



Servicio de Administración Tributaria

**ACUERDO AMISTOSO ENTRE  
MÉXICO Y LOS ESTADOS DE  
GUERNSEY SOBRE LA  
APLICACIÓN Y LA  
INTERPRETACIÓN DEL AIIMT**

**MEMORANDUM OF UNDERSTANDING BETWEEN THE MINISTRY OF FINANCE AND PUBLIC CREDIT OF THE UNITED MEXICAN STATES AND THE DIRECTOR OF INCOME TAX OF GUERNSEY CONCERNING THE INTERPRETATION OR APPLICATION OF THE AGREEMENT BETWEEN THE UNITED MEXICAN STATES AND THE STATES OF GUERNSEY FOR THE EXCHANGE OF INFORMATION RELATING TO TAX MATTERS (“THE TIEA”) AND THE ACKNOWLEDGEMENT OF OTHER UNDERTAKINGS MADE BETWEEN THE COMPETENT AUTHORITIES**

The Ministry of Finance and Public Credit of the United Mexican States and the Director of Income Tax of Guernsey (“the competent authorities”), desiring to facilitate the exchange of information with respect to taxes, have reached the following understandings:

1. With respect to paragraph 6 of Article 4 (*Exchange of Information Upon Request*) of the TIEA, it is understood that the competent authority of the Requested Party shall forward the requested information as promptly as possible to the Requesting Party. To ensure a prompt response, the competent authority of the Requested Party shall:

- a) Confirm receipt of a request in writing to the competent authority of the Requesting Party and shall notify the competent authority of the Requesting Party of deficiencies in the request, if any, within 60 (sixty) days of the receipt of the request.
- b) If the competent authority of the Requested Party has been unable to obtain and provide the information within 90 (ninety) days of receipt of the request, including if it encounters obstacles in furnishing the information or it refuses to furnish the information, it shall immediately inform the Requesting Party, explaining the reason for its inability, the nature of the obstacles or the reasons for its refusal.

2. With respect to the expression “With reasonable notice” referred to in paragraph 1 of Article 5 (*Tax Examinations Abroad*) of the TIEA, it is understood that such expression means at least 14 (fourteen) days prior to the date of the intended meeting.

3. With respect to Article 8 (*Costs*) it is understood that:

- a) The term “direct costs” includes, but is not limited to:
  - (i) reasonable costs of reproducing and transporting documents or records to the competent authority of the Requesting Party;

- (ii) reasonable fees charged 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 fees and expenses, determined in accordance with amounts allowed under applicable law, of a person who voluntarily appears in Mexico or in Guernsey 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) The term “indirect costs” includes, but is not limited to, ordinary administrative and overhead expenses incurred by the Requested Party in reviewing and responding to information requests submitted by the Requesting Party.
  - c) If the direct costs pertaining to a specific request are expected to exceed £500 (five hundred sterling pounds), the competent authority of the Requested Party will contact the competent authority of the Requesting Party to determine whether the Requesting Party wants to pursue the request.
  - d) The competent authorities will consult not later than 12 (twelve) months after the date the TIEA enters into force, and upon request of either competent authority thereafter, with respect to costs incurred or potentially to be incurred under the TIEA and with a view to minimizing such costs.
4. It is understood that, where necessary, the requests for information and responses thereto shall be drawn up in English.
5. This Memorandum of Understanding will come into effect on the entry into force of the TIEA.
6. The competent authorities may jointly decide, in writing, to amend this Memorandum of Understanding at any time. Amendments to such Memorandum will come into effect on the date of the final letter confirming the amendment.

7. This Memorandum of Understanding will remain in effect until terminated at any time in writing, by either competent authority.

Done in Mexico City on this 10<sup>th</sup> day of June of two thousand and eleven and in Saint Peter Port, Guernsey on this 27<sup>th</sup> day of June of two thousand and eleven, in duplicate in the Spanish and English languages, both texts being equally authentic.

FOR THE MINISTRY OF FINANCE AND  
PUBLIC CREDIT OF THE UNITED  
MEXICAN STATES

Ernesto Javier Cordero Arroyo  
Minister

THE DIRECTOR OF INCOME  
TAX OF GUERNSEY

Robert Richard Gray