

SYNTHESISED TEXT OF THE MLI AND THE AGREEMENT BETWEEN THE ARAB REPUBLIC OF EGYPT AND THE REPUBLIC OF MAURITIUS FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME.

General disclaimer on the Synthesised text document

This comprehensive document (the "Document") of the companioned text of the Multilateral Convention promulgated by Presidential Decree No. 446 of 2020 and the Agreement on Avoidance of Double Taxation and Prevention of Tax Evasion with regard to Income Taxes between the Governments of the Arab Republic of Egypt and the Republic of Mauritius and published in the Official Gazette 52 on 25/12/2014 ("Agreement"), is only a guiding text, bearing in mind that that English version of the Agreement is the most likely and the first to be applied on the part of the authentic in case of difference between the versions of different languages themselves- without any responsibility on the authority that issued those texts.

This document presents the synthesised text for the application of the Agreement between the Arab Republic of Egypt and the Republic of Mauritius with respect to Taxes on Income signed on 19 December 2012 (the "Agreement"), as modified by the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting signed by Egypt on 7 June 2017 and by Mauritius on 5 July 2017 (the "MLI").

The document was prepared on the basis of the MLI position of Egypt submitted to the Depository upon ratification on 30 September 2020 and the MLI position of Mauritius submitted to the Depository upon ratification on 18 October 2019. These MLI positions are subject to modifications as provided in the MLI. Modifications made to MLI positions could modify the effects of the MLI on the Agreement.

The authentic legal texts of the Agreement and the MLI take precedence and remain the legal texts applicable.

The provisions of the MLI that are applicable with respect to the provisions of the Agreement are included in boxes throughout the text of this document in the context of the relevant provisions of the Agreement. The boxes containing the provisions of the MLI have generally been inserted in accordance with the ordering of the provisions of the 2017 OECD Model Tax Convention.

Changes to the text of the provisions of the MLI have been made to conform the terminology used in the MLI to the terminology used in the Agreement (such as "Covered Tax Agreement" and "Convention"/"Agreement", "Contracting Jurisdictions" and "Contracting States"), to ease the comprehension of the provisions of the MLI. The changes in terminology are intended to increase the readability of the document and are not intended to change the substance of the provisions of the MLI. Similarly, changes have been made to parts of provisions of the MLI

that describe existing provisions of the Convention: descriptive language has been replaced by legal references of the existing provisions to ease the readability.

In all cases, references made to the provisions of the Agreement or to the Agreement must be understood as referring to the Agreement as modified by the provisions of the MLI, provided such provisions of the MLI have taken effect.

References

The authentic legal texts of the MLI and the Agreement can be found [www.eta.gov.eg]

Disclaimer on the entry into effect of the provisions of the MLI

The provisions of the MLI applicable to this Agreement do not take effect on the same dates as the original provisions of the Agreement. Each of provisions of the MLI could take effect on different dates, depending on the types of taxes involved (taxes withheld at source or other taxes levied) and on the choices made by **the Arab Republic of Egypt** and **the Republic of Mauritius** in their MLI positions.

Dates of the deposit of instruments of ratification, acceptance or approval: **30 September 2020** for **Egypt** and **18 October 2019** for **Mauritius**.

Entry into force of the MLI: **1 January 2021** for **Egypt** and **1 February 2020** for **Mauritius**. This document provides specific information on the dates on or after which each of the provisions of the MLI has effect with respect to the Agreement throughout this document and has effect as follows:

(a) The provisions of the MLI shall have effect in each Contracting State with respect to the Agreement:

(i) with respect to taxes withheld at source on amounts paid or credited to non-residents, where the event giving rise to such taxes occurs on or after 1 January 2021; and
(ii) With respect to all other taxes levied by that Contracting State, for taxes levied with respect to taxable periods beginning on or after 1 July 2021.

(b) Notwithstanding (a), Article 16 (Mutual Agreement Procedure) of the MLI shall have effect with respect to the Agreement for a case presented to the competent authority of a Contracting State on or after 1 January 2021, except for cases that were not eligible to be presented as of that date under the Agreement prior to its modification by the MLI, without regard to the taxable period to which the case relates.

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT
AND
THE GOVERNMENT OF THE REPUBLIC OF MAURITIUS
FOR THE AVOIDANCE OF DOUBLE TAXATION AND
PREVENTION OF FISCAL EVASION
WITH RESPECT TO TAXES ON INCOME**

[MODIFIED by paragraph 3.6.2. of Article 6 (3) of the MLI]

The Government of the Arab Republic of Egypt, and the Government of the Republic of Mauritius ~~{Desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,}~~

The following paragraph 1 and paragraph 3 of Article 6 of the MLI {replace the text referring to an intent to eliminate double taxation in the preamble of this Agreement.

ARTICLE 6 OF THE MLI – PURPOSE OF A COVERED TAX AGREEMENT

Desiring to further develop their economic relationship and to enhance their co-operation in tax matters, 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 [*the Agreement*] for the indirect benefit of residents of third jurisdictions),

Have agreed as follows:

ARTICLE 1

PERSONAL SCOPE

This Agreement shall apply to persons who are residents of one or both of the Contracting states.

ARTICLE 2

TAXES COVERED

- 1- This Agreement shall apply to taxes on income imposed on behalf of a Contracting State, its political subdivisions or its local authorities, irrespective of the manner in which they are levied.
- 2- There shall be regarded as taxes on income all taxes imposed on total income or on elements of income.
- 3- The existing taxes to which this Agreement shall apply are in particular:
 - a) **in Mauritius**, the income tax;

(hereinafter referred to as "Mauritius tax");

b) in Egypt:

- i. the tax on income of individuals including:
 - A. income from salaries and wages;
 - B. income from commercial and industrial activities;
 - C. income from professional activities (independent personal services);
 - D. income derived from immovable property including income from agricultural land, building and furnished units;
- ii. the tax on profits of legal entities (corporations and partnerships);
- iii. the duty for the development of the financial resources of the state;
- iv. tax withheld at source;
- v. the supplementary taxes imposed as percentage of taxes mentioned above or otherwise;

(hereinafter referred to as "Egyptian tax").

- 4- This Agreement shall also apply to any other taxes of a substantially similar character which are imposed by either Contracting State after the date of signature of this Agreement in addition to, or in place of, the existing taxes.
- 5- The competent authorities of the Contracting States shall notify each other of changes which have been made in their respective taxation laws, and if it seems desirable to amend any Article of this Agreement, without affecting the general principles thereof, the necessary amendments may be made by mutual consent by means of an Exchange of Notes.

ARTICLE 3

GENERAL DEFINITIONS

- 1- In this Agreement, unless the context otherwise requires:
- a) the term "**Egypt**" means the territory of the Arab Republic of Egypt, and when used in a geographical sense, includes the territorial sea and any area adjacent to the coast beyond the territorial waters, over which Egypt exercises sovereign rights, in accordance with Egyptian legislation and international law, and which has been or may hereafter be designated as an area within which Egypt may exercise rights with respect to the sea-bed and sub-soil and their natural resources."
 - b) the term "**Mauritius**" means the Republic of Mauritius and includes:
 - i. all the territories and islands which, in accordance with the laws of Mauritius, constitute the State of Mauritius;
 - ii. the territorial sea of Mauritius; and
 - iii. any area outside the territorial sea of Mauritius which in accordance with international law has been or may hereafter be designated, under the laws of Mauritius, as an area, including the Continental Shelf, within which the rights of Mauritius with respect to the sea, the sea-bed and sub-soil and their natural resources may be exercised;
 - c) the terms "a Contracting State" and "the other Contracting State" mean Mauritius or Egypt, as the context requires;
 - d) the term "company" means anybody corporate or any entity which is treated as a body corporate for tax purposes;
 - e) the term "competent authority" means:
 - i. in Mauritius, the Minister of Finance and Economic Empowerment or his Authorized representative; and
 - ii. in Egypt, the Minister of Finance or his authorized representative.
 - f) the terms "enterprise of a Contracting State" and "enterprise of the other Contracting State" mean respectively an enterprise carried on by a resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;
 - g) The term "international traffic" means any transport by a ship or aircraft operated by an enterprise which has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State;
 - h) The term "national" means any individual having the citizenship of a Contracting State and any legal person, partnership (société) or association deriving its status as such from the laws in force in a Contracting State;
 - i) The term "person" includes an individual, a company, a trust and any other body of persons which is treated as an entity for tax purposes; and
 - j) The term "tax" means Mauritius tax or Egyptian tax, as the context requires.

- 2- As regards the application of the Agreement at any time by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that State for the purposes of the taxes to which the Agreement applies, any meaning under the applicable tax laws of that State prevailing over a meaning given to the term under other laws of that State.

ARTICLE 4

RESIDENT

- 1- For the purposes of this Agreement, the term "resident of a Contracting State" means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of incorporation, place of management or any other criterion of a similar nature and also includes that State, its political subdivision and its local authority. This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State.
- 2- Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then his status shall be determined in accordance with the following rules:
- a) he shall be deemed to be a resident only of the State in which he has a permanent home available to him. If he has a permanent home available to him in both States, he shall be deemed to be a resident of the State with which his personal and economic relations are closer (centre of vital interests);
 - b) if the State in which he has his centre of vital interests cannot be determined, or if he does not have a permanent home available to him in either State, he shall be deemed to be a resident only of the State in which he has an habitual abode;
 - c) if he has an habitual abode in both States or in neither of them, he shall be deemed to be a resident only of the State of which he is a national;
 - d) if he is a national of both States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.
- 3- Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated.

ARTICLE 5

PERMANENT ESTABLISHMENT

- 1- For the purposes of this Agreement, the term "permanent establishment" means a fixed place of business through which the business of an enterprise is wholly or partly carried on.
- 2- The term "permanent establishment" includes especially:
- a) a place of management;
 - b) a branch;

- c) an office;
 - d) a factory;
 - e) a workshop;
 - f) a warehouse, in relation to a person providing storage facilities for others;
 - g) premises and warehouses used as sales outlets;
 - h) a farm or plantation;
 - i) a mine, an oil or gas well, a quarry or any other place of extraction of natural resources; and
 - j) an installation or structure used for the exploration or exploitation of natural resources.
- 3- The term "permanent establishment" likewise encompasses:
- a) a building site or construction, installation or assembly project including supervisory activities in connection therewith only if the site, project or activity lasts more than 6 months.
 - b) the furnishing of services including consultancy services by an enterprise of a Contracting State through employees or other personnel engaged in the other Contracting State, provided that such activities continue for the same or a connected project for a period or periods aggregating to more than 6 months within any 12-month period.
- 4- An enterprise of a Contracting State shall be deemed to have a permanent establishment in the other Contracting State if substantial equipment in the other Contracting State:
- a) either belonging to the enterprise or being leased under a contract by the enterprise from any other person, is being used; or
 - b) is being installed by the enterprise.
- 5- Notwithstanding the preceding provisions of this Article, the term "permanent establishment" shall be deemed not to include:
- a) the use of facilities solely for the purpose of storage or display of goods or merchandise belonging to the enterprise;
 - b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage or display;
 - c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
 - d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or for collecting information, for the enterprise;
 - e) the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character; and
 - f) the maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs (a) to (e), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.

- 6- Notwithstanding the provisions of paragraphs 1 and 2, where a person – other than an agent of an independent status to whom paragraph 8 applies – is acting in a Contracting State on behalf of an enterprise of the other Contracting State, that enterprise shall be deemed to have a permanent establishment in the first mentioned contracting State in respect of any activities which that person undertakes for the enterprise, if such a person:
 - a) has and habitually exercise in that State an authority to conclude contracts in the name of the enterprise, unless the activities of such person are limited to those mentioned in paragraph 5 which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph; or
 - b) has no such authority, but habitually maintains in the first mentioned state a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the enterprise;
 - c) habitually secures orders in the first-mentioned state for the enterprise and other enterprises which are controlled by it or have a controlling interest in it.
- 7- Notwithstanding the preceding provisions of this Article, an insurance enterprise of a Contracting State shall except in regard to re-insurance be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risk situated therein through a person other than an agent of an independent status to whom paragraph 8 applies.
- 8- An enterprise shall not be deemed to have a permanent establishment in a Contracting State merely because it carries on business in that State through a broker, general commission agent or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business. However, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, he will not be considered an agent of an independent status within the meaning of this paragraph.
- 9- The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

ARTICLE 6

INCOME FROM IMMOVABLE PROPERTY

- 1- Income derived by a resident of a Contracting State from immovable property, including income from agriculture or forestry, is taxable in the Contracting State in which such property is situated.

- 2- The term "immovable property" shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payment as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources. ships, and aircraft shall not be regarded as immovable property.
- 3- The provisions of paragraph 1 shall apply to income derived from the direct use, letting or use in any other form of immovable property.
- 4- The provisions of paragraphs 1 and 3 shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of independent personal services.

ARTICLE 7

BUSINESS PROFITS

- 1- The profits of an enterprise of a contracting state shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other state but only so much of them as is attributable to
 - a) that permanent establishment;
 - b) sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or
 - c) other business activities carried on in that other State of the same or similar kinds as those effected through that permanent establishment.

However, the profits derived from the sales described in subparagraph (b) or other business activities in subparagraph (c) shall not be taxable in the other State if the enterprise demonstrates that such sales or business activities have been carried out for reasons other than obtaining a benefit under this agreement.

- 2- Subject to the provisions of paragraph 3, where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.
- 3- In determining the profits of a permanent establishment, there shall be allowed as deductions expenses which are incurred for the purposes of the permanent establishment, including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere.

However, no such deduction shall be allowed in respect of:

- a) any amount, paid (otherwise than towards reimbursement of actual expenses) by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees or other similar payments in return for the use of patents or other rights, or by way of commission, for specific services performed or for management, or, except in the case of banks, by way of interest on money lent to the permanent establishment;
 - b) any amount charged (otherwise than towards reimbursement of actual expenses), by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees or other of similar payments in return for the use of patents or other rights, or by way of commission for specific services performed or for management, or, except in the case of banks, by way of interest on money lent to the head office of the enterprise or any of its other offices.
- 4- In so far as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary. The method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article.
 - 5- no profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.
 - 6- For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary.
 - 7- Where profits include items of income which are dealt with separately in other Articles of this Agreement, then the provisions of those Articles shall not be affected by the provisions of this Article.

ARTICLE 8

SHIPPING AND AIR TRANSPORT

- 1- Profits of an enterprise from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.
- 2- If the place of effective management of a shipping enterprise is aboard a ship, then it shall be deemed to be situated in the Contracting State in which the home harbour of the ship is situated, or, if there is no such home harbour, in the Contracting State of which the operator of the ship is a resident.
- 3- The provisions of paragraph 1 shall also apply to profits from the participation in a pool, a joint business or an international operating agency.

ARTICLE 9

ASSOCIATED ENTERPRISES

- 1- Where:
 - a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State; or
 - b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State, and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.
- 2- Where a Contracting State includes in the profits of an enterprise of that state and taxes accordingly profits on which an enterprise of the other contracting state has been charged to tax in that other State and the profits so included are profits which would have accrued to the enterprise of the first mentioned state if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other State shall make an appropriate adjustment to the amount of the tax charged therein on those profits. In determining such adjustments, due regard shall be had to the other provisions of this agreement and the competent authorities of the Contracting States shall if necessary consult each other.
- 3- A contracting state shall not change the profits of an enterprise in the circumstances referred to in paragraph 1 after the expiry of the time limits provided in its national laws and, in any case, after five years from the end of the year in which the profits which would be subject to such change would have accrued to an enterprise of that State.
- 4- The provisions of paragraphs (2) and (3) shall not apply in the case of fraud, willful default or neglect.

ARTICLE 10

DIVIDENDS

- 1- Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State may be taxed in that other State.
- 2- However, such dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident, and according to the laws of that State, but if the beneficial owner of the dividends is a resident of the other contracting state the tax so charged shall not exceed:

- a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company which holds directly or indirectly at least 25 per cent of the capital of the company paying the dividends;
- b) 10 per cent of the gross amount of the dividends in all other cases.

The provisions of this paragraph shall not affect the taxation of the company on the profits out of which the dividends are paid.

3- Notwithstanding the provisions of paragraph 2, where dividends paid by a company which is a resident of a Contracting State are derived and beneficially owned by the government of the other Contracting State, such dividends shall be exempt in the first-mentioned contracting state. For the purposes of this paragraph, the Government of a Contracting State shall include: -

- a) In the case of Egypt:
 - i. The Central Bank of Egypt;
 - ii. The Social Insurance Fund of Egypt;
 - iii. The National Investment Bank; and
 - iv. (a statutory body or any institution wholly or mainly owned by the Government of Egypt, as maybe agreed from time to time between the competent authorities of the Contracting States.
- b) In the case of Mauritius:
 - i. The Bank of Mauritius;
 - ii. The National Pensions Fund and the National Savings Fund; and
 - iii. (A statutory body or any institution wholly or mainly owned by the Government of the Republic of Mauritius as may be agreed from time to time between the competent authorities of the Contracting States.

4- The term "dividends" as used in this Article means income from shares or other rights, not being debt claims, participating in profits, as well as income from other corporate rights which is subjected to the same taxation treatment as income from shares by the laws of the Contracting State of which the company making the distribution is a resident.

5- The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the dividends, being a resident contracting state, carries on business in the other contracting state of which the company paying the dividends is a resident through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment or fixed base. In such case, the provisions of Article 7 or Article 14, as the case may be shall apply.

- 6- Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other State may not impose any tax on the dividends paid by the company except in so far as such dividends are paid to a resident of that other State or in so far as the holding in respect of which the dividends are paid is effectively connected with a permanent establishment situated in that other State, nor subject the company's undistributed profits to a tax on undistributed profits, even if the dividends paid or the undistributed profits consists wholly or partly of profits or income arising in such other state.

ARTICLE 11

INTEREST

- 1- Interest arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.
- 2- However, such interest may also be taxed in the Contracting State in which it arises and according to the laws of that State, but if the beneficial owner of the interest is a resident of the other Contracting State the tax so charged shall not exceed 10 per cent of the gross amount of the interest.
- 3- Notwithstanding the provisions of paragraph 2, interest shall be exempt from tax in the Contracting State in which it arises, if the beneficial owner is the government of a Contracting State or a political subdivision or a local authority thereof. For the purposes of this paragraph, the term "the Government of a Contracting State" shall have the same meaning as in paragraph 3 of Article 10.
- 4- The term "interest" as used in this Article means income from debt claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor's profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. Penalty charges for late payment shall not be regarded as interest for the purpose of this Article. The term "interest" shall not include any item which is treated as a dividend under the provisions of Article 10 of this Agreement.
- 5- The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the interest, being a resident of a Contracting State, carries on business in the other Contracting State in which the interest arises through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the debt claim in respect of which the interest is paid is effectively connected with such permanent establishment or fixed base. In such case, the provisions of Article 7 or Article 14, as the case may be, shall apply.
- 6- Interest shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the interest, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or fixed base in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment or fixed base, then

such interest shall be deemed to arise in the State in which the permanent establishment or fixed base is situated.

- 7- Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.

ARTICLE 12

ROYALTIES

- 1- Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.
- 2- However, such royalties may also be taxed in the Contracting State in which they arise and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State the tax so charged shall not exceed 12 per cent of the gross amount of the royalties.
- 3- The term "royalties" as used in this Article means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work including cinematograph and video films, or films or tapes used for radio or television broadcasting, any patent, trade mark, design or model, computer software, plan, secret formula or process, or for the use of, or the right to use industrial, commercial, or scientific equipment, or for information concerning industrial, commercial or scientific experience. It also includes payments for technical assistance performed in a Contracting State by a resident of the other Contracting State where it is related to the application of any such rights, property or information.
- 4- The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the royalties, being a resident of a contracting state, carries on business in the other Contracting State in which the royalties arise through a permanent establishment situated therein or performs in that other State independent personal services from a fixed base situated therein, and the right or property in respect of which the royalties are paid is effectively connected with such permanent establishment or fixed base. In such case, the provisions of Article 7 or Article 14, as the case may be, shall apply.
- 5- Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment or fixed base, then such royalties shall be deemed to arise in the State in which the permanent establishment or fixed base is situated.

- 6- Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties paid, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such a case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.

ARTICLE 13

CAPITAL GAINS

- 1- Gains derived by a resident of a Contracting State from the alienation of immovable property referred to in Article 6 and situated in the other Contracting State may be taxed in that other State.
- 2- Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purposes of performing independent personal services, including such gains from the alienation of such a permanent establishment or such fixed base (alone or with the whole enterprise), may be taxed in that other State.
- 3- Gains from the alienation of ships or aircraft operated in international traffic or movable property pertaining to the operation of such ships or aircraft shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.
- 4- Gains from the alienation of shares of the capital stock or any other shares of a company the property of which consists directly or indirectly principally of immovable property situated in a Contracting state may be taxed in that State.
- 5- Gains from the alienation of any property other than that referred to in paragraphs 1, 2, 3 and 4 shall be taxable only in the Contracting State of which the alienator is a resident.
- 6- The provisions of paragraph 5 shall not affect the right of a Contracting State to levy according to its own law a tax on capital gains from the alienation of any property derived by a person who is a resident of the other Contracting State and has been a resident of the first-mentioned contracting state at any time during the five years immediately preceding the alienation of the property.

ARTICLE 14

INDEPENDENT PERSONAL SERVICES

- 1- Income derived by an individual who is a resident of a Contracting State in respect of professional services or other activities of an independent character shall be taxable only in that State except in the following circumstances, when such income may also be taxed in the other Contracting State:
 - a) if he has a fixed base regularly available to him in the other Contracting State for the purpose of performing his activities, in that case, only so much of the income as is attributable to that fixed base may be taxed in that other Contracting State; or
 - b) if his stay in the other Contracting State is for a period or periods amounting to or exceeding in aggregate 183 days within 12 months concerned; in that case, only as so much of the income as is derived from his activities performed in that other State may be taxed in that other State.

- 2- The term "professional services" includes especially independent scientific, literary, artistic, educational or teaching activities as well as the independent activities of physicians, lawyers, engineers, architects, dentists and accountants.

ARTICLE 15

DEPENDENT PERSONAL SERVICES

- 1- Subject to the provisions of Articles 16, 18, 19 and 20, salaries, wages and other similar remuneration derive resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

- 2- Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be taxable only in the first mentioned State if:
 - a) The recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in any 12-month period commencing or ending in the fiscal year concerned; and
 - b) The remuneration is paid by, or on behalf of an employer who is a resident of the first-mentioned state; and
 - c) The remuneration is not borne by a permanent establishment or fixed base which the employer has in the other State.

- 3- Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic may be taxed in the contracting state in which the place of effective management of the enterprise is situated.

ARTICLE 16

DIRECTORS' FEES

Directors' fees and other similar payments derived by a resident of a Contracting State in his capacity as a member of the board of directors or any other similar organ of a company which is a resident of the other Contracting State may be taxed in that other State.

ARTICLE 17

ENTERTAINERS AND SPORTSMEN

- 1- Notwithstanding the provisions of Articles 14 and 15, income derived by a resident of a Contracting State as an entertainer such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsman, from his personal activities as such exercised in the other Contracting State, may be taxed in that other State.
- 2- Where income in respect of personal activities exercised by an entertainer or a sportsman in his capacity as such accrues not to the entertainer or sportsman himself but to another person, that income may, notwithstanding the provisions of Articles 7, 14 and 15, be taxed in the Contracting State in which the activities of the entertainer or sportsman are exercised.
- 3- The provisions of paragraphs 1 and 2 shall not apply to income derived from activities performed in a Contracting State by entertainers or sportsmen if the visit to that State is a part of cultural exchange and is substantially supported by public funds of the other Contracting State or a political subdivision or a local authority thereof. In such a case, the income shall be taxable only in the State of which the entertainer or sportsman is a resident.

ARTICLE 18

PENSIONS

- 1- Subject to the provisions of paragraph 2 of Article 19, pensions and other similar payments arising in a Contracting State and paid in consideration of past employment to a resident of the other Contracting State, shall be taxable only in that other State.
- 2- Notwithstanding the provisions of paragraph 1, pensions paid and other payments made under a public scheme which is part of the social security system of a Contracting State, its political subdivision or its local authority shall be taxable only in that State.

ARTICLE 19

GOVERNMENT SERVICE

- 1- a) Salaries, wages, and other similar remuneration, other than a pension, paid by a Contracting State, its political subdivision, its local authority or its statutory body to an individual in respect of services rendered to that State, subdivision, authority or body shall be taxable only in that State.
b) However, such salaries, wages and other similar remuneration shall be taxable only in the other Contracting State if the services are rendered in that State and the individual is a resident of that State who:
 - i. is a national of that State; or
 - ii. did not become a resident of that State solely for the purpose of rendering the services.
- 2- a) Any pension paid by, or out of funds created by, a Contracting State, its political subdivision, its local authority or its statutory body to an individual in respect of services rendered to that State, subdivision, authority or body shall be taxable only in that State.
b) However, such pension shall be taxable only in the other Contracting State if the individual is a resident of, and a national of, that State.
- 3- The provisions of Articles 15, 16, 17 and 18 shall apply to salaries, wages and other similar remuneration, and to pensions, in respect of services rendered in connection with a business carried on by a Contracting State, its political subdivision, its local authority or statutory body.

ARTICLE 20

PROFESSORS, TEACHERS AND RESEARCHERS

- 1- Notwithstanding the provisions of Article 15, a professor, teacher or researcher who makes a temporary visit to one of the Contracting States for a period not exceeding two years for the purpose of teaching or carrying out research at a university, college or other establishment for higher education in that State and who is, or immediately before such visit was, a resident of the other Contracting State shall, in respect of remuneration for such teaching or research, be exempt from tax in the first mentioned state.
- 2- The provisions of this Article shall not apply to income from research if such research is undertaken not in the public interest but wholly or mainly for the private benefit of a specific person or persons.

ARTICLE 21

STUDENTS AND BUSINESS APPRENTICES

- 1- A student or business apprentice who is present in a Contracting State solely for the purpose of his education or training and who is, or immediately before being so present was, a resident of the other Contracting State, shall be exempt from tax in the first mentioned state on payments received from outside that first mentioned State for the purposes of his maintenance, education or training.
- 2- Notwithstanding the provisions of Articles 14 and 15 a student or an apprentice who is or was immediately before visiting a Contracting State a resident of the other State and who is present in the first state solely for the purpose of his education or training shall not be taxed in the first state, provided that the services are in connection with his studies or training or the remuneration of the services constitutes earnings necessary for his maintenance, studies and training for a period not exceeding two years.

ARTICLE 22

OTHER INCOME

- 1- Subject to the provisions of paragraph 2 of this Article, items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Agreement shall be taxable only in that State.
- 2- The provisions of paragraph 1 shall not apply to income, other than income from immovable property as defined in paragraph 2 of article 6, if the recipient of such income, being a resident of a Contracting State, carries on business in the other Contracting State through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the right or property in respect of which the income is paid is effectively connected with such permanent establishment or fixed base. In such case, the provisions of Article 7 or Article 14, as the case may be, shall apply.
- 3- Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing articles of the Agreement and arising in the other Contracting State may also be taxed in that other state.

ARTICLE 23

ELIMINATION OF DOUBLE TAXATION

Double taxation shall be eliminated as follows:

1- In the case of Mauritius:

- a) Where a resident of Mauritius derives income from Egypt the amount of tax on that income payable in Egypt in accordance with the provisions of this Agreement may be credited against the Mauritius tax imposed on that resident.
- b) Where a company which is a resident of Egypt pays a dividend to a resident of Mauritius who controls, directly or indirectly, at least 5% of the capital of the company paying the dividend, the credit shall take into account (in addition to any Egyptian tax for which credit may be allowed under the provisions of subparagraph (a) of this paragraph) the Egyptian tax payable by the first mentioned company in respect of the profits out of which such dividend is paid.

Provided that any credit allowed under subparagraphs (a) and (b) shall not exceed the Mauritius tax (as computed before allowing any such credit), which is appropriate to the profits or income derived from sources within Egypt.

2- In the case of Egypt:

In accordance with the provisions and subject to the limitation of the Egyptian laws (as may be amended from time to time without changing the general principle),

- a) Where a resident of Egypt derives income which in accordance with the provisions of this Agreement may be taxed in Mauritius, Egypt shall allow a deduction from the tax on the income of that resident an amount equal to the income tax paid in Mauritius.
- b) The deduction mentioned in subparagraph (a) shall not, however, exceed that part of the income tax as computed before the deduction is given, which is attributable to the income which may be taxed in Mauritius.

ARTICLE 24

NON DISCRIMINATION

- 1- The nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the same circumstances in particular with respect to residence, are or may be subjected. This provision shall, notwithstanding the provisions of Article 1, also apply to persons who are not residents of one or both of the Contracting States.

- 2- The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favorably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities. This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants its own residents.
- 3- Except where the provisions of paragraph 1 of Article 9 (Associated Enterprises), paragraph 7 of Article 11 (Interest), or paragraph 6 of Article 12 (Royalties), apply, interest, royalties and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they have been paid to a resident of the first-mentioned contracting state.
- 4- Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first mentioned state to any taxation or any requirements connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of that first mentioned state are or may be subjected.
- 5- In this Article the term "taxation" means taxes which are the subject of this Agreement.

ARTICLE 25

MUTUAL AGREEMENT PROCEDURE

- 1- ~~[The first sentence of paragraph 1 of Article 25 of this Convention is REPLACED by paragraph 1 of Article 16 of the MLI][Where a person considers that the actions of one or both of the Contracting States result or will result for him taxation not in accordance with the provisions of this Agreement, he may, irrespective of the remedies provided by the domestic law of those States, present his case to the competent authority of the Contracting State of which he is a resident or, if his case comes under paragraph 1 of Article 24, to that of the Contracting State of which he is a national.]~~

The following first sentence of paragraph 1 of Article 16 of the MLI replaces the {first sentence} of paragraph {1} of Article {25} of this Agreement:

ARTICLE 16 OF THE MLI – MUTUAL AGREEMENT PROCEDURE

Where a person considers that the actions of one or both of the [Contracting States] result or will result for that person in taxation not in accordance with the provisions of [this Convention], that person may, irrespective of the remedies provided by the domestic law of those [Contracting States], present the case to the competent authority of either [Contracting State].

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.

- 2- The competent authority shall endeavor, if the objection appears to it to be justified and if it is not itself able to arrive at an appropriate solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation which is not in accordance with the Agreement.

The following second sentence of paragraph 2 of Article 16 of the MLI applies to this Agreement:

ARTICLE 16 OF THE MLI – MUTUAL AGREEMENT PROCEDURE

Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the [Contracting States].

- 3- The competent authorities of the Contracting States shall endeavor to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of this Agreement. They may also consult together for the elimination of double taxation in cases not provided for in this Agreement.
- 4- The competent authorities of the Contracting States may communicate with each other directly, including through a joint commission consisting of themselves or their representatives, for the purpose of reaching an agreement in the sense of the preceding paragraphs.

ARTICLE 26

EXCHANGE OF INFORMATION

- 1- The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Agreement or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions or local authorities, insofar as the taxation thereunder is not contrary to the Agreement. The exchange of information is not restricted by Articles 1 and 2.
- 2- Any information received under paragraph 1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.
- 3- In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting State the obligation:
 - a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;
 - b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;

- c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy (ordre public).
- 4- If information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.

ARTICLE 27

DIPLOMATIC AGENTS AND CONSULAR OFFICERS

Nothing in this Agreement shall affect the fiscal privileges of members of diplomatic missions or consular posts under the general rules of international law or under the provisions of special agreements.

ARTICLE

PREVENTION OF TREATY ABUSE

The following paragraph 1 of Article 7 of the MLI applies and supersedes the provisions of this Agreement:

ARTICLE 7 OF THE MLI –PREVENTION OF TREATY ABUSE (Principal purposes test provision)

Notwithstanding any provisions of [*the Agreement*], a benefit under [*the 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 [*the Agreement*].

ARTICLE 28

ENTRY INTO FORCE

- 1- Each of the Contracting Parties shall notify to the other the completion of the procedures required by its law for the entering into force of this Agreement. The Agreement shall enter into force on the date of the later of these notifications:
- 2- The provisions of this Agreement shall apply:
 - a) **in Egypt:**
 - i. in respect of tax withheld at source, on amounts paid or credited on or after the first day of January in the calendar year following the entry into force of the Agreement; and
 - ii. in respect of other taxes, for taxation years or periods beginning on or after the first day of January in the calendar year following the entry into force of the agreement; and
 - b) **in Mauritius,**

on income for any income year beginning on or after the first day of July next following the date upon which this Agreement enters into force.

ARTICLE 29

TERMINATION

- 1- This Agreement shall remain in force indefinitely but either of the contracting states may terminate the agreement through diplomatic channels, by giving to the other Contracting State written notice of termination not later than 30 June of any calendar year starting five years after the year in which the agreement entered into force.
- 2- In such event the Agreement shall cease to have effect:
 - a) **in Egypt:**
 - i. in respect of tax withheld at source, on amounts paid or credited on or after the first day of January in the calendar year following that in which the notice has been given; and
 - ii. in respect of other taxes, for taxation years beginning on or after the first Day of January in the calendar year following that in which the notice has been given and;
 - b) **in Mauritius,**

on income for any income year beginning on or after the first day of July next following the calendar year in which such notice is given.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

DONE at Cairo in duplicate, this 19th day of December of the year two thousand and twelve in the English and Arabic languages, both texts being equally authentic. In case of divergence, the English text shall prevail.

FOR THE GOVERNMENT OF
THE REPUBLIC OF MAURITIUS

MOHAMED NAGUIB SOOMAUROO

FIRST SECRETARY OF THE EMPASSY

OF THE REPUBLIC OF MAURITIUS

FOR THE GOVERNMENT OF
THE ARAB REPUBLIC OF EGYPT

MAMDOUH SAYED OMAR

COMMISSIONER OF THE EGYPTIAN

EGYPTIAN TAX AUTHORITY

PROTOCOL

At the time of the signature of the Agreement between the Government of the Republic of Mauritius and the Government of the Arab Republic of Egypt for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income, the undersigned have agreed that the following provisions shall form an integral part of the Agreement.

It is understood that:

- 1- In the case of Mauritius, the exemption or reduction in tax as provided under Articles 10, 11 and 12 of the Agreement shall not apply to persons registered under the Financial Services Act 2007 (formerly incorporated under the International Companies Act) whose income or profits are not taxed at the normal corporate tax in Mauritius or any income tax comparable thereto.
- 2- With reference to Article 25 of the Agreement, where a person is not satisfied with an assessment of a contracting state, he may submit an application for review of that assessment (unless the tax assessed is final) to the competent authority to the contracting state of which he is a resident or national, as the case may be, within a period of three years as provided under paragraph 1 of Article 25. Any agreement subsequently reached on the application between the Contracting States shall be implemented, irrespective of whether there is a time limit or not in the domestic law of the Contracting States.
- 3- With reference to Article 26 of the Agreement:
 - a. The competent authorities of both Contracting States shall implement those measures provided in their domestic tax laws to maintain the secrecy of information in public court, and in no case and under no circumstances the information should be used for any other purposes or by any other authorities.
 - b. Where a Contracting State has made a request for tax information but has no provisions in its domestic law for sanctioning any breach of secrecy or confidentiality, that Contracting State shall be bound by the provisions of Article 26, otherwise the requested State may decline to supply such information.
 - c. With regard to the principles set out in paragraph 5 of Article 26 in the OECD Model Tax Convention on Income and Capital which reads as follows –

In no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person, as soon as the provisions on bank secrecy are amended by Egypt to comply with the requirements of the above mentioned paragraph 5, Egypt shall notify Mauritius accordingly to enable amendments to be made to Article 26 of the Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

DONE At Cairo in duplicate, this 19th day of December of the year two thousand and twelve in the English and

Arabic languages, both texts being equally authentic. In case of divergence, the English text shall prevail.

FOR THE GOVERNMENT OF
THE REPUBLIC OF MAURITIUS

MOHAMED NAGUIB SOOMAUROO

FIRST SECRETARY OF THE EMPASSY

OF THE REPUBLIC OF MAURITIUS

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