
First published in the *Government Gazette*, Electronic Edition, on 26th November 2013 at 5:00 pm.

No. S 713

INCOME TAX ACT
(CHAPTER 134)

INCOME TAX
(SINGAPORE — PORTUGAL)
(AVOIDANCE OF DOUBLE TAXATION AGREEMENT)
ORDER 2013

WHEREAS it is provided by section 49 of the Income Tax Act that if the Minister by order declares that arrangements specified in the order have been made with the government of any country outside Singapore with a view to affording relief from double taxation in relation to tax under the Act and any tax of a similar character imposed by the laws of that country, and that it is expedient that those arrangements should have effect, the arrangements shall have effect in relation to tax under the Act notwithstanding anything in any written law:

AND WHEREAS by an Agreement dated 7th September 1999, between the Republic of Singapore and the Portuguese Republic, arrangements were made, amongst other things, for the avoidance of double taxation:

AND WHEREAS by a Protocol dated 28th May 2012, between the Republic of Singapore and the Portuguese Republic, the arrangements set out in the said Agreement were modified as prescribed in the said Protocol:

NOW, THEREFORE, it is hereby declared by the Minister for Finance —

- (a) that the arrangements as modified by the said Protocol specified in the Schedule to this Order have been made with the Portuguese Republic; and

- (b) that it is expedient that those arrangements as modified by the said Protocol should have effect from 26th December 2013 notwithstanding anything in any written law.

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

The Republic of Singapore and the Portuguese Republic,

Desiring to amend the Agreement between the Republic of Singapore and the Portuguese Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (hereinafter referred to as “the Agreement”),

Have agreed as follows:

ARTICLE I

The text of Article 27 of the Agreement is deleted and replaced by the following:

“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 political or administrative subdivisions or 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

THE SCHEDULE — *continued*

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.

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 the provisions of 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 of this Article 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 II

This Protocol shall enter into force on the thirtieth day after the date on which diplomatic notes indicating the completion of internal legal procedures necessary in each Contracting State for the entry into force of this Protocol have been exchanged.

ARTICLE III

This Protocol shall form an integral part of the Agreement and shall remain in force as long as the Agreement remains in force.

THE SCHEDULE — *continued*

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

DONE in duplicate at Singapore on this 28th day of May 2012, in the Portuguese and English languages, both texts being equally authentic. In the case of any divergence of interpretation or application of this Protocol, the English text shall prevail.

FOR THE REPUBLIC OF
SINGAPORE

MASAGOS ZULKIFLI BIN
MASAGOS MOHAMAD

*Minister of State,
Ministry of Home Affairs and
Ministry of Foreign Affairs*

FOR THE PORTUGUESE
REPUBLIC

JOSÉ DE ALMEIDA
CESÁRIO

*Secretary of State of Portuguese
Communities Abroad*

Made this 18th day of November 2013.

LIM SOO HOON
*Permanent Secretary
(Finance) (Performance),
Ministry of Finance,
Singapore.*

[MF(R) R 32.2.0064 V3; AG/LLRD/SL/134/2010/7 Vol. 4]