

ALLEMAGNE ET FINLANDE

Convention concernant la protection et l'assistance judiciaires en matière fiscale, et protocole final, signés à Helsinki, le 25 septembre 1935, et échange de notes comportant un accord conclu en vertu de l'article 19 de ladite convention, Berlin, le 3 août 1936, et Helsinki, le 6 octobre 1936.

GERMANY AND FINLAND

Convention concerning Legal Protection and Assistance in Matters relating to Taxation, and Final Protocol, signed at Helsinki, September 25th, 1935, and Exchange of Notes constituting an Agreement concluded under Article 19 of the said Convention, Berlin, August 3rd, 1936, and Helsinki, October 6th, 1936.

TEXTE ALLEMAND. — GERMAN TEXT.

Nr. 4001. — ABKOMMEN¹ ZWISCHEN DEM DEUTSCHEN REICH UND DER REPUBLIK FINNLAND ÜBER RECHTSSCHUTZ UND RECHTSHILFE IN STEUERSACHEN. GEZEICHNET IN HELSINKI, AM 25. SEPTEMBER 1935.

German and Finnish official texts communicated by the Permanent Delegate a. i. of Finland to the League of Nations. The registration of this Convention took place November 10th, 1936.

DER DEUTSCHE REICHSKANZLER und DER PRÄSIDENT DER REPUBLIK FINNLAND sind übereingekommen, ein Abkommen über Rechtsschutz und Rechtshilfe in Steuersachen abzuschliessen. Zu diesem Zwecke haben zu Bevollmächtigten ernannt :

DER DEUTSCHE REICHSKANZLER :

den Ministerialdirektor Professor Dr. Otto HEDDING,

DER PRÄSIDENT DER REPUBLIK FINNLAND :

den Verwaltungsrat Eemil Leander AIRILA,

die, nachdem sie ihre Vollmachten geprüft und in guter und gehöriger Form befunden haben, über folgende Bestimmungen übereingekommen sind :

Artikel 1.

Als Steuern im Sinne dieses Abkommens gelten die öffentlichen Abgaben, soweit sie auf seiten des Deutschen Reichs für das Reich und die Länder, auf seiten der Republik Finnland für den Staat und auf beiden Seiten in der Form von einheitlich mit diesen Abgaben zu erhebenden Zuschlägen oder Beiträgen für Rechnung anderer öffentlich-rechtlicher Körperschaften erhoben werden. Die finnische Gemeindesteuer gilt ebenfalls als Steuer im Sinne dieses Abkommens. Ausgeschlossen sind jedoch Zölle und Verbrauchsabgaben; die Umsatzsteuer gilt für den Anwendungsbereich dieses Abkommens nicht als Verbrauchsabgabe. Auf Steuern vom Wertzuwachs bei der Veräusserung von Grundstücken findet das Abkommen auch dann Anwendung, wenn sie nur für Gemeinden oder Gemeindeverbände erhoben werden.

I. RECHTSSCHUTZ IN STEUERSACHEN.

Artikel 2.

(1) Die Angehörigen des einen Staates geniessen im Gebiete des anderen Staates die gleiche steuerliche Behandlung, insbesondere den gleichen Schutz vor den Finanzbehörden, Gerichten, Finanz- und Verwaltungsgerichten, wie die Landesangehörigen.

¹ The exchange of ratifications took place at Berlin, December 31st, 1935.
Came into force January 1st, 1936.

¹ TRANSLATION.

No. 4001. — CONVENTION BETWEEN THE GERMAN REICH AND THE REPUBLIC OF FINLAND CONCERNING LEGAL PROTECTION AND ASSISTANCE IN MATTERS RELATING TO TAXATION. SIGNED AT HELSINKI, SEPTEMBER 25TH, 1935.

THE CHANCELLOR OF THE GERMAN REICH and THE PRESIDENT OF THE REPUBLIC OF FINLAND have agreed to conclude a Convention concerning legal protection and assistance in matters relating to taxation.

For this purpose, they have appointed as their Plenipotentiaries :

THE CHANCELLOR OF THE GERMAN REICH :

Professor Otto HEDDING, Ministerial Director ;

THE PRESIDENT OF THE REPUBLIC OF FINLAND :

M. Eemil Leander AIRILA, Ministerial Counsellor,

Who, having communicated their full powers, found in good and due form, have agreed on the following provisions :

Article 1.

The following shall be regarded as taxes for the purposes of the present Convention : public taxes levied in the German Reich on behalf of the Reich and the various German States, and in the Republic of Finland on behalf of the State, as also supplementary or additional taxes levied in either country conjointly with the above-mentioned public taxes on behalf of other bodies of public law standing. The Finnish communal tax shall also be regarded as a tax for the purposes of the present Convention. Customs duties and taxes on consumption shall not, however, be included ; the tax on business turnover shall not be regarded as a tax on consumption for the purpose of the present Convention. The Convention shall only apply to taxes on increment levied in connection with the alienation of land when those taxes are levied on behalf of communes or associations of communes.

I. LEGAL PROTECTION IN RESPECT OF TAXATION.

Article 2.

1. Nationals of either State shall be entitled in the territory of the other to the same treatment in regard to fiscal matters as the nationals of the last-named State, and more particularly to the same protection in their dealings with the revenue authorities, the courts of law and the revenue or administrative tribunals.

2. Juristic persons, including companies and partnerships, institutions, charitable foundations and other property set aside for a particular purpose which are not juristic persons but which are

¹ Translated by the Secretariat of the League of Nations, for information.

liable to taxation as such, shall, if their head offices are situated in the territory of one of the two States and if they are legally constituted in accordance with the legislation of that State, be entitled to the same treatment in regard to fiscal matters (paragraph 1) in the territory of the other State as is accorded to taxpayers of the same category in the last-named State.

3. Nationals of either State, including the taxpayers mentioned in paragraph 2, shall not be subject in the territory of the other State to more unfavourable treatment in regard to fiscal matters than nationals of the same category belonging to any third State.

II. LEGAL ASSISTANCE IN MATTERS RELATING TO TAXATION.

Article 3.

The two States undertake to afford each other mutual administrative and legal assistance in all questions relating to taxation both in regard to the assessment and fixing of taxes and sureties, and also in regard to the legal procedure for redress and to the collection of taxes.

Article 4.

1. In cases connected with taxation, the action to be taken as a result of applications for administrative or legal assistance, including the service of legal documents, shall be dealt with direct between the authorities in the two States.

2. The authority competent to transmit direct or to receive applications for the service of documents and other applications for administrative and legal assistance shall, in the case of the German Reich, be the Finance Minister of the Reich, and in the case of the Republic of Finland, the Finance Ministry.

Article 5.

1. Requests and all documents and other papers communicated in connection with administrative or legal assistance shall be drawn up in the official language of the State making the application; requests, documents and other papers sent by the Republic of Finland shall be accompanied by translations in German.

2. Requests shall specify the authority making the application, the name and occupation (status) of the parties concerned and, where service of a document is required, the address of the person on whom it is to be served and the nature of the document.

Article 6.

1. The competent authority of the State to which application is made shall be responsible for the service of documents. Except in the cases specified in paragraph 2, the said authority may restrict such action to causing the document to be delivered to the person to whom it is addressed, should the latter be willing to receive it.

2. Should the State making the application express a wish to that effect, the document shall be served according to the procedure prescribed, in similar cases of service, by the internal legislation of the State to which application is made.

Article 7.

Proof of service of documents shall be furnished either by a dated and duly certified receipt from the addressee or by a certificate from the authorities of the State to which application is made, attesting the fact of such service and indicating the procedure and the date.

Article 8.

1. The authority to which the request is made must comply with it and must employ the same means of compulsion for that purpose as would be used for enforcing a request made by the authority of the State to which application is made, or for enforcing an application by an interested party for the same purpose. The procedure for service shall be that prescribed by the legislation of the State to which application is made ; if, however, the authority making the application so desires, a special mode of procedure may be employed, provided that it is not incompatible with the legislation of the State to which application is made.

2. A form of compulsion which would be lawful in the territory of the State to which the application is made shall not be employed unless the State making the application would be in a position to use a similar means of compulsion if a similar request were addressed to it.

3. Should the authority making the application so request, it shall be notified of the time and place of the proceedings to be taken in pursuance of such application. Interested parties shall be entitled to be represented or to be present at such proceedings in conformity with the general regulations in force in the State to which the application is made.

Article 9.

No fees or charges of any kind shall be payable for complying with requests for administrative or legal assistance, including the service of documents, with the exception — in the absence of any agreement to the contrary — of compensation to persons who furnish evidence or to experts, and of sums payable for the assistance of an executive agent in the cases specified in Article 6, paragraph 2, or on account of the employment of a special form of procedure as provided in Article 8, paragraph 1.

Article 10.

The provisions of the present Convention shall apply to legal assistance in regard to recovery, unless otherwise provided in Articles 11 to 13.

Article 11.

1. In matters relating to taxation, orders which are not appealable (decisions, judgments, decrees) shall upon application, which must be made by the chief revenue authority of one State to the corresponding authority in the other State, be recognised and executed free of charge. The fact of their recognition must be explicitly stated.

2. The orders referred to in paragraph 1 shall be executed in accordance with the legislation of the State in which execution is effected, without the parties concerned being heard.

3. An application for execution must be accompanied by a declaration from the competent authority of the State making the application, to the effect that the order is no longer appealable ; the competence of the said authority must be certified by the highest revenue authority of the State making the application.

Article 12.

In virtue of executory orders which are still open to appeal, only guarantees of a provisional character, in the form of the sequestration of property, may be required from the nationals of the applicant State. The party concerned shall be entitled to have such sequestration removed upon giving security, the nature and value of which must be specified in the application. Article 11 shall apply *mutatis mutandis*.

Article 13.

If application is made for a specified mode of execution or a specified type of security, the request shall be complied with, provided that such mode of execution or type of security is

compatible with the fiscal law of the State making application and of the State to which application is made. For the rest, the mode of execution and the type of security, and the method of enforcement, shall be in conformity with the law of the State to which application is made.

Article 14.

1. Administrative and legal assistance shall not be granted against nationals of the State to which application is made if they have their domicile or permanent residence within the territory of that State. This provision shall not apply :

(a) To requests for administrative and legal assistance in recovering taxes for which the taxpayer was liable at a time when he was a national of the State making the application or when he had a domicile, permanent residence or business establishment in that State; and

(b) Further, to requests for administrative and legal assistance in recovering taxes in cases in which the double taxation arising out of the internal legislation of the two States has been prevented or alleviated in virtue of the provisions of the Convention between the two States for the prevention of double taxation in the matter of direct taxes.

2. Administrative and legal assistance may be refused if the State to which application for assistance is made considers such assistance likely to endanger its sovereignty or safety.

3. Applications which involve the obtaining of information, statements or opinions, which might lawfully be demanded in the State to which application is made, from persons who are not parties to the case in their capacity as taxpayers may be refused if the State making application would be unable, under its own national legislation, to demand similar information, statements or opinions. This provision shall also apply to requests made for the communication of information concerning existing circumstances or legal relations if the knowledge of such circumstances or relations has only been obtained as a result of an obligation to furnish information, statements or opinions which is not admissible in the territory of the State making application ; this provision shall furthermore apply to other requests which can only be complied with by violating commercial, business or industrial secrecy.

Article 15.

1. If an application is conceded, either wholly or in part, the authority to whom such application is made must promptly notify the authority making application as to the action taken to give effect to it.

2. If an application is not conceded, the authority to whom such application is made must promptly notify the fact to the authority making application, giving all reasons in support and information as to any circumstances with which he has become acquainted through other channels and which are of importance for any further action which is to be taken in the matter.

Article 16.

All enquiries, information, statements and opinions and any other communications furnished to a State as the result of measures of administrative and legal assistance shall be subject to the statutory regulations of such State regarding official secrecy.

III. LEGALISATION OF DOCUMENTS.

Article 17.

1. Documents which have been accepted, drawn up or legalised by the revenue or administrative tribunals in one State may, if they bear the seal or stamp of the tribunal, be used in connection with fiscal matters in the territory of the other State without further legalisation.

2. The above documents shall include documents which have been signed by the clerk to a court or other competent official, if such signature is sufficient under the laws of the State to which the court belongs.

Article 18.

1. Documents which have been accepted, drawn up or legalised by the principal revenue official or by one of the senior revenue officials in either State may, if they bear the seal or stamp of such official, be used in the territory of the other State in matters relating to taxation without further legalisation.

2. The two States shall communicate to each other lists of the officials in question; these lists may be modified or supplemented at any time by agreement between the two administrations.

IV. FINAL CLAUSES.

Article 19.

The chief revenue officials of the two States shall be free to conclude further arrangements in conformity with the present Convention. They may in particular agree upon provisions regarding the treatment of money payments of other kinds in the sphere of taxation, the transfer of sums received on account of execution proceedings, and the fixing of the rate of exchange for the conversion of sums in regard to which execution proceedings are to be taken.

Article 20.

The present Convention, done in duplicate in German and Finnish, shall be ratified, and the instruments of ratification shall be exchanged as soon as possible at Berlin. It shall come into force at the beginning of the calendar year following the exchange of the instruments of ratification and shall continue in force until it is denounced by one of the contracting States, such denunciation to take place at least three months before the expiration of a calendar year. If it is duly denounced as described above, the Convention shall cease to apply on the expiration of the calendar year in question.

In faith whereof the Plenipotentiaries of the two States have signed the present Convention and have thereto affixed their seals.

HELSINKI, *September 25th*, 1935.

(L. S.) E. L. AIRILA.

(L. S.) O. HEDDING.

FINAL PROTOCOL.

On signing the Convention concluded this day between the German Reich and the Republic of Finland concerning legal protection and assistance in matters relating to taxation, the undersigned Plenipotentiaries have made the following identical declarations, which constitute an integral part of the present Convention :

(1) The provisions of Article 2, paragraphs 1 and 2, shall be interpreted as meaning that the taxpayers therein mentioned shall be placed on a footing of equality in respect of taxation, not merely theoretically but also in practice.

(2) The provisions of Article 2 shall not be applied in so far and as long as the advantages provided for therein are already afforded by Articles 2 and 3 of the Commercial Treaty between the German Reich and the Republic of Finland, dated March 24th, 1934.

(3) In order to assist in determining the extent to which mutual administrative and legal assistance can in practice be afforded, the two States shall furnish each other with explanatory statements concerning the powers of revenue officials in regard to which the fundamental principles of German and Finnish law, so far as concerns applications for administrative and legal assistance, may be considered as in agreement. These explanatory statements should in particular provide particulars :

(a) Regarding the information, statements, reports and evidence which can be required from taxpayers or third persons ;

(b) Regarding the measures of compulsion, security and execution which are admissible against taxpayers or third persons.

So long as the explanatory statements have not been exchanged and accepted by both Parties, or if the application relates to measures which are not included in the explanatory statements, administrative or legal assistance shall be granted provided that reciprocity may be assumed to exist, that compliance with the application is not contrary to the law of the State applied to, and that there is not, in virtue of the Convention, any particular reason for rejecting the request. Reciprocity in this sense shall be considered to exist if each separate application for administrative or legal assistance is accompanied by a certificate from the chief revenue authority of the applicant State in which it is officially declared that a similar application would be complied with under the laws of the latter State.

(4) The translations provided for in the present Convention shall be legalised either by the chief revenue authority or by a sworn or publicly appointed translator of the State making the application or of the State to which application is made.

(5) Applications for the transmission of documents cannot, as a rule, be accepted. Exceptions to this rule can only be allowed by agreement between the chief revenue authorities of the two States ; applications for the forwarding of documents shall not, however, be made unless such a step is urgently required in the interest of the State making the application. This provision shall not prejudice the right of either State to attach to its requests any document it may possess which may be of assistance in the carrying out of such requests.

(6) If it is established that the measures of execution cannot lead to any result, the application shall be returned to the authority which sent it, accompanied by a certificate to this effect.

(7) The fiscal claims to be recovered shall not be given any preference in the State to which application is made.

(8) Applications for execution shall only be made if sufficient possibilities of execution do not exist in the State making the application.

(9) The measures for legal protection and assistance which are agreed upon in the present Convention shall apply for the first time to taxation for the calendar year 1936 as regards income, in so far as such income was received in the calendar year 1935 or a financial period ending in the calendar year 1935, and to the Finnish capital tax based on the situation as at December 31st, 1935.

HELSINKI, *September 25th*, 1935.

(L. S.) E. L. AIRILA.

(L. S.) O. HEDDING.

NOTENWECHSEL

Textes officiels allemand et finnois communiqués par le délégué permanent a. i. de la Finlande près la Société des Nations. L'enregistrement de cet échange de notes a eu lieu le 4 décembre 1936.

NOOTTIENVAIHTO.

German and Finnish official texts communicated by the Permanent Delegate a. i. of Finland to the League of Nations. The registration of this Exchange of Notes took place December 4th, 1936.

I.

TEXTE ALLEMAND. — GERMAN TEXT.

Den 3. August 1936.

Im Anschluss an das Abkommen zwischen dem Deutschen Reich und der Republik Finnland über Rechtsschutz und Rechtshilfe in Steuersachen vom 25. September 1935 haben der deutsche Reichsminister der Finanzen und das Finnische Finanzministerium auf Grund des Artikel 19 des Abkommens die nachstehenden Vereinbarungen getroffen :

TEXTE FINNOIS. — FINNISH TEXT.

VEREINBARUNGEN

ZWISCHEN DEN OBERSTEN FINANZVERWALTUNGSBEHÖRDEN DES DEUTSCHEN REICHS UND DER REPUBLIK FINNLAND AUF GRUND DES ARTIKEL 19 DES ABKOMMENS ZWISCHEN DEM DEUTSCHEN REICH UND DER REPUBLIK FINNLAND ÜBER RECHTSSCHUTZ UND RECHTSHILFE IN STEUERSACHEN VOM 25. SEPTEMBER 1935.

Im Anschluss an das Abkommen zwischen dem Deutschen Reich und der Republik Finnland über Rechtsschutz und Rechtshilfe in Steuersachen vom 25. September 1935 haben die obersten Finanzverwaltungsbehörden der beiden Staaten gemäss Artikel 19 des Abkommens die nachstehenden Bestimmungen vereinbart, die von jedem der beiden Staaten zur Durchführung des Abkommens unverzüglich erlassen werden sollen :

I.

Zu den Steuern im Sinne des Abkommens, für die Amts- und Rechtshilfe gewährt wird,

SOPIMUS,

JONKA OVAT TEHNEET SAKSAN VALTAKUNNAN JA SUOMEN TASAVALLAN YLIMMÄT FINANSSIHALLINTOVIRANOMAISET SAKSAN VALTAKUNNAN JA SUOMEN TASAVALLAN VÄLILLÄ 25 PÄIVÄNÄ SYYSKUUTA 1935 VEROASIOISSA ANNETTAVASTA OIKEUSSUOJASTA JA OIKEUSAVUSTA TEHDYN SOPIMUKSEN 19 ARTIKLAN NOJALLA.

Saksan Valtakunnan ja Suomen Tasavallan välillä 25 päivänä syyskuuta 1935 veroasioissa annettavasta oikeussuojasta ja oikeusavusta tehdyn sopimuksen johdosta ovat kummankin valtion ylimmät finanssihallintoviranomaiset sopimuksen 19 artiklan nojalla sopineet seuraavista määräyksistä, jotka kumpikin valtio sopimuksen täytäntöönpanoa varten viipymättä määrää noudatettaviksi :

I.

Sellaisiin sopimuksen tarkoittamiin veroihin, joita varten virka- ja oikeusapua annetaan,

¹ TRANSLATION.

EXCHANGE OF NOTES.

I.

August 3rd, 1936.

In pursuance of the Convention of September 25th, 1935, between the German Reich and the Republic of Finland, concerning legal protection and assistance in matters relating to taxation, the Minister of Finance of the German Reich and the Finnish Ministry of Finance have, under Article 19 of the said Convention, concluded the following Agreement :

AGREEMENT

BETWEEN THE CHIEF REVENUE OFFICIALS OF THE GERMAN REICH AND OF THE REPUBLIC OF FINLAND UNDER ARTICLE 19 OF THE CONVENTION CONCERNING LEGAL PROTECTION AND ASSISTANCE IN MATTERS RELATING TO TAXATION, CONCLUDED BETWEEN THE GERMAN REICH AND THE REPUBLIC OF FINLAND ON SEPTEMBER 25TH, 1935.

In pursuance of the Convention of September 25th, 1935, between the German Reich and the Republic of Finland, concerning legal protection and assistance in matters relating to taxation, the chief revenue officials of the two States have, under Article 19 of that Convention, agreed upon the following provisions, which shall forthwith be enacted by each of the two States for the purpose of applying the Convention.

I.

The taxes within the meaning of the Convention in respect of which administrative and legal assistance is to be accorded shall be deemed to include subsidiary payments and, in particular, surtaxes, interest on deferred payment and on arrears of payment, and costs of assessment and fixing of taxes, of the legal procedure for redress and of demand and execution proceedings.

2.

(1) As the basis for execution, a statement of arrears may be substituted for the enforceable decision (Articles 11 and 12 of the Convention). Such statement shall indicate the following :

(a) The family name, forename, occupation, nationality and address of the debtor in respect of whom execution is requested ;

(b) The amount of the principal of the debt, together with its origin (*e. g.*, description of the nature of the tax and the period for which it is payable) ;

(c) The accruing interest and surtaxes on arrears, stating :

(aa) The percentage rate ;

(bb) The period in respect of which such rate is chargeable ;

¹ Translated by the Secretariat of the League of Nations, for information.

(cc) The amount of the principal on which the interest and the surtaxes on arrears are to be calculated ;

(dd) The date from which interest or surtaxes on arrears are to be calculated ;

(d) The other subsidiary dues (demand fees, etc.).

(2) The statement of arrears, indicating the place and date and issuing authority, shall be signed by a competent official and shall be sealed or stamped.

(3) In other respects, such statements of arrears shall be governed *mutatis mutandis* by the provisions of the Convention in respect of enforceable decisions (declaration by the competent authority of the State making application to the effect that the decisions mentioned in the statement of arrears are not appealable or are enforceable by process of execution, a certificate of the chief revenue officials of the State making application attesting the competence of the above-mentioned authority).

3.

In the event of execution, recovery shall always be effected in the currency of the State to which application is made. For this purpose, the sum to be recovered shall be converted by the chief revenue authorities of the State to which the application is made into the currency of that State. Such conversion shall take place, in Berlin, at the last foreign payments selling rate on the Berlin Stock Exchange and, in Helsinki, at the last sight selling rate in Helsinki prior to the receipt of the application by the chief revenue officials concerned. The amount to be recovered by compulsory execution shall be the amount in Reichsmarks or in Finnish marks, as the case may be, computed in the manner prescribed above. The proceeds recovered by compulsory execution shall be:

Paid without delay by the German authority to the Finnish authority — after deduction of costs, if any (Article 9 of the Convention) — in German marks, to the account of the Bank of Finland, Helsinki, at the Reichsbank at Berlin, with the name of the Finnish collecting authority and an instruction that the cost of transfer shall be charged to the payee ;

Paid without delay by the Finnish authority to the German authority — after deduction of costs, if any (Article 9 of the Convention) — in Finnish marks, to the account of the Reichsbank, Berlin, at the Bank of Finland at Helsinki, with an instruction that the amount in question is to be transferred to the specified account of the Revenue Department (*Finanzamt*), the costs of transfer being charged to the payee.

I have the honour to request you to notify me of your agreement with the foregoing provisions.

Per procuracionem :

HEDDING.

To the Finnish Ministry
of Finance,
Helsinki.

II.

October 6th, 1936.

The Ministry of Finance acknowledges receipt of the note of August 3rd, 1936, from the Reich Minister of Finance communicating the following :

In pursuance of the Convention of September 25th, 1935, between the Republic of Finland and the German Reich, concerning legal protection and assistance in matters relating to taxation,

the Finnish Ministry of Finance and the Minister of Finance of the German Reich have, under Article 19 of the said Convention, concluded the following Agreement :

AGREEMENT

BETWEEN THE CHIEF REVENUE OFFICIALS OF THE REPUBLIC OF FINLAND AND THE GERMAN REICH UNDER ARTICLE 19 OF THE CONVENTION CONCERNING LEGAL PROTECTION AND ASSISTANCE IN MATTERS RELATING TO TAXATION, CONCLUDED BETWEEN THE REPUBLIC OF FINLAND AND THE GERMAN REICH ON SEPTEMBER 25TH, 1935.

In pursuance of the Convention of September 25th, 1935, between the Republic of Finland and the German Reich, concerning legal protection and assistance in matters relating to taxation, the chief revenue officials of the two States have, under Article 19 of that Convention, agreed upon the following provisions which shall forthwith be enacted by each of the two States for the purpose of applying the Convention.

I.

The taxes within the meaning of the Convention in respect of which administrative and legal assistance is to be accorded shall be deemed to include subsidiary payments and, in particular, surtaxes, interest on deferred payment and on arrears of payment, the costs of assessment and fixing of taxes, of the legal procedure for redress and of demand and execution proceedings.

2.

(1) As the basis for execution, a statement of arrears may be substituted for the enforceable decision (Articles 11 and 12 of the Convention). Such statement shall indicate the following :

(a) The family name, forename, occupation, nationality and address of the debtor in respect of whom execution is requested ;

(b) The amount of the principal of the debt together with its origin (*e. g.*, description of the nature of the tax and the period for which it is payable) ;

(c) The accruing interest and surtaxes on arrears, stating :

(aa) The percentage rate ;

(bb) The period in respect of which such rate is chargeable ;

(cc) The amount of the principal on which the interest and the surtaxes on arrears are to be calculated ;

(dd) The date from which interest or penal surtaxes on arrears are to be calculated ;

(d) The other subsidiary dues (demand fees, etc.).

(2) The statement of arrears, indicating the place and date and issuing authority, shall be signed by a competent official and shall be sealed or stamped.

(3) In other respects, such statements of arrears shall be governed *mutatis mutandis* by the provisions of the Convention in respect of enforceable decisions (declaration by the competent authority of the State making application to the effect that the decisions mentioned in the statement of arrears are not appealable or are enforceable by process of execution, a certificate of the chief revenue officials of the State making application attesting the competence of the above-mentioned authority).

3.

In the event of execution, recovery shall always be effected in the currency of the State to which application is made. For this purpose, the sum to be recovered shall be converted by the

chief revenue authorities of the State to which the application is made into the currency of that State. Such conversion shall take place, in Berlin, at the last foreign payments selling rate on the Berlin Stock Exchange and, in Helsinki, at the last sight selling rate in Helsinki prior to the receipt of the application by the chief revenue officials concerned. The amount to be recovered by compulsory execution shall be the amount in Reichsmarks or in Finnish marks, as the case may be, computed in the manner prescribed above. The proceeds recovered by compulsory execution shall be :

Paid without delay by the Finnish authority to the German authority — after deduction of costs, if any (Article 9 of the Convention) — in Finnish marks, to the account of the Reichsbank, Berlin, at the Bank of Finland at Helsinki, with an instruction that the amount in question is to be transferred to the specified account of the Revenue Department (*Finanzamt*), the costs of transfer being charged to the payee ;

Paid without delay by the German authority to the Finnish authority — after deduction of costs, if any (Article 9 of the Convention) — in German marks, to the account of the Bank of Finland, Helsinki, at the Reichsbank at Berlin, with the name of the Finnish collecting authority and an instruction that the cost of transfer shall be charged to the payee.

The Finance Ministry has the honour herewith to declare its agreement to the foregoing provisions.

Tyko REINIKKA,
Minister.

To the Reich Minister
of Finance,
Berlin.