

MEMORANDUM OF UNDERSTANDING

On 23rd March 2009 a Tax Information Exchange Agreement was entered between the Government of Jersey and the Government of France.

In order to ensure the appropriate implementation of the Agreement, the competent authorities of Jersey and France have agreed to the following.

1. The term “direct costs” in Article 9 of the Agreement can be interpreted as follows:
 - (a) examples of “direct costs” include, but are not limited to, the following:
 - (i) reasonable costs of reproducing and transporting documents or records to the competent authority of the requesting party;
 - (ii) reasonable costs imposed by a financial institution or other third party record keeper for copying records and research related to a specific request for information;
 - (iii) reasonable costs for stenographic reports and interviews, depositions or testimony;
 - (iv) reasonable expenses, determined in accordance with amounts allowed under applicable law, of a person who voluntarily appears in Jersey or France for an interview, deposition or testimony relating to a particular information request;
 - (v) reasonable legal fees for non-government counsel appointed or retained, with the approval of the competent authority of the requesting party, for litigation in the courts of the requested party related to a specific request for information;
 - (b) “direct costs” do not include ordinary administrative and overhead expenses incurred by the requested party in reviewing and responding to information requests submitted by the requesting party.
2. If the direct costs pertaining to a specific request are expected to exceed 500 € (or the sterling equivalent), the competent authority of the requested party shall contact the competent authority of the requesting party to determine whether the requesting party wants to pursue the request and bear the cost.
3. The competent authorities shall consult not later than twelve months after the date the Agreement enters into force, and upon request of either competent authority thereafter, with respect to costs incurred or potentially to be incurred under the Agreement and with a review to minimising such costs.
4. Formal communications, including requests for information, made in connection with or pursuant to the provisions of the Agreement entered into will be in writing directly to the competent authority of the other party at the addresses given below, or such other address as may be notified by one party to the other from time to time.
Any subsequent communications regarding requests for information will be either in writing or verbally, whichever is most practical, between the earlier mentioned competent authorities or their authorised representatives.

In the case of France the address is –
Ministère de l'Economie, des Finances et de l'Emploi
D.L.F. Sous-direction E
139, rue de Bercy
75012 Paris - France

In the case of Jersey the address is –
The Minister for Treasury and Resources
PO Box 353
Cyril Le Marquand House
The Parade
St Helier
JE4 8UL

For the competent authority of France

For the competent authority of Jersey