

## PROTOCOL OF 15<sup>TH</sup> OCTOBER, 2012

At the signing of the Convention between the Government of the Republic of Estonia and the Government of the Republic of Cyprus for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, both sides have agreed that this Protocol shall form an integral part of the Convention:

1. With reference to paragraph 2 of Article 13 “Capital Gains”:

For the purposes of calculating the value that the shares derive from immovable property situated in a Contracting State, the domestic law of that State shall apply.

2. With reference to Article 24 “Exchange of Information”:

2.1 The requesting Contracting State shall provide the following information when making a request for information under Article 24 to demonstrate the foreseeable relevance of the information to the request:

- (a) the identity of the person under examination or investigation;
- (b) a statement of the information sought including its nature and the form in which the requesting Contracting State wishes to receive the information from the requested Contracting State;
- (c) the tax purpose for which the information is sought;
- (d) grounds for believing that the information requested is held in the requested Contracting State or is in the possession or control of a person within the jurisdiction of the requested Contracting State;
- (e) to extent known, the name and address of any person believed to be in possession of the requested information;
- (f) a statement that the request is in conformity with the law and administrative practices of the requesting Contracting State, that if the requested information was within the jurisdiction of the requesting Contracting State then the competent authority of the requesting Contracting State would be able to obtain the information under the laws of the requesting Contracting State or in the normal course of administrative practice and that it is in conformity with this Convention;
- (g) a statement that the requesting Contracting State has exhausted all means available in its own territory to obtain the information, except those that would have caused excessive difficulties.

2.2 Information requested by a Contracting State shall not be provided unless the requesting State has reciprocal provisions or applies appropriate administrative practices for the provision of the information requested.