminated, without giving notice of termination, on the date of termination of the Agreement signed on [...] between Greenland and Bermuda for the exchange of information relating to tax matters.

In witness whereof the undersigned being duly authorised thereto have signed this Agreement.

Done at ....., this ....., in duplicate in the English language.

**For the Government of  
Greenland**

**For the Government  
of Bermuda**