

**PROTOCOL**  
**AMENDING THE AGREEMENT BETWEEN THE ISLE OF MAN AND THE**  
**REPUBLIC OF FINLAND ON THE ACCESS TO MUTUAL AGREEMENT**  
**PROCEDURES IN CONNECTION WITH THE ADJUSTMENT OF**  
**PROFITS OF ASSOCIATED ENTERPRISES**  
**SIGNED ON 30<sup>TH</sup> OCTOBER, 2007**

The Government of the Isle of Man and the Government of the Republic of Finland ("the Parties"), desiring to amend the Agreement between the Isle of Man and the Republic of Finland on the access to Mutual Agreement Procedures in connection with the adjustment of profits of associated enterprises signed on 30<sup>th</sup> October, 2007 ("the Agreement"),

Have agreed as follows:

## ARTICLE I

The Preamble to the Agreement shall be modified to include the following text immediately after the existing first paragraph:

"Intending to eliminate double taxation with respect to the taxes covered by this Agreement without creating opportunities for non-taxation or reduced taxation through tax evasion or avoidance (including through treaty-shopping arrangements aimed at obtaining reliefs provided in this Agreement for the indirect benefit of residents of third jurisdictions);".

## ARTICLE 2

The first paragraph of Article 5 (Mutual Agreement Procedures) of the Agreement shall be modified as follows:

"Where an enterprise considers that, in any case to which this Agreement applies, the actions of one or both of the Parties result or will result for it in double taxation, it may, irrespective of the remedies provided by the domestic law of those Parties, present its case to the competent authority of either Party. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of this Agreement."

## ARTICLE 3

Immediately after Article 5 (Mutual Agreement Procedures) of the Agreement, the following shall be added, as Article 5A:

"Entitlement to Benefits

Notwithstanding any provisions of this Agreement, a benefit under this Agreement shall not be granted in respect of an item of income if it is reasonable to conclude, having regard to all relevant facts and circumstances, that obtaining that benefit was one of the principal purposes of any arrangement or transaction that resulted directly or indirectly in that benefit, unless it is established that granting that benefit in these circumstances would be in accordance with the object and purpose of the relevant provisions of this Agreement."

## ARTICLE 4

This Protocol shall enter into force on the thirtieth day after the later of the dates on which each of the Parties has notified the other in writing that the procedures required by its law have been complied with. This Protocol shall have effect on taxes chargeable for any tax year beginning on or after the first day of January of the calendar year next following that in which this Protocol enters into force.

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

DONE at Helsinki, on the 8<sup>th</sup> day of September, 2020 and at Douglas, on the 25 day of SEPTEMBER, 2020, in duplicate in the English language.

For the Government  
of the Isle of Man:

For the Government  
of the Republic of Finland: